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Community Empowerment and Landscape

Research report



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Chris Dalglish

Published by Inherit and Community Land Scotland, June 2018.

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Community Land Scotland represents the interests of Scotland's community land owners who collectively manage approximately 500,000 acres of land for community benefit.

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The Atlantic coast of South Uist. A living and working landscape with high nature conservation and historic environment value. This part of the island is subject to multiple designations, including Sites of Special Scientific Interest, Special Protection Areas, Special Areas of Conservation, Ramsar Sites, a National Scenic Area, numerous Scheduled Monuments and a Conservation Area.

Foreword

Community Land Scotland is pleased to have collaborated with Inherit in producing this research report on *'Community Empowerment & Landscape'* to help inform our ongoing policy work on rural renewal and people's legitimate place in the landscape. We see communities – and community land ownership in particular – as having a central role to play in that process of rural renewal by linking economic development, social wellbeing and environmental sustainability in support of sustainable development.

As this report illustrates, there are currently significant institutional and other barriers to enabling landscape policy to fully contribute to sustainable rural renewal in practice. These barriers relate to ways in which landscapes are defined, characterised and designated as a matter of public policy in Scotland. The report highlights a clear 'participation gap' in characterising and designating landscapes; one in which communities' voices are, at best, marginal to that process. That matters because the application of an externally-imposed policy narrative appropriates the meanings attached to landscapes. Crucially, that policy narrative determines dominant ideas of 'stewardship' and 'sustainability', shaping how landscapes are experienced and consumed via a range of statutory and non-statutory designations.

It's time to change the dynamics of that external policy narrative so that the legitimacy of people's involvement in defining and characterising the landscapes they inhabit is accepted as a matter of justice. Time, in other words, to move beyond the rhetoric of community empowerment in landscape policy and towards making that empowerment a reality in the interests of sustainable rural renewal. Community Land Scotland therefore welcomes this report as an important contribution to helping inform that transformation in landscape policy and we look forward to working with communities and other stakeholders to make it happen in practice.

Ian Hepburn
Chair, Community Land Scotland

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Cairn, Baile Ailein, Isle of Lewis. Erected in 1994 to commemorate the 1887 'deer raid' at Pairc, when local people occupied land and took deer in response to their situation of landlessness and poverty.

Inherit is a charitable organisation that helps to enable people to use their heritage – including their land heritage – to improve their lives. One of the ways that we do this is by undertaking relevant research. The *Community Empowerment & Landscape* project was developed in collaboration with Community Land Scotland, a charitable organisation representing community landowners in Scotland. Inherit had discretion over the design and delivery of the research. The project was funded by Community Land Scotland and by us, and it was undertaken between July 2017 and March 2018.

Background to the Research: Rural Renewal and Landscape

We developed the research in response to issues raised by Community Land Scotland. These issues concern how policy defines ‘landscape’, and how the way this is done affects people in terms of their ability to develop as communities and to influence decisions about the land.

In their recent *Position Paper on Rewilding*¹, Community Land Scotland argue that:

“Community land owners see their function as bringing about the renewal of their place Renewal embraces the social and economic development of the place, and the enrichment of the life, environment and culture of that place Most community owners are principally motivated by the needs of people, in the face of economic, social and cultural challenge and decline; they want to see the re-population of their place, in part and if necessary, by the re-settlement of once inhabited localities, localities others may perceive as ‘wild’.”

Community Land Scotland is concerned that national policy privileges certain “cultural constructs ... of how our landscape ought to be regarded”, with “real effects on how places may develop in the future”². Perceptions of the landscape

influence decisions about the land. Given this:

“the key challenge from a rural renewal standpoint is how to rebalance the process of characterising landscapes in ways that empower existing and new rural communities to use environmental assets for their sustainable economic development”³.

Scope of the Research: Community & Landscape

Through the research, we have sought to address three questions about the present and the future:

What are the effects of current landscape policy on local communities and on their ability to develop in sustainable ways?

To what extent are people able to participate in defining the characteristics and qualities of the land, and to shape decisions about conservation and its relationship with development?

What should be our objectives for the future in terms of community participation in defining the characteristics and qualities of the land, and in shaping and implementing conservation policies and practices? What paths might be followed in order to meet these objectives?

The terms ‘characteristics’ and ‘qualities’ are taken from the technical lexicon of landscape and heritage professionals. These terms are defined and discussed later in the report. The word ‘land’ is used to refer to people’s surroundings and to their relationships with those surroundings, i.e. the way the land is used, perceived, valued and given meaning. The term ‘landscape’ is used here when referring to certain specific perceptions of the land and when referring to the relevant policies and policy measures.

Community

Through the research, we have sought to explore the status quo and future directions from the point of view of the 'community interest', i.e. in terms of the benefits accruing to communities (or not) and the involvement of communities (or not). Throughout the report, 'community' should be taken to mean 'local community', i.e. people who reside in an area. Other kinds of community – such as those connected by shared interests, activities and practices – are important too, but they are not the primary focus of this research.

Any community is a complex constellation of individuals and groups. There are usually important differences within a community; people have different perspectives, beliefs and motivations, and different needs and circumstances. We acknowledge this point and use the term 'community' in the report simply as convenient shorthand, rather than in an attempt to suggest that communities are internally homogenous.

There are a number of reasons for focusing on community, rather than on the individual citizen. Firstly, because the research was developed in response to issues raised by Community Land Scotland – an association of community land owners – we naturally had an interest in exploring the relationship between landscape and community interests.

Secondly, any area of land will be the locus for a range of different activities, uses and interests. However, traditionally – and as discussed in more depth later in the report – communities have not had as strong a voice as some others when it comes to landscape policy and the manner of its implementation. Taking communities as the main subject of the research helps to clarify what it is that is missing and to consider how things might be changed to address this gap.

Thirdly, and following on from the point above, we framed the research so as to recognise the growing emphasis that is being placed on communities as a means of delivering sustainable development, both for their own benefit and for the wider public benefit. Explicit requirements for *community* participation and empowerment are now established in a range of contexts (as discussed further in Chapter 2). In quite a number of cases, when it comes to public participation in decision-making, it is the community that is being addressed, rather than or alongside the individual.

Given the direct role that communities have increasingly assumed in

development, we were interested in researching the ways in which community empowerment is being addressed or might be addressed in dealing with landscape matters. New laws and policies – in areas such as community empowerment and land reform – are creating an increased need for community bodies to engage with the communities they represent with regard to the development and use of the land. They are creating a greater need for public authorities and for land owners in all sectors to engage with communities when making decisions about the land. They are creating new opportunities for communities to cultivate and articulate their 'voice' with regard to the land, and presenting challenges in terms of how to enable and respond to that particular voice.

An important part of decision making is establishing what it is that defines the land, in terms of its key characteristics and qualities – the things that matter about the land and that require particular attention in making decisions about the land. There are questions here about the extent to which community views on this question of key characteristics and qualities are currently being sought and included.

Landscape

As discussed at more length in Chapter 3, 'landscape' can be defined in a number of different ways. At some levels of policy, landscape is defined in quite broad terms as both a natural and a cultural (or human) creation; as an urban as well as a rural phenomenon; as the dynamic milieu within which people live and work, and to which they relate in many different ways. However, there is also another understanding of landscape that runs through Scotland's landscape policy and that conditions the way in which policy is interpreted and implemented. This is a tradition for equating 'landscape' more narrowly with 'countryside', 'scenery' and 'natural beauty', and with particular qualities such as 'tranquillity' and a 'sense of wildness'.

The rural bias of much landscape policy and practice has shaped the scope of this research which has, as a result, focused on rural communities and rural areas as the people and places to which landscape policies and policy measures are routinely applied.

However, we chose not to confine the scope of the research to landscape policy in its narrowest sense. Rather, here we use 'landscape policy' as shorthand

for a wider suite of policies and for the means through which those policies are implemented. As well as considering landscape policy, strictly defined, we have looked at policies for the protection and management of the 'historic environment' (covering aspects of cultural heritage and of people's past influences on the landscape) and of 'biodiversity' (or what we would colloquially call 'nature'). Policy dissects the land and the local environment and it tends to treat each part independently and in isolation. For the purposes of this research, we have sought to bring together various fragments – landscape, historic environment and natural heritage – and to consider them in one frame.

Analytical Framework: Justice & Development

At its heart, the research is about the effects of landscape and related policies on people and on their ability to develop as communities. In order to help identify and clarify these effects – and to help answer the three questions posed above – we have approached the subject from the point of view of justice and development.

Justice

'Landscape justice' is an idea – and an aspiration – that has recently gained currency, along with the growth of 'landscape ethics'⁴. Landscape justice brings together notions of social justice with notions of environmental justice. It is closely linked to the concern for addressing human need and improving quality of life that lies at the heart of thinking about sustainable development (see Chapter 2).

To provide the analysis with some structure, we have used a four-fold definition of justice⁵. In this, justice is considered in terms of *distribution, process, recognition and capabilities*, i.e.:

The *distribution* of harms and benefits. Who benefits from landscape policy and its influence on decisions about land use and development? Who is harmed by it and in what sense? Are the outcomes of policy decisions fair, and are they fairly distributed?

The *processes* through which the characteristics and qualities of land are defined, and through which decisions are taken about the protection and management of those characteristics and qualities. Are these processes fair? Are people sufficiently involved in decisions that affect them?

The *recognition* that is given to different values, priorities and interests. Are community interests present in the discussion? Are they seen as legitimate and given weight? Do people have a voice?

People's opportunities for exercising their *capabilities* with regard to development. Is there sufficient and fair opportunity for people to achieve the development outcomes that they seek?

Development

In this research, our aim has not been to consider the conservation objectives that often drive landscape and related policies. This is not to diminish the importance of conservation, but to re-focus attention on how it affects and involves people. As such, alongside asking questions about the justice of the situation, it is illuminating to think of landscape policy and its implementation as a kind of 'development intervention'. Here, we are using the OECD⁶ definition of a development intervention as a project, programme or other instrument intended to promote development, and we are extending it to include actions that seek to guide or regulate development as well as those that promote it. Landscape and related policies have the explicit purpose of intervening in decisions about the development and use of the land. The three research questions posed above concern the relationships between conservation and development – now and in the future – with regard to community interests.

It is helpful here to refer to a number of the terms used by the OECD in relation to the evaluation of development interventions.

Beneficiaries: those who benefit from a development intervention, whether directly or indirectly and whether they are explicitly the focus of the intervention or not.

Goals: the higher-order objectives to which development interventions are intended to contribute.



photo © C. Dalglish

Vestige, by Rob Mulholland. A community of mirrored figures in woodland at the Lodge Forest Visitor Centre near Aberfoyle. The sculpture evokes the past inhabitants of the space.

Methodology

Relevance: the extent to which the objectives of a development intervention are consistent with beneficiaries' requirements and with wider needs and priorities. The OECD notes that: "Retrospectively, the question of relevance often becomes a question as to whether the objectives of an intervention or its design are still appropriate given changed circumstances"⁷.

In the present context, this raises some additional questions that help to give further focus to the research: What are the direct or indirect effects of landscape policy on communities, as one group of potential beneficiaries of development? Does landscape policy help to address higher-order goals, such as the goals of sustainable development and community empowerment? Are current policy and the manner of its implementation relevant to people's needs?

Another analytically useful aspect of the OECD framework is the way it breaks development down into a 'results chain', to encourage consideration of both: (1) the short-, medium- and long-term effects of an intervention; and (2) the inputs, activities and outputs leading to those effects. In common with the four-fold definition of justice outlined above, this directs our attention not just to the results of a process, but also to the process itself – the results of any decision or action clearly matter, but so too do the ways in which things are done.

In evaluating processes, the OECD underline the importance of considering not just quantifiable or otherwise easily identifiable inputs and activities but also the internal institutional and disciplinary dynamics, practices, mechanisms, policies and cultures that influence decision-making and have an effect on the ways in which things are done.

A related concept is 'path dependence', which describes situations where the outcome of a process depends in whole or in part on past decisions and actions⁸. This is a matter of inherited ways of thinking and of doing things, and the constraints they place on the options for decision-making and change. The notion of path dependence is used in policy analysis and in studies of development to help understand the influence of precedent, institutional inertia and norms of behaviour. Looking at path dependencies helps to explain why changes called for in policy happen or do not happen, or why they happen in the particular way that they do. It helps to explain why change is often incremental rather than radical.

Our aim has not been to undertake a fully-exhaustive analysis of the issues outlined above. Rather, it has been to undertake an initial systematic study that will help to lay a more solid and critical foundation for discussion of the issues and to define some potentially productive paths to follow in addressing them.

To provide rigour, we have triangulated between a number of different sources, research methods and contexts. The methodology was defined at the start of the project, but we allowed it to develop in a flexible way so that we could respond to the evidence and insights that arose during the course of the work.

The research involved:

- targeted interviews with 23 individuals in the community and the public sectors (see below for further information). The interviews were intended to help develop a depth of insight into the issues from a variety of different perspectives;
- follow-up research to check facts and statements made in the interviews, with reference to a variety of online and print sources;
- a review of the legal and policy framework, to identify and clarify current policy goals, principles and constraints;
- a review of documentation relating to the main measures through which legislation and policy is currently being implemented. This included methodology guidelines and practice reviews, for example;
- a rapid review of information about relevant wider developments, in order to help set the research in context and interpret the main findings. This included research into the Scottish planning system and the current planning review, into Scotland's system of land tenure and into issues relating to land reform and community empowerment. It included a brief review of international practice relating to conservation and development.

Triangulation between different lines of evidence and analysis strengthened the results and allowed us to explore the issues in a relatively nuanced way. It allowed findings from one element of the research (such as the interviews) to be checked against other forms of evidence (such as published methodology guidance or practice reviews). It allowed us to identify different perspectives on the same issue, helping to ensure that the research looked at the issues from

a variety of angles and in a rounded way. It generated insights by showing up divergences between statements made in one context and evidence from another.

Interviewees were selected on the basis that they would be able to provide an informed perspective on the questions at the heart of the project. A list of interviewees is included towards the end of this report. This list developed in an organic manner and was allowed to snowball, i.e. an initial list of interviewees was identified and others were added during the course of the research on the recommendation of previous interviewees or on the basis of information thrown up by the other lines of research.

Care was taken to ensure that the interviews, when taken together, would provide a range of perspectives. Broadly speaking, the interviewees came from two sectors. Those who are described in this report as coming from the 'community sector' are individuals who have a role with a particular community body and/or Community Land Scotland as an association of community bodies, or who do not have a formal affiliation with a community organisation but who nonetheless approached the interview from a community point of view. Ten of the interviewees were assigned to this category.

The other 13 interviewees have roles in the public sector at national, regional or local level. These 13 interviewees have been further subdivided into two groups, based on the different perspectives they offered. For five of these interviewees, the entry point to the topic was one of development. For the other eight, the entry point was one of heritage or landscape conservation and management. For convenience, these two groups are referred to in the report as 'public sector (development)' and 'public sector (heritage)'.

The interviews were loosely structured, to allow each interviewee to play a significant role in directing the discussion and to allow the conversation to focus on the most productive topics in each case. All interviewees were asked to discuss the three questions detailed above. Each interview lasted between one and two hours and the interviews were undertaken in person, over the 'phone or via Skype. Interviewees were sent information about the project in advance and gave explicit consent to participate before the interview began. The interviews were recorded through written notes.

The interview information has been anonymised for the purposes of this report. We have collated the records from the individual interviews and report

the general findings that emerge from this collective body of information. Specific points, quotes and examples are not attributed to an individual person or organisation.

This chapter presents a selective review of Scotland's system for governing how land is held, developed and used. This review serves to place the research in context by considering how decisions are made about the land, by whom and on what basis. The main purpose of the review is to translate the research questions posed in Chapter 1 into terms that are more familiar in Scottish law and policy relating to land and its development. The chapter begins with a summary of the key points that arise from the review. It then goes on to consider in more depth who has a role and which principles should apply in making decisions about the land.

Key Points: Two Tests Concerning the Community Interest in Land Decisions

From the review presented in this chapter, we have identified two particular tests as being particularly important in determining whether or not a decision is in the community interest:

1. Does the decision help to achieve the goals of sustainable development at the local level?

The purpose of development is to address people's needs and improve their quality of life. To be sustainable, development must be fair – promoting justice and reducing inequalities. It must also serve both the interests of people in the present and the interests of future generations. Too often, development is driven by one particular need; sustainable development balances social, cultural, economic and environmental concerns (the 'four pillars' of sustainability).

2. Has the decision been made with the empowered participation of any communities that will potentially be affected by the outcome?

It is important to enable communities, as well as individuals, to participate in decisions that will potentially affect them. Community participation should be meaningful, early and sustained. Consultation is a long-established practice, but it is not sufficient on its own. Community empowerment is needed in order to deliver sustainable development. This means that people should have the power both to act for themselves and to influence the decisions of others.

In terms of the analytical framework presented in Chapter 1, these two tests identify communities as potential beneficiaries of development. They highlight certain higher order goals towards which development should contribute. The first goal is to address people's needs and improve quality of life in sustainable ways. The second is to achieve empowered community participation, which is both an end in itself and a means to an end. The tests concern the justice of decisions about the land, in terms of the outcomes of a decision, the decision-making process, the recognition given to different voices and people's ability to influence decisions and achieve the development outcomes they seek.

Communities and Other Actors in Land Decisions

Local communities are actors in land decisions in three main senses: as owners of land; as tenants of the land; and, more generally, as distinct groups of citizens with an interest in the land.

Owners & Tenants

The majority of the land of Scotland – more than 80% – is in private hands. The pattern of private ownership is very concentrated, with a relatively small number of owners holding much of the land in large estates¹. It has been estimated, for example, that 432 private land owners – equivalent to c.0.008% of the current population of 5.4 million – own 50% of rural Scotland.



photo © Chris Dalglish

Dùn Chàrlabhaigh, a crofting township on the west coast of the Isle of Lewis.

While private ownership remains the dominant model, there has been an important trend towards other types of ownership over the last century or so.

Around 11-12% of the land is publicly owned, largely by the Scottish Government and local authorities. Much of this land was acquired in the 20th century. The national forest estate and publicly-owned crofting estates are the two largest parts of the total.

There have also been significant land acquisitions by conservation NGOs such as the National Trust for Scotland, the Royal Society for the Protection of Birds and the John Muir Trust. The combined holdings of eight of the main landowning NGOs amount to 2.6% of Scotland's land area.

Community ownership now accounts for some 2.9% of the total land area². With important antecedents, community acquisitions of land took off in the 1990s³ and they have been promoted since the early 2000s through legislation and associated measures⁴. The Scottish Government has set a target to double the area in community ownership to 1 million acres by the end of 2020.

Just as with land ownership, Scotland's pattern of rural tenancies has roots stretching back to the 19th century, although there has been significant change since then⁵. In a discussion about community involvement in land decisions, it is particularly important to note a reduction in the opportunities for people to be tenants of the land, meaning that many people are now not directly engaged in managing the land around them and taking decisions about it. It is also important to note those instances where tenants act together as communities, rather than as individuals residing in the same area.

Around 70% of Scotland's land area is classified as agricultural land. The amount managed by tenants declined from over 90% in 1912 to less than 25% a century later. Public subsidies and changes in legislation have encouraged land owners to absorb previously-tenanted holdings back into their own direct farming operations. In addition, the amalgamation of holdings into bigger tenanted units has reduced the number of opportunities for people to be farm tenants. Tenants have also been able to become owners of their holdings and, in part, this process has been driven by the acquisition of new individual and community rights under legislation⁶.

The main instance where tenants act as collective bodies is in crofting communities. Crofting is a distinct form of tenure that was first established in law

in 1886⁷, when crofters were given security of tenure and rights of succession, fair rent and compensation for improvements to the land. Initially, these rights only applied in the Highlands and Islands, but more recent powers allow for the wider designation of areas for crofting tenure. Rented crofts accounted for c.60% of tenanted holdings in Scotland in 2012, and c.10% of the tenanted agricultural land. One of the distinctive features of crofting is that a significant part of crofting land consists of grazings that are managed in common.

Communities now have other opportunities to become collective tenants of the land, such as through the asset transfer provisions of the *Community Empowerment (Scotland) Act 2015* and the asset transfer schemes and policies of bodies such as Crown Estate Scotland, Forest Enterprise Scotland, Scottish Natural Heritage and Historic Environment Scotland⁸.

Communities & the Planning System

Communities also have an established place in land decisions through the planning system. The main legal basis for the system is the *Town and Country Planning (Scotland) Act 1997 and the Planning etc. (Scotland) Act 2006*. The system is currently under review and proposed new legislation – *the Planning (Scotland) Bill* – was introduced to the Scottish Parliament in 2017.

The Scottish Government is responsible for planning law and for national planning strategy and policy. It can also intervene in planning decisions in certain circumstances. Scotland's planning authorities – the 32 local authorities and two national parks – are responsible for producing Local Development Plans (LDPs), which are updated at least every five years. The city regions of Aberdeen, Dundee, Edinburgh and Glasgow also have Strategic Development Plans that deal with region-wide issues.

LDPs present a vision and strategy for the area. They are intended to shape how land is used and how places change, and they contain policies to guide decisions on specific development proposals. LDPs are usually accompanied by supplementary guidance. This might define how the authority would like particular sites or areas to develop. It might include strategies, policies and guidance on specific issues, such as on the location of wind farms or the delivery of affordable housing.

The planning authorities decide on applications for planning permission and

enforce planning controls. Decisions on planning applications are required to align with the development plan unless justified by other relevant considerations.

Community consultation is an established part of the process. Voluntary Community Councils have existed since the 1970s as a local tier of elected representation. Their general function is to gather and express the views of the local community to local authorities and other public bodies, and otherwise to take action in the interests of the community. Under the *Local Government etc (Scotland) Act 1994*, Community Councils have a right to be consulted on planning applications. Prospective applicants for planning permission are, in certain instances, required to consult relevant Community Councils in the process of developing their proposal⁹.

Beyond this, and as discussed further below, Scottish Planning Policy promotes wider community participation in the planning process. It recognises that “effective engagement can lead to better plans, better decisions and more satisfactory outcomes”¹⁰.

Principles for Making Decisions About the Land

Planning Principles

While it has been said that the Scottish planning system has no single, clearly-defined purpose, there are a number of guiding principles embedded in planning law and in the *National Planning Framework*¹¹ (NPF) and *Scottish Planning Policy*¹² (SPP). Particularly relevant in the present context are the principles of sustainable development and community participation.

Sustainable development:

The 2006 Planning Act requires the Scottish Government and Scotland’s planning authorities to carry out their planning functions with the objective of contributing to sustainable development. This is a contested term, which has been interpreted in different ways. Here, we will consider the way that sustainable development is defined in the Scottish planning system and also discuss some more general principles that draw out what we believe to be key

aspects of sustainable development thinking as it relates to any consideration of the community interest in land decisions.

NPF and SPP define sustainable development with reference to the Scottish Government’s central purpose and to the UK’s *Shared Framework for Sustainable Development*¹³.

The Government’s central purpose interprets the meaning of sustainable development through an economic lens. The Government’s purpose is “to create a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth”¹⁴. Sustainable economic growth means building “a dynamic and growing economy that will provide prosperity and opportunities for all, while ensuring that future generations can enjoy a better quality of life too”¹⁵. In this vision, economic development is seen as the driver of change and the route to a reduction in disparities in well-being and opportunities. Such development is considered to enable people to form resilient communities and live in high quality places that meet their needs. For development to be sustainable, the country’s natural and cultural assets must be respected, enhanced and used sustainably as a resource.

According to the UK’s Shared Framework, sustainable development is about enabling all people to satisfy their basic needs and enjoy a better quality of life without compromising the quality of life of future generations. In the Shared Framework, achieving sustainability means living within environmental limits and ensuring a strong, healthy and just society. This definition does not prioritise economic growth in the way the Scottish Government’s purpose does. The Shared Framework definition is closer to the original meaning of sustainable development as articulated, for instance, by the International Union for the Conservation of Nature (IUCN) and by the widely-recognised Brundtland Report¹⁶. The Brundtland report is cited in SPP, but its interpretation there is conditioned by the focus on economic growth.

SPP seeks to make the broad goals of sustainable development applicable through the notion of ‘placemaking’, which is the “creative, collaborative process” that develops, regenerates and renews urban and rural environments and which does so by harnessing “the distinct characteristics and strengths of each place to improve the overall quality of life for people” in sustainable ways¹⁷.

Community participation:

The 1992 UN Conference on Environment & Development concluded that it is a prerequisite for sustainable development that all groups in society are involved in making decisions¹⁸. The 1998 UN 'Aarhus Convention'¹⁹ is more precise in promoting the participation in environmental decisions of people who are likely to be affected by those decisions or have an interest in them. The Aarhus Convention has been ratified by the UK.

In line with this, the principle of 'community participation' is embedded in the Scottish planning system. Community participation is the umbrella term used here for the various processes through which communities are able to take part in decisions that potentially affect them. Related terms – such as consultation, engagement and empowerment – are defined in the Glossary at the end of the report.

As noted above, Community Councils have the right to be consulted on decisions relating to particular development proposals. Beyond this, SPP promotes a series of general principles for community participation in planning²⁰. Interpretation and implementation of these principles is supported by the Scottish Government's *Planning Advice Note on Community Engagement* and the *National Standards for Community Engagement*. Other common reference points in this context include Planning Aid for Scotland (PAS)'s *Successful Planning = Effective Engagement and Delivery* and the *Guidelines on Effective Community Involvement and Consultation* from the Royal Town Planning Institute and the Consultation Institute²¹.

This body of guidance contains a series of best practice principles and standards that, together, promote ethical behaviour and a shift in the balance of power. The main principles and requirements include that participation is done with integrity and transparency. It should be easy for people to know about the opportunities they have to participate and about the purpose of any participation exercise. Participation should happen early on in the process and be sustained throughout. It should be purposeful, with clear objectives, and people should be able to see that taking part leads to a demonstrable outcome. Participation should be fair and inclusive, ensuring good representation from across the community and particularly of those most affected by the decision being made. Importantly, this includes engaging with those who are traditionally neglected – the guidance refers to 'seldom heard' or 'hard to reach' people, and others have referred to people who it has been 'easy to ignore'²². Participation should be cooperative, with the aim of building mutual understanding and arriving at decisions that deliver multiple benefits. It should be well-supported, with action taken to develop people's skills, knowledge and confidence on all sides.

It is also an established principle that relevant and appropriate methods and techniques should be used to enable participation. This means that the methods should be fit for the particular purpose of the participation, and for the character and needs of the people and the place.

Principles for the Exercise of Land Ownership & Management

The planning system deals with major changes in land use and with changes to the built and natural environment resulting from building, engineering and mining operations. Many activities do not fall within the scope of planning and, while other regulatory regimes do exist (e.g. for environmental protection), there are many decisions about the land that are not subject to public control in this way.

In such instances, the priorities and mindset of the land owner have a significant impact on the way decisions are taken, the ends to which they are taken and whether or not the outcomes are beneficial from a community point of view²³. Taking community land owners as one example, recent research has evidenced common patterns in terms of ethos²⁴. The research indicates that community owners generally share a strong focus on financial and economic concerns, but these are linked to a concern for the common good and for the sustainable development of their community and place.

Some land owners and land managers have published their frameworks for decision-making. This is the case, for instance, with bodies that manage publicly-owned land and with some major NGO land owners. For instance, the national forest estate is managed with reference to a range of policies, strategies and plans that consider different interests and promote forms of participation²⁵. The National Trust for Scotland is guided by its *Conservation Principles* and by other more specific policies on particular conservation and land management issues²⁶.

The priorities and policies of most landowners are less visible, of course, and will vary in terms of the extent to which they take account of the community interest and seek to promote community participation in decision making.

In all cases, it is becoming possible to refer to Government guidance and strategies that encourage owners and others to act in a manner that is consistent with the principles of sustainable development and of community participation.



photo © C. Dalglish

Loch Carnan Community Windfarm on South Uist, operational since 2013.

The Scottish *Land Rights & Responsibilities Statement*²⁷ was published in 2017. It encourages all people to recognise their rights and responsibilities in relation to land. It encourages those with significant responsibilities over land to consider how their decisions could contribute to the creation of a Scotland with “a strong and dynamic relationship between its land and people ... and where rights and responsibilities in relation to land are fully recognised and fulfilled.”

The Statement promotes a framework for land rights and responsibilities that furthers the public interest in terms of people’s wellbeing, human rights, social justice, sustainable economic development and the protection and enhancement of the environment. It promotes the direct involvement of more people in the land, calling for more opportunities for citizens and communities to own, lease, use and have access to land. The Statement also calls for improved transparency around the ownership, use and management of land. It promotes greater collaboration and community participation in decisions about land.

The Scottish Government has also recently published *Guidance on Engaging Communities in Decisions Relating to Land*²⁸. The Guidance is for land owners and managers taking decisions that could affect a local community and its opportunities. It encourages land owners and managers to co-operate and develop positive working relationships with local communities. This is with the aim of developing mutually-beneficial solutions to land-related problems.

The 2018 Guidance and the 2017 Statement were preceded by the Land Use Strategy for Scotland 2016-2021²⁹. The outcomes sought by this Strategy include “Urban and rural communities better connected to the land, with more people enjoying the land and positively influencing land use.” The Strategy articulates a series of principles for sustainable land use. One of these is that people should have opportunities to contribute to debates about land use and management decisions which may affect their lives and their futures. Communities “need to be at the heart of decisions about land use because land is at the core of our communities”³⁰. The Strategy also promotes approaches that address a range of social and environmental concerns and deliver multiple benefits.

Chapter 2 presented a review of Scotland’s system for governing decisions about the land. A particular emphasis was placed on the principles that are supposed to guide decisions and to shape how decisions are made. Two tests – relating to sustainable development and empowered community participation – were identified as a means of assessing whether or not any decision is in the community (and wider public) interest.

In Chapter 3, we move on to review Scotland’s landscape policy framework, which is made up of a range of different policy and guidance statements, and the various tools, processes and practices through which policy is implemented. This area of policy matters because it seeks to influence decisions about the land in certain ways. It is a form of development intervention, with particular objectives.

The chapter begins with a summary of key points arising from the analysis. It then goes on to discuss in more detail the principles and objectives embedded in Scotland’s current landscape policy and the main tools that are employed in implementing this policy. This review of current policy has been undertaken with particular reference to the two key tests of sustainable development and community participation.

Key Points: Principles & Tensions in Scotland’s Landscape Policy

Principles of sustainable development and public participation – including but not limited to community participation – are explicitly embedded in Scotland’s national landscape policy. Some action has been taken to put these principles into practice. However, there are also tensions or contradictions within our national approach to landscape that have the potential to act against efforts to implement these principles. These tensions are outlined below and are explored in greater depth in the rest of the chapter and elsewhere in the report.

The tensions arise because Scotland’s current landscape policy framework has developed over time, through a process of accretion. As a result, different (and sometimes competing) goals and principles are to be found within this policy framework. There are also tensions between what policy says, on the one hand, and what happens in practice, on the other. Scotland’s landscape policy has been revised significantly in the last 15 years, with the introduction of new principles and goals. However, practice continues to be shaped by institutional and disciplinary cultures that perpetuate longer-established ways of thinking and of doing things. Scotland’s approach to landscape is not a simple, fully coherent philosophy and programme. It is something that has evolved over time, that has multiple layers and that contains a number of contradictions.

Tensions in Scotland's approach to landscape

Principle

A holistic approach should be taken to the local environment

The aim should be to achieve multiple objectives including the protection, management and development of landscapes

An 'all landscapes' approach should be taken, encompassing both the everyday and the exceptional, the rural and the urban

It should be recognised that variable, subjective human perceptions, values and experiences are intrinsic to landscape

Public participation in landscape decisions is a right that should be extended and promoted

Competing principle or practice

The natural and the human aspects of landscape are often treated separately

Conservation objectives are often still treated in isolation from development objectives, and development is often seen as being inherently in conflict with conservation

Landscape is still often seen as a rural issue and the protection of 'special' landscapes is often the core aim in policy and practice

There is often a concern to iron out variation, make seemingly universally-valid statements and limit the range of values that can be considered

There is an inherited culture that sees landscape matters as something best handled by professionals, through technical processes

Scotland's Landscape Policy Framework

Scotland's landscape policy is framed by the *European Landscape Convention* (ELC)¹. The ELC emanates from the Council of Europe – an international organisation that is distinct from the European Union – and it has been ratified by 39 countries. It was ratified by the UK in 2006. The ELC is not a law to be enforced, but a series of principles to be interpreted and applied through each country's own legal and policy arrangements.

The Scottish approach to implementation of the ELC can be understood with reference to Scottish Natural Heritage's *Landscape Policy Framework*² and to *Landscape and the Historic Environment – A Common Statement*, which was prepared by SNH, Historic Environment Scotland (HES) and the National Trust for Scotland (NTS) and published by the Scottish Historic Environment Forum³.

SNH is the Scottish Government's statutory advisor on landscape matters and HES is the lead national body on the historic environment (the terms 'landscape' and 'historic environment' are discussed further below).

Also relevant here is *Scotland's Landscape Charter*⁴. This is not the policy of government nor of any particular public body, but it has relevance as a vision and set of principles developed by the Scottish Landscape Forum. The Forum included SNH and other public sector organisations alongside associations of community organisations, NGOs, businesses and professionals. The Charter has been signed by SNH and HES, by a number of professional institutes and individual NGOs and by a number of professional, third sector, business and property associations (although not by any organisation representing local communities).

As defined in the ELC, a landscape is "an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors"⁵. SNH interpret this rather convoluted sentence as meaning that 'landscape' refers to "our experience and perception of all the elements of the physical environment that surrounds us"⁶.

At the general level, then, landscape policy promotes a holistic approach to the local environment that includes all aspects of our surroundings and that recognises that both people and nature have played a role in shaping these surroundings. However, the definition of landscape changes as we move into the detail of the policy and as policy is interpreted and implemented in practice. In



photo © K. Dalglish

The 5,000-year old standing stones at Calanais, Isle of Lewis (designated as a scheduled monument).

Scotland, as in many other countries, the tradition has been to recognise both the natural and the human aspects of landscape, but to divide these for separate treatment into the domains of 'natural heritage' or 'natural environment' on the one hand and 'cultural heritage', 'historic environment' and, more broadly, 'built environment', on the other. Two public bodies – SNH and HES – have an interest in landscape, broadly defined, and each operates under a different remit and sees landscape through a different lens.

SNH's remit is to secure the conservation and enhancement of Scotland's natural heritage, and to promote understanding and enjoyment of it⁷. Natural heritage includes 'natural beauty and amenity', which SNH understands to refer to "what people see, experience and enjoy as they react to their surroundings"⁸. SNH use 'landscape' as a descriptive and analytical term for 'natural beauty and amenity', and – as outlined in the SNH *Landscape Policy Framework* – their main concern is "with the aesthetic and more natural qualities of the landscape, and the enjoyment people derive from this"⁹. SNH recognises that the landscape is valued in other ways too but, in light of its particular remit, the organisation considers these other values primarily to be the responsibility of others.

HES' remit is to investigate, care for and promote Scotland's historic environment¹⁰. The historic environment is "the physical evidence for [historic] human activity that connects people with place, linked with the associations we can see, feel and understand"¹¹. The SNH, HES and NTS *Common Statement on landscape* notes that scenic value and biodiversity have traditionally been the primary considerations in landscape policy, and that there is a need for policy and guidance better to reflect the 'historic environment' aspects of landscape. The vision in the *Common Statement* is that the historic dimension of landscape will be fully acknowledged and valued as part of a "holistic and place-based definition of landscape" that encompasses both nature and people, and the ways in which they have interacted – and continue to interact – to create distinct places¹².

It should be clear from the above that the *European Landscape Convention*, and also SNH and HES, recognise that landscape is not simply a synonym for the physical environment, but a term that describes how people perceive and relate to that environment. As the SNH *Landscape Policy Framework* puts it, landscapes have "necessarily subjective aspects of experience and perception" that can vary from one individual and community to another¹³. The SNH, HES and NTS *Common Statement* adds that tangible and intangible values "come together in the landscape to give a sense of belonging and identity"¹⁴.

The ELC also promotes an 'all landscapes' approach. This means that the principles of the Convention are to be applied across the whole territory of a nation – in both rural and urban contexts, across land, inland water and marine areas and to 'everyday' landscapes as well as to those that are considered outstanding. This 'all landscapes' approach has been widely adopted in Scotland. However, as we will see, this has been in parallel to the continuation of a longer-standing tradition of seeking to protect particular landscapes seen as 'special'.

The ELC and SNH's *Landscape Policy Framework* recognise that landscapes are dynamic. Change is the norm and the aim is to shape it, not arrest it. The ELC aims to promote the 'protection, management and planning' of landscapes. Here, *protection* means conserving and maintaining features of the landscape that have particular value as a part of our natural and cultural heritage. *Management* means managing changes to the landscape brought about by social, economic and environmental processes in order to secure better outcomes in terms of landscape conservation and sustainable development. *Planning* means actively bringing about change by taking what the ELC defines as "strong forward-looking action to enhance, restore or create landscapes"¹⁵; development might be a better word than planning here.

To give further definition to the scope and purpose of landscape protection, management and planning, the ELC and the SNH *Landscape Policy Framework* make use of the concepts of 'character' and 'quality'. The concern in policy is not with every last detail of a landscape but with the protection, management and development of what the ELC calls the "significant or characteristic features of a landscape" and the landscape's particular qualities¹⁶. The ELC calls for the analysis of landscape characteristics in order to inform decision making. It also calls for the definition of 'landscape quality objectives', which capture "the aspirations of the public with regard to the landscape features of their surroundings"¹⁷. The SNH *Landscape Policy Framework* states that SNH's overarching aim in this area is to "safeguard and enhance the distinct identity, the diverse character and the special qualities of Scotland's landscapes"¹⁸.

Definition of a landscape's characteristics and qualities is therefore an important task, providing a basis upon which to make conservation, management and development decisions. We will return to the key concepts of 'landscape character' and 'landscape qualities' below. For now, it is sufficient to note that landscape character is usually defined in Scotland as the "distinct ... pattern of elements that occurs consistently in a specific type of landscape"¹⁹. Landscape character is largely studied by considering the physical elements of a landscape –

its underlying geology, its surface land cover (e.g. vegetation, water bodies) and its pattern of settlement – and the particular ways that they combine. Landscape qualities, on the other hand, are usually taken to reflect subjective judgements about a landscape rooted in the different ways in which people understand and value it, and their diverse relationships with it.

The ELC makes clear that the protection and enhancement of landscape characteristics and qualities is not an end in itself. The ultimate aim – consistent with the Council of Europe’s general mission – is to promote sustainable development, democracy and human rights. This broader mission is reflected in the Preamble to the ELC²⁰, which explicitly links landscape protection, management and planning to the goal of sustainable development. It also notes that landscape is an economic resource, a basic component of our cultural and natural heritage, a contributor to well-being and quality of life and a contributor to the formation of local cultures and identities.

In promoting an ‘all landscapes’ approach, rather than a narrow focus on selected ‘special landscapes’, the ELC seeks to move beyond single interests, such as conservation, to see landscape matters as relevant to everyone, everywhere. As *Scotland’s Landscape Charter* puts it, “all landscapes are important and everyone has a right to live in and enjoy the benefits of high quality surroundings”²¹. SNH’s *Landscape Policy Framework* likewise links landscape matters to wider social, economic, cultural and environmental concerns, and it explicitly seeks to place people at the centre of landscape policy. The SNH, HES and NTS *Common Statement* promotes an approach that “seeks to manage landscape change to maximise public benefit for present and future generations, clearly supporting an outcomes focused approach at both the national and local level”²².

The ELC’s people-centred approach extends to the participation of people in decisions about the landscape. The ELC talks of landscape protection, management and planning entailing rights and responsibilities for everyone²³. More specifically, it prioritises certain people by citing the Aarhus Convention on access, participation and justice with regard to environmental matters. The Aarhus Convention states that it is particularly important to enable the participation of ‘the public concerned’, which means those people “affected or likely to be affected by, or having an interest in, the . . . decision-making”²⁴.

The ELC requires states to establish procedures for public participation in the definition and implementation of landscape policies. States that have ratified the ELC undertake to enable the public actively to take part in the identification

of landscapes, and in the analysis of their characteristics and of the forces and pressures transforming them. Assessments of landscapes are to take account of “the particular values assigned to them by the interested parties and the population concerned”²⁵. As we have seen, the ELC also requires public authorities to develop ‘landscape quality objectives’, and to do so with the active participation of the people concerned.

The principle of participation is explicit in SNH’s *Landscape Policy Framework*. This Framework advocates the closer involvement in landscape management of a range of stakeholders including land owners and managers, individuals and communities, NGOs, government departments and public bodies. Amongst other things, this requires SNH²⁶:

“to engage actively with communities of place and communities of interest, and enhance our understanding of their landscape values, so as to be able to set their perceptions and priorities alongside our own professional analyses and assessments”.

“Decisions about our future landscapes are not a matter solely for specialists”.

At local level, SNH commits amongst other things to stimulating debate about the future evolution of the landscape and to working with others to develop “agreed landscape objectives”, which “requires debate amongst the community of interests”²⁷.

Similarly, *Scotland’s Landscape Charter* advocates “a forward-looking approach to national and local policy that involves people in decisions about change to the character and quality of their surroundings”²⁸.

Implementing Scotland’s Landscape Policy

Scotland’s landscape policy is interpreted and implemented through a range of measures. The details of how these measures operate in practice are considered further in Chapter 4; here, the aim is to identify and outline the main components of landscape practice in Scotland.

Identifying and Assessing Landscape Characteristics and Qualities

Scotland's landscape policies identify 'landscape character' and 'landscape qualities' as the particular subjects of decision making. It follows that work needs to be undertaken to identify and assess these characteristics and qualities, which are usually analysed separately.

In the 1990s, SNH and its partners commissioned a suite of 30 regional Landscape Character Assessments (LCAs)²⁹ that, taken together, cover all of Scotland. This body of work is currently being reviewed, in light of advances in digital technology and in the available data, and of changes in development patterns and pressures. The aim of the review is to create a single national dataset, to be hosted on the SNH website. SNH consider that much of the information in the original studies remains valid.

These LCAs have mostly been undertaken at the relatively broad scale of 1:50,000, providing a national framework of landscape character information at that scale. Finer resolution studies have subsequently been undertaken in a number of places (e.g. by consultants commissioned to undertake landscape character studies in relation to specific development projects or other initiatives, such as HLF-funded Landscape Partnerships).

The national programme has divided Scotland into more than 3900 distinct character units, each one of which has been assigned one of 275 Landscape Character Types. LCTs are "distinctive types of landscape that share broadly similar combinations of geology, topography, drainage patterns, vegetation and historical land use and settlement pattern"³⁰. The analysis involves a desk-based review of available landscape information and field visits, undertaken by landscape professionals.

Complementary information is also available for the whole of Scotland in the form of the Historic Land-use Assessment (HLA)³¹, undertaken between 1997 and 2015 by the predecessor bodies to Historic Environment Scotland. HLA uses maps, aerial photographs and the available archaeological data to identify the extent of past and present land uses (e.g. as indicated by distinctive patterns of field boundaries or vegetation cover). Areas of land are assigned to one of 81 types, at a scale of 1:25,000. The purpose is to provide information on the ways in which today's landscape has been influenced by people's actions in the past, and also to map the material legacy of those past actions in the form of surviving historic landscape elements and features.

The national LCA and HLA programmes were carried out separately. As noted above, the SNH, HES and NTS *Common Statement* on landscape calls for the 'historic environment' aspects of landscape to be integrated more fully with the 'natural heritage' aspects. While this has not happened as a matter of routine, there are examples of projects that bring LCA and HLA together, as for example in the case of the Landscape Character Assessment for the Cairngorms National Park³².

According to the guidance on LCA and to SNH's *Landscape Policy Framework*, landscape characterisation is a "relatively value-free process" providing "a relatively objective description of Scotland's rich and varied landscape"³³. It is acknowledged that there is an element of subjectivity in any attempt to assess the distinctive features of a landscape. However, this subjectivity is considered to be tempered by the systematic, transparent and reasoned nature of the process, the adherence to agreed principles and methods and the reliance on "common responses" to the landscape and on professional judgement³⁴.

The *Policy Framework* distinguishes the process of landscape characterisation from that of 'landscape evaluation', which requires more subjective judgements of landscape quality and preference. Landscapes can be valued for a wide range of reasons³⁵.

In contrast to LCA and HLA, which are blanket programmes covering the whole of the country in a standardised way, landscape evaluation is usually carried out for a specific purpose. This might be to inform the designation of particular places as good examples of where a particular kind of landscape quality can be experienced. In national-level landscape evaluations, the aim is not to identify the full range of individual perceptions, meanings and values associated with a landscape but to assess landscape qualities that "are commonly recognised and valued by people" and to recognise "some widely-shared and long-held opinions about which landscapes have special merit for certain values"³⁶. There is reliance here on surveys of the available information, professional experience and judgement, and on consultation with selected stakeholders.

Examples of national landscape evaluation include those relating to the qualities of scenery (in the case of National Scenic Areas) and wildness (in the case of Wild Land Areas).

National Scenic Areas were first designated in 1980 (see below). However, each of the forty NSAs was originally only described in a short statement. Between 2007



photo © C. Dalglish

Glen Finglas. Now owned by the Woodland Trust, this area was once part of a royal hunting forest and it has also been farmed. Glen Finglas lies within the Great Trossachs Forest National Nature Reserve and the Loch Lomond & the Trossachs National Park.

and 2009, SNH therefore conducted a new assessment to identify and describe the special qualities that give rise to the 'outstanding scenery' of each NSA³⁷. This review recognised that each landscape may have a range of other qualities as well, but only sought to analyse the qualities of the landscape pertinent to the area's designation as an NSA. The review drew on landscape character information, considered a landscape's cultural and historical associations and also considered perceptions such as time-depth, authenticity, integrity, remoteness, secrecy, wildness, exhilaration and safety or shelter.

SNH have also recently undertaken a programme of work to identify Wild Land Areas. Here, 'wildness' is defined as a quality that people perceive in the landscape. 'Wild land' is a term for those "places where wildness is best expressed"³⁸. While wildness is understood to be a matter of individual experience, perception and preference, SNH believes that there is sufficient common understanding of what wildness is to enable the identification of areas of wild land on a consistent basis³⁹. A total of 42 Wild Land Areas have been defined, and the map of these areas was published in 2014, together with descriptions of each WLA⁴⁰. The purpose of mapping WLAs was to provide "locational guidance" for the implementation of planning policies relating to wildness and Wild Land⁴¹. Unlike National Scenic Areas, Wild Land Areas are not considered to be 'designated' in the strict, technical sense. The map of WLAs is intended to identify places where wildness can be experienced but there is a recognition that "wildness is an attribute ... which is only one facet of the character of Scotland's landscapes"⁴². The intention, then, is to determine where Wild Land policies should be taken into account as one aspect of decision making, rather than to demarcate an area which should be managed solely for the purpose of Wild Land protection.

Landscape evaluation programmes have also been undertaken at sub-national level, e.g. to identify the special qualities of Scotland's two National Parks⁴³. These assessments were carried out in 2009 by SNH in partnership with the two Park Authorities. Both National Parks contain NSAs and the NSA special qualities methodology was extended to cover the whole area of each Park. Given that they were based on the NSA method, the assessments of special qualities for the National Parks take account of a similar range of experiences and perceptions.

Assessments of landscape characteristics and qualities are influential to the extent that they are used to inform decisions and shape change⁴⁴. Landscape Character Assessment and Historic Land-use Assessment, for example, are intended to provide a baseline understanding of the landscape which is intended to inform decisions and provide data against which change can be monitored.

LCA data can be used, for example, in producing development plans, in designing particular development proposals and assessing their potential effects, and in taking decisions on development proposals. It can be used in producing land management plans and forestry strategies and in operating agri-environment funding programmes. It can form a basis for landscape capacity studies that assess the extent to which a particular landscape type is able to absorb a specific kind of change without significant effects on its character.

Landscape character and quality assessments are also used to identify areas that are to be afforded special attention and treatment, either through the protections afforded by designation or by being made the subject of particular policies (e.g. in the planning system). It is to this matter of designating and recognising particular areas of land that we now turn.

Protecting, Managing and Developing Particular Areas

There are a variety of different approaches to designating or otherwise giving status to a particular area of land for its landscape or other characteristics and qualities. The most relevant examples are detailed in the table below but, first, it is worth drawing out some of the key differences between them.

Designations do not all have the same basis and strength in law or in policy. There is an important distinction to be drawn between 'hard law' or 'statutory' designations, on the one hand, and 'soft law' designations, on the other. In fact, the term 'designation' is often taken to refer only to the former, i.e. to areas designated under a specific law and subject to specific legal constraints. In this report, though, the term is applied more broadly, to include both hard law and soft law designations.

Soft law designations do not have a specific legal basis. However, they are nonetheless formally designated (e.g. through the inclusion of an area in a national inventory or map) and they are subject to particular policy provisions (e.g. in the planning system). As well as national soft designations, there are a range of international examples, such as the UNESCO designations of World Heritage Site, Biosphere Reserve and Global Geopark. While planning policy may contain provisions relating to such designations, they are often better understood as pro-active management and development initiatives than as regulatory devices (although they can serve both functions).

Designations can also be classified in terms of their purpose. Some have a single purpose and others have multiple purposes. The tendency is for statutory designations to have a narrow purpose and for soft designations to have multiple purposes, although the distinction is not absolute. Single-purpose designations tend to focus on the protection and preservation of natural and cultural heritage. Multi-purpose designations do likewise, but also have other objectives such as social and economic development.

The table below includes the main types of designation that are currently found in Scotland. It covers both landscape and historic environment designations, and it includes a range of designations relating to habitat and wildlife conservation. This range of designations has been included because, in the course of the research, it was found that many people do not distinguish between 'landscape', 'historic environment' and 'nature conservation' designations and consider them all to be examples of the same phenomenon. As such, it will be necessary to refer to nature conservation designations in discussing the findings from the research interviews in Chapters 4 and 5. Also included below are a range of multiple purpose designations that, again, came up in the course of the research and that also reflect the principles of the *European Landscape Convention* and Scotland's *Landscape Policy Framework* (even if not all of them would ordinarily be mentioned under a 'landscape' heading). Many of these multiple purpose designations have heritage conservation as their primary driver, but this is combined with other social, cultural, economic and environmental objectives.

The final category to mention is designations that are not necessarily of landscape scale but which nonetheless have a landscape dimension. The key examples here are Scheduled Monuments and Listed Buildings, where the extent of the designation is often limited to the footprint or immediate surroundings of a discrete archaeological site or historic structure. Some Scheduled Monuments are more extensive (e.g. the Caledonian Canal or the Antonine Wall), but most are not. Whatever the case, every Scheduled Monument or Listed Building has a landscape 'setting' that is a factor in decisions about land use and development, and Listed Building protections can extend to the 'curtilage' of the building, i.e. to associated buildings and structures.

Scottish Planning Policy requires people making planning decisions to have regard to the preservation and enhancement of the 'settings' of Listed Buildings, Scheduled Monuments, Conservation Areas and World Heritage Sites⁴⁵. SPP also contains the general provision that the planning system should "promote the care and protection of the designated and non-designated historic environment

(including individual assets, related settings and the wider cultural landscape)"⁴⁶.

Setting, according to SPP:

"may be related to the function or use of a place, or how it was intended to fit into the landscape or townscape, the view from it or how it is seen from areas round about, or areas that are important to :the protection of the place, site or building"⁴⁷.

Historic Environment Scotland adds that setting is "the way the surroundings of a historic asset or place contribute to how it is understood, appreciated and experienced"⁴⁸.

Taking all of the above together, we can see that Scotland's landscape policy framework contains a series of principles and objectives that fair well against the two tests of sustainable development and empowered community participation. Through the *European Landscape Convention*, Scotland's landscape policy is explicitly tied to concerns of sustainable development, democracy and human rights. The holistic approach advocated in landscape policy accords with the sustainable development principle of eschewing single interest approach in favour of approaches that connect and balance the four pillars of culture, society, economy and environment. Landscape policy seeks to bring conservation and development into the same frame, seeing landscapes as inherently dynamic – change is to be accepted and development actively promoted (where it is sustainable). The focus of policy is on conserving the distinctive characteristics and special qualities of a landscape as change takes place. The 'all landscapes' and 'place-based' approach advocated by policy makes landscape an issue of everyone, everywhere and helps to tie landscape considerations to the realities of everyday life. Policy also promotes the participation of people affected by decisions in the making of those decisions.

However, Scotland's landscape policy framework – and the processes and practices through which it is implemented – has accreted over time and it contains within it a variety of different agendas and objectives. Because of this, the current national approach to landscape has the potential to frustrate efforts for sustainable development and empowered participation, just as it has the potential to promote and support those efforts. The holistic approach to landscape stands in contradiction with a persistent tradition of treating the human and the natural dimensions of landscape separately. Furthermore, on the one hand, conservation and development objectives are to be brought together

in the same frame; on the other, conservation is still often treated in isolation and development is often seen as being inherently in conflict with conservation aims. A concern for recognising and attending to multiple values and interests can be contrasted with a concern to privilege certain values and interests above others. The 'all landscapes' approach stands in contrast with a persistent tendency to focus on protected 'special' landscapes. There is a tension between an explicit interest in promoting public participation, and an inherited culture that treats landscape matters as a technical, professional domain.

Table: Local, National and International Designations

Designation	Purpose	Legal/policy basis	Details
Landscape			
National Scenic Areas	To protect the special qualities of areas of outstanding scenic value	<i>Planning etc. (Scotland) Act 2006; National Planning Framework 3; Scottish Planning Policy</i>	Scotland has 40 NSAs, all designated in 1980 (with a subsequent legal basis in the 2006 Planning Act). Together they cover about 13% of Scotland, with a marked bias towards upland and coastal locations in the Highlands & Islands, Borders and Dumfries & Galloway. NSA designations largely take effect through the planning system. Decisions on development proposals must take into account their potential effect on the objectives of the designation and on the character, qualities and overall integrity of the area.
Wild Land Areas	To identify and protect the significant qualities of nationally - important Wild Land	<i>National Planning Framework 3; Scottish Planning Policy</i>	SNH published a map of WLAs in 2014 with related WLA descriptions. There are 42 WLAs in Scotland. Like NSAs, the distribution of WLAs is heavily concentrated in the Highlands & Islands with outliers in the uplands of southern Scotland. Protection of the qualities of WLAs is achieved through the planning system. Scottish Planning Policy states that WLAs “are very sensitive to any form of intrusive human activity and have little or no capacity to accept new development” ⁴⁹ . However, SPP considers that development may be appropriate in some circumstances (where any significant effects on the qualities of the WLA can be substantially mitigated.)
Local Landscape Areas	To safeguard, enhance and raise awareness of the character and qualities of landscapes of local or regional importance	<i>Scottish Planning Policy; Local Development Plans</i>	LLAs were first designated in the 1960s and have been known under various names. LLAs are designated in the Local Development Plan and subject to any relevant LDP policies. LLAs can be based on a wider range of values than some national designations. <i>Scottish Planning Policy</i> states that their purpose is to: safeguard and enhance the character and quality of a landscape which is locally or regionally important; or to promote understanding and awareness of the distinctive character and special qualities of local landscapes; or to safeguard and promote important local settings for outdoor recreation and tourism.
Historic Environment			
World Heritage Sites	To protect and preserve sites of outstanding universal cultural or natural value	<i>UNESCO Convention Concerning the Protection of the World Natural & Cultural Heritage; Scottish Planning Policy</i>	Scotland has six World Heritage Sites. Five have been inscribed on the World Heritage List for cultural reasons; one (St Kilda) has been inscribed for both cultural and natural reasons. WHS status is a ‘soft law’ designation that brings with it international scrutiny and responsibilities that must be met in order to retain the status. Each WHS has a management plan that sets out the special qualities and values of the site, establishes a framework for decision-making and provides information on threats and opportunities, so that the site can be managed sustainably. In <i>Scottish Planning Policy</i> , where a development proposal has the potential to affect a WHS or its setting the planning authority must protect and preserve the Outstanding Universal Value of the site.

Historic Environment

Conservation Areas	<p>To preserve or enhance the character or appearance of areas of special architectural or historic interest</p>	<p><i>Planning (Listed Buildings & Conservation Areas) (Scotland) Act 1997; Scottish Planning Policy</i></p>	<p>The first Conservation Areas in Scotland were designated in the late 1960s. There are now over 650. Conservation Areas can be created in both rural and urban areas. Planning authorities have a duty to publish proposals for the preservation and enhancement of Conservation Areas. Within a Conservation Area, special consent is required for the demolition of a building, and most works to the exterior of a building require planning permission. Where planning permission is sought for development outwith the Conservation Area, consideration is given to the effect the development may have on the appearance, character or setting of the area.</p>
Marine Protected Areas (Historic)	<p>To protect 'marine historic assets' of national importance</p>	<p><i>Marine (Scotland) Act 2010; Scottish Planning Policy</i></p>	<p>The first Historic MPAs were designated in 2013 and there are currently around 10. These MPAs protect assets such as shipwrecks or the remains of submerged ancient or historic landscapes. Planning permission and marine licences are required for some types of activity within Historic MPAs.</p>
Gardens & Designed Landscapes	<p>To protect and enhance gardens and designed landscapes of national importance</p>	<p><i>Historic Environment (Amendment) (Scotland) Act 2011; Scottish Planning Policy</i></p>	<p>The national Inventory of G&DLs was instituted in 1987. There are currently around 380 entries. G&DLs are grounds laid out for artistic effect (e.g. country estates, botanic gardens, urban parks). When a site is included in the Inventory it must be taken into account when deciding planning applications.</p>
Historic Battlefields	<p>To protect, conserve and enhance the key landscape characteristics and special qualities of nationally important battlefields</p>	<p><i>Historic Environment (Amendment) (Scotland) Act 2011; Scottish Planning Policy</i></p>	<p>The national Inventory of Historic Battlefields was instituted in 2011. There are currently around 40 entries. These are all landscapes over which battles were fought, or which otherwise relate closely to a battle. When a site is included in the Inventory, its characteristics and qualities must be taken into account when deciding planning applications.</p>
Scheduled Monuments	<p>To protect monuments of national importance</p>	<p><i>Ancient Monuments & Archaeological Areas Act 1979; Scottish Planning Policy</i></p>	<p>Designation of scheduled monuments began in the 1880s. There are currently more than 8,000 in Scotland. Under the law, consent is needed to carry out works affecting the monument. Where planning permission is also needed for any work, the protection of scheduled monuments is a material consideration in the planning decision. The effect of a development on the setting of a Scheduled Monument is also a material consideration in planning decisions.</p>
Listed Buildings	<p>To protect the special architectural or historic interest of buildings</p>	<p><i>Planning (Listed Buildings & Conservation Areas) (Scotland) Act 1997; Scottish Planning Policy</i></p>	<p>The listing of buildings and other structures began in 1957. There are around 47,000 currently on the list for Scotland, assigned to one of three categories: A (national or international importance); B (regional or more than local importance); and C (local importance). Where alterations to a building will affect its character, Listed Building Consent is required, normally from the relevant planning authority. The effect of a development on the setting of a Listed Building is a material consideration in planning decisions.</p>

Protected Areas for Nature Conservation

Natura Sites – Special Protection Areas	To conserve rare, threatened or vulnerable bird species and migratory bird species	<i>EU Birds Directive (European Union Council Directive 2009/147/EC); Scottish Planning Policy</i>	Scotland has 153 SPAs, covering more than 1.23 million hectares of land and inshore waters. SPAs are classified under the Birds Directive, which first came into force in 1979. Except in certain circumstances, development plans or proposals may only be approved if they are assessed to have no adverse effect on the integrity of the site.
Natura Sites - Special Areas of Conservation	To conserve internationally-important habitats and species	<i>EU Habitats Directive (European Union Council Directive 92/43/EEC); Scottish Planning Policy</i>	SACs are designated under the EU Habitats Directive, which was adopted in 1992. SACs are sites that are internationally important for threatened habitats and species. Except in certain circumstances, development plans or proposals may only be approved if they are assessed to have no adverse effect on the integrity of the site.
Ramsar Sites	To promote the conservation and wise use of internationally-important wetlands	<i>Convention on Wetlands of International Importance (Ramsar Convention)</i>	The UK signed up to the Ramsar Convention in 1976. Scotland now has 51 Ramsar sites. Such sites may be of importance for their waterbirds, bogs, lochs, coastal wetlands and other water-dependent habitats and species. Every Ramsar site in Scotland is also either a Special Protection Area or a Special Area of Conservation, and many are also SSSIs. It is through those other designations that Ramsar sites are protected.
Marine Protected Areas (Nature Conservation)	To conserve marine flora, fauna, habitats and geological/geomorphological features	<i>Marine (Scotland) Act 2010</i>	The first Nature Conservation MPAs were designated in 2014 and there are currently around 17 within Scottish territorial waters. Conservation objectives and a management plan are developed for each MPA. Marine Conservation Orders can be used to restrict activities where necessary.
Sites of Special Scientific Interest	To conserve sites of special interest for their flora or fauna, geology or geomorphology	<i>Nature Conservation (Scotland) Act 2004; Scottish Planning Policy</i>	Recognition of SSSIs began in the mid 20th century and Scotland currently has over 1,400. Together, they cover around 13% of Scotland's land area. They range in size from under 1 Ha to almost 30,000 Ha. Many SSSIs are also designated as Special Areas of Conservation or Special Protection Areas. It is an offence for anyone to damage the protected natural features of a SSSI. SNH must provide each SSSI owner and occupier with a statement that explains the management needed to conserve the protected natural features of the site. Consent is needed to carry out certain operations (defined on a case-by-case basis per site). Development is only to be permitted where it will not compromise the objectives of the designation and the overall integrity of the area, or where any significant adverse effects on the qualities of the SSSI are outweighed by other benefits of national importance.
National Nature Reserves	To conserve and promote the enjoyment of nationally important areas for nature	<i>National Parks and Access to the Countryside Act 1949; Wildlife and Countryside Act 1981; Scottish Planning Policy</i>	The first Scottish NNR was established in 1951 and there are now 43 in total, covering some 1.5% of Scotland's land area. NNR status is a national accolade to which explicit selection criteria and management standards apply. Most NNRs are also designated as SSSIs and many are also Special Areas of Conservation or Special Protection Areas. Development is only to be permitted where it will not compromise the objectives of the designation and the overall integrity of the area, or where any significant adverse effects on the qualities of the NNR are outweighed by other benefits of national importance.

Multiple purpose

National Parks	<p>To conserve and enhance the natural and cultural heritage of the area; to promote the sustainable use of its natural resources; to promote understanding and enjoyment of the special qualities of the area; to promote sustainable economic and social development of the area's communities</p>	<p><i>National Parks (Scotland) Act 2000; Scottish Planning Policy</i></p>	<p>Scotland has two National Parks: Loch Lomond & the Trossachs (established in 2002) and the Cairngorms (established in 2003, extended in 2010). Together, the two Parks cover some 7% of Scotland. National Parks have multiple aims, although the first aim – to conserve and enhance natural and cultural heritage – has primacy. These aims are addressed in a number of ways. Each Park has its own National Park Authority. The NPA is the planning authority for the Park and must produce a National Park Plan. The NPAs also engage actively in the conservation, management and development of the Park, e.g. through management agreements with land owners/managers and through the provision of services and funding. Development is only to be permitted where it will not compromise the objectives of the designation and the overall integrity of the area, or where any significant adverse effects on the qualities of the Park are outweighed by other benefits of national importance.</p>
Geoparks	<p>To conserve areas of internationally-important geological heritage and to manage them for the purposes of education and the sustainable development of the area</p>	<p><i>UNESCO Statutes of the International Geosciences & Geoparks Programme</i></p>	<p>UNESCO created the Global Geopark accreditation in 2015. Two UNESCO Global Geoparks have been accredited in Scotland (North West Highlands Geopark, Geopark Shetland) and a third (Lochaber Geopark) is in the process of applying. Together, these three Geoparks cover some 10% of Scotland's land area. Geoparks are areas with a geological heritage of international value, but they are managed for multiple purposes – e.g. to meet the social and economic needs of the local population, to promote sustainable local economic development, to conserve local cultural heritage and identity. Each Geopark has a management group and a management plan, agreed upon by all the partners. The Geopark accreditation does not otherwise affect the day-to-day management of the land by landowners and land managers.</p>
Biosphere Reserves	<p>To explore and demonstrate approaches to conservation and sustainable development on a regional scale</p>	<p><i>UNESCO Statutory Framework of the World Network of Biosphere Reserves</i></p>	<p>A Biosphere Reserve is a soft designation. Scotland has two: Wester Ross (formerly Beinn Eighe) and Galloway & Southern Ayrshire. Biosphere Reserves are intended to promote the integrated and sustainable management of the area. They have the multiple functions of conserving landscapes, ecosystems, species and genetic variation; fostering economic and human development which is socio-culturally and ecologically sustainable; and supporting demonstration projects, education, training, research and monitoring related to issues of conservation and sustainable development. Biosphere Reserves have three concentric zones: (1) the core area(s), focused on strict ecosystem protection; (2) the buffer zone, used for activities compatible with sound ecological practices that can reinforce scientific research, monitoring, training and education; (3) the transition area, where a greater range of activities is allowed, fostering economic and human development.</p>

Chapter 3 presented a review of Scotland's approach to landscape. The national landscape policy framework has been updated within the last 15 years and it takes account of internationally-accepted principles and goals, including those of sustainable development and public participation (including the participation of local communities, communities of interest and others). Some action has been taken to put these principles into practice. However, there are some elements of policy – and of the institutional practices and processes through which it is implemented – that have the potential to hold back further progress in these areas.

In Chapter 4, these initial conclusions are explored further through the interview evidence that was gathered for the project. This evidence is presented in synthesised form, and interwoven with references to the relevant policy and guidance, to previous reviews of policy and practice and to other research. The chapter is structured with reference to the first two research questions posed in Chapter 1 and the two related and more general tests of sustainable development and empowered participation. The first part of the chapter focuses on the effects of landscape policy on communities and their ability to develop sustainably. In particular, this part of the discussion concentrates on landscape designations and their effects on people. The second part of the chapter focuses on participation in relation to landscape matters.

Key Points: The Effects of Current Landscape Practice

What are the effects of current landscape policy on local communities and on their ability to develop in sustainable ways?

The research interviews provide a complex set of answers to this question.

There is evidently concern about the potential negative effects that landscape policy might have upon a community's ability to realise specific development projects, such as for affordable housing or renewable energy. Interviewees raised examples where landscape policy had formed the basis of resistance to community-led development. Particular concern was expressed about the potential for landscape policy to act as a barrier to development in the Highlands and Islands.

Also evident in the interviews was the sense that landscape policies can also have positive effects. Interviewees recognised the need for some kind of wider framework for decision-making, and also that the values of community members can align with the values promoted by policy. It was also suggested in the interviews that designations can act to block or mitigate development proposals that might not be in the interests of the community. Some designations also provide benefits for the community in the form of land management incentives and of opportunities for development (e.g. for tourism).

To what extent are people able to participate in defining the characteristics and qualities of the land, and to shape decisions about conservation and its relationship with development?

The situation with regard to participation appears to be much more clear cut. The interviews indicated that there is a strong sense of exclusion from the process of assessing and designating landscapes and from making key decisions about landscape matters. There is evidently a significant gap between the principles of participation discussed in Chapters 2 and 3 and their implementation in practice – a *participation deficit*.

The interviews indicated that the effects of this deficit can be subtle but profound. Exclusion breeds a sense of insecurity and alienation, as people feel locked out of decisions that affect their lives and feel that the things that matter to them are not being recognised. This can undermine people's confidence and drive. Exclusion from the process is perhaps more acutely felt in some places than in others; in the north and west Highlands and the Western Isles, this exclusion is read by many as part of a longer story of domination by external interests.

Current approaches to landscape tend to frame the landscape in a narrow way, and they are underpinned by a post-War conservation ethic that seeks to 'fence off' areas in order to protect valuable aspects of the environment from development. There appears to be a deeply-embedded culture of process-driven managerialism. Across the range of interviewees, there was recognition that this situation needs to change.



Loch Bun Abhainn Eadarra, North Harris. This actively-used bay sits within a National Scenic Area. The hills and coastline in the background are designated as a Wild Land Area, a SSSI, an SAC and an SPA.

photo © C. Dalgligh

The Positive and Negative Effects of Designation

Community sector and public sector (development) interviewees raised concerns about the negative effects of landscape designations, broadly defined. Particular concern was expressed around the potential effects on people's ability to bring forward renewable energy and affordable housing projects, which are seen as priorities in relation to the growth and sustainability of rural communities. Some interviewees also talked about the effects of designation on day-to-day land use and land management practices.

Protected areas for nature conservation – such as SSSIs, Ramsar Sites and Natura Sites – were mentioned, especially with reference to the western Highlands and the Western Isles. Specific concerns included restrictions on established land use practices and on renewable energy development, with some sense that 'nature is being placed above people'. Also evident was a sense that nature conservation designations can actually restrict human activity that is good for nature, such as certain grazing practices that have helped to shape habitats and enhance biodiversity over time.

Marine Protected Areas were identified as a concern for coastal communities. The MPA is a relatively recent designation and interviewees' concerns were expressed in terms of a sense of anxiety about the potential future effects it might have on people's ability to make a living. Concern was also expressed about people being left out of the discussion when the decision is taken to designate an MPA.

While MPAs and nature conservation designations were a recurring theme, there was wider concern about 'designations' relating to human perceptions of the landscape. In particular, concern was expressed about Wild Land Areas, National Scenic Areas and 'setting' issues related to Scheduled Monuments. This relative focus on matters of perception will in part be a result of the way the interviews were framed, as part of a project dealing with landscape issues.

A number of interviewees pointed out that communities do recognise the value and importance of archaeological sites and other aspects of the historic environment, but nonetheless have concerns about the way in which their conservation is handled in planning and other contexts. Some concern was expressed about the restrictions that are imposed on development and

land management within the boundary of Scheduled Monuments. However, more prominent was concern around the effects of Scheduled Monuments on development beyond the boundary of the designated area. As discussed in Chapter 3, a designation, even if limited in extent, can have effects over a much wider area through policies relating to the 'setting' of the designated site.

An example raised by a number of interviewees was Calanais on Lewis, which is home to an extensive complex of prehistoric monuments including some 12 stone circles. The largest site is managed directly by Historic Environment Scotland; the adjacent visitor centre is operated by Urras nan Tursachan/the Standing Stones Trust¹. According to the interviewees, local people value this site and the visitor centre. However, there is concern about the extensive net of restriction that is created by the designation of so many sites in one area and by 'setting' policies that extend the net beyond the boundaries of a site to affect development that might be visible from the site or in views to the site.

With reference to the situation at Calanais, a number of interviewees expressed a more general sense of injustice about the distribution of the burdens and benefits relating to heritage conservation. It was commented that the effect of designation can be to create or sustain inequalities, where some communities find it much easier than others to bring forward much-needed development. It was also noted that, for some communities, designation restrictions are balanced by investment benefitting the community (Orkney, with its prominent heritage tourism economy, was cited as an example). In other areas, people feel that the restrictions are imposed without the support and investment that can allow people to benefit from local heritage assets.

Turning to National Scenic Areas, a number of interviewees gave the example of a recent planning application for affordable housing at Staffin on Skye². The proposal was brought forward by the Staffin Community Trust and its partners. Scottish National Heritage raised objections, citing the significant negative effects the development would have on the special qualities of an NSA. It was argued that these negative effects would derive from the intrusion of the development on key views and from the way it would vary the existing settlement pattern, affecting the established character of the landscape. The proposal has been granted planning permission, but interviewees felt that this case nonetheless exemplifies a major problem with the way the system works, with a national body opposing community-led development rather than engaging with people in an effort to enable development while addressing conservation concerns.



The standing stones at Calanais, Isle of Lewis. The scheduled monument area containing the stones abuts the township of Calanais, which lies in the background.

photo © C. Dalgligh

There is evidently concern, then, about the negative effects of designation and of 'official' statements of landscape character and qualities. However, the interviews also provided evidence of a sense in the community and public sectors that designations can also be beneficial for communities and their development.

From the community sector perspective, it was commented that we do need designations or something like them to help enable sustainable development. Designations can help to ensure that wider concerns are factored into decisions at the local level. It was also noted that designations can act to limit the potential for injustice by controlling powerful interests that can act in ways that harm communities and places.

To give an example, several community sector and public sector (development) interviewees referred to the case of the proposed 'superquarry' on the Isle of Harris³ and to the case of a more recent proposal for a c.200 turbine wind farm in the north of the Lewis⁴. Both development proposals were denied planning permission, in no small part because of the potential effects on an NSA in the Harris case and on Natura Sites in the Lewis case.

The Lewis case can be taken as illustrative. Interviewees noted that the wind farm proposal came forward at a time when the land was privately owned. The layout of the proposed 200-turbine wind farm was designed to avoid the designated Natura Sites, skirting round their boundaries. As a result, the development was to be concentrated in areas close to people's homes and grazing lands. Opinion varied within the community, and more widely, with regard to the merits of the proposal. For those who were against it, the presence of Natura Sites in the area has been a positive thing, benefitting the local community by blocking the imposition of this large-scale development. Prompted in no small part by the wind farm proposal, the Galson Estate – upon which the wind farm was partially to be sited – has since been brought into community ownership and a different approach has been taken to wind energy development by the community owner, with the installation of a much smaller, 3-turbine project.

Interviewees also cited a number of other benefits that protected areas for nature conservation can bring. These include direct benefits in the form of payments to manage the land for nature conservation, balancing restrictions with investment in the locality. Recognising the high nature value of an area is also seen to be potentially beneficial in helping to promote the area for tourism.

Underlying many of the specific points made about protected areas for nature

conservation is a preference for approaches to designation which focus not simply on protecting heritage by restricting people's activity, but on the cooperative management of sensitive areas in order to achieve multiple objectives that include but are not limited to conservation. This is an issue that will be picked up in the next chapter.

Some interviewees distinguished between nature conservation designations and those designations and policies that are concerned with human perceptions of the landscape. Some interviewees also made the point that people generally value wildlife and have sympathy with the drive to conserve it, but do not necessarily feel the same way about attempts to impose the aesthetic values of others on development decisions in their area.

Some interviewees commented, though, that negative responses to 'perception designations' are not universal. Within communities, responses vary and it was suggested that this is partly to do with whether or not people consider that the designation will have an effect upon them and their lives. It was also suggested that it is partly a matter of differences in the make-up and circumstances of communities in different parts of the country. Examples were given of places in the central and western Highlands where the population is more positively disposed to the idea that the land is to be managed to protect its 'wildness'. The explanation offered for this is that the communities in question are substantially composed of people who have moved in to the area, many of whom were attracted by these perceived qualities of 'wildness'. This situation was contrasted with other places, particularly in the northern and western Highlands and in the islands, where there is a larger proportion of people with family roots in the area and where there is also a greater concern to reverse population decline in order to ensure the sustainability of communities in the future.

The Participation Deficit

Taken together, the interview evidence paints a complex picture with regard to the effects of designations and of landscape character and quality assessments on communities and their ability to realise the development they seek. More clear-cut is a sense of exclusion from discussions about landscape character and qualities and how they should be treated, and therefore from an important part of the process for making decisions about the land. This sense of exclusion came through strongly in the interviews. There is evidently a *participation deficit* that is of concern across the board – it was raised by interviewees in all categories.

According to interviewees, disenfranchisement in relation to landscape matters is having negative effects that cannot necessarily be quantified, nor have a cost price put on them, but which are nonetheless profound and damaging. Exclusion from the process breeds a sense of insecurity and of being forcibly alienated from the land. It undermines people's confidence in their ability to take care of their own development as communities and of the development of their places.

A number of interviewees made connections here with the wider drive for community empowerment, noting that there is a general relationship between people's ability to influence decisions and their resilience as communities. They also noted that communities, when properly empowered, can drive forward the economy, provide networks of social support and positively transform their place. Cultural factors such as collective confidence are important in securing the development that leads to sustainable and vibrant communities who are able to perform these roles.

Interviewees noted that it is no longer acceptable to adopt an 'expert-knows-best' approach. Some commented that many of our landscape designations and assessment approaches are legacies of an earlier time; they are 'last century tools', as one interviewee put it. This is an example of path dependency, where decisions made in the past and in different circumstances continue to shape thought and action. There is a sense – evident in the interviews – that exclusion is built into the system as a legacy of a previous era, and that the way we deal with landscape issues must change because the world around us has changed.

This sense of a need for change is supported by wider evidence. For example,

of the 2,000 or so people surveyed for Historic Environment Scotland's 2017 consultation *What's Your Heritage?*⁵, some 70% said they would like to have a say in how HES decides what is designated. Participants in the study explained that it is important to ensure that communities feel informed, empowered and included at the local level, but this is not currently happening as a matter of routine because current consultation methods are tokenistic.

This is consistent with evidence from other related contexts. In introducing its 2017 consultation on the planning system, for example, the Scottish Government referred to the changed and changing circumstances:

"Previous reforms and legislation aimed to ... [give] people better opportunities to be informed and consulted early in the planning process. However, since then, a movement of community empowerment has grown across Scotland ..."⁶

An independent review panel had previously argued that: "Active citizenship and local democracy have risen up the agenda ... [the impetus is there] for planning authorities and developers to go beyond what can sometimes be tokenistic consultation"⁷. The panel added that the "evidence shows that the planning system is not yet effective in engaging, let alone empowering, communities" and that there is a "need for renewed efforts in culture change" and for "a significant and substantive shift towards local empowerment"⁸.

Research⁹ commissioned by the Scottish Government has found that people in the community and third sectors are highly critical of the status quo in planning and strongly supportive of change. Opinion among planning and other professionals is more evenly divided on the merits of current practice, but here too there is strong support for change.

In the interviews for the current project, the problem of exclusion was linked above all with communities in the Highlands and Islands, where it is considered to be particularly acute, although a similar sense of exclusion was also noted in south-west Scotland. In explaining this geography, interviewees commented that many people in the Highlands and Islands feel that outside forces have long dominated the development of the area and controlled decision making. Given this, disenfranchisement in relation to landscape matters is read as one chapter in a larger story.

Reference was also made here to the different attitudes and circumstances of communities in different parts of the country. A contrast was drawn between

the north-west of the country and some other rural areas. In the north and west, depopulation is a pressing concern and development that supports the growth and survival of communities is seen as a priority. In some other areas, there is less concern around population levels and profile. In such cases, development can be seen less as something that is necessary for the sustainability of the community and its place and more as something that is imposed from the outside for the benefit of others, such as large housing or energy companies and their shareholders.

Interviewees also referred to different cultures within Scotland in terms of people's relationships as communities. Some interviewees noted that, in certain areas, there is a stronger tradition of people thinking and acting together as communities. This is shown, for example, by the higher incidence of community ownership and social enterprises in Highland region and the Western Isles. In such circumstances, there is an expectation that communities should have the opportunity to engage in wider decision making *as communities*.

Two main themes emerged through the interviews in terms of the details of the exclusion that people feel. The first is a matter of *recognition* – of ignoring people's values and priorities because they are not seen as relevant, important or legitimate in the context. The second is a matter of exclusion from the *process* or processes through which landscapes are characterised and evaluated, and through which designations are made and managed. These two things are connected, of course: exclusion from the process leads to a lack of recognition; a lack of recognition leads to exclusion from the process.

Recognition of Different Values & Priorities

Community sector interviewees argued that most landscape designation and assessment processes look at places in a narrow way. The professionals and authorities involved tend to treat people and land as separate, rather than inherently connected; they 'dissect' the landscape. They also describe and analyse it in exclusive ways that only make sense to others trained and disciplined to think in a similar way. If members of a community are asked to 'characterise' their surroundings, they do so in a quite different way. Some interviewees commented that professional analyses of the landscape can be valuable. However, the problem comes when particular interests such as these are promoted to the exclusion of others, creating an imbalance of understanding.

The narrow framing of landscape can affect people in a number of ways. It feeds the sense of disenfranchisement that people have, with attendant psychological effects in terms of people's sense of agency with regard to their future.

Several interviewees explicitly identified the 'singular' approach to landscape as being in conflict with the principles and goals of sustainable development, equality and empowerment. This approach interprets sustainable development in a limited way, focusing on environmental sustainability and on a limited range of cultural concerns. For these interviewees, the balance between environmental, cultural, social and economic concerns is currently not right. The balance is also not right within each of these four areas, e.g. some 'cultural' priorities such as 'historic environment' ones are given more weight over other 'cultural' priorities, such as a community's cultural connections with the land.

It was suggested that environmental concerns need to be brought together in this context with human rights concerns, such as rights to food and adequate housing, and that it is difficult to do this when a narrow range of views on the landscape is given privileged status. It was also suggested that a redefinition of the 'public interest' is needed when it comes to landscape conservation and development, moving away from an interpretation of the public interest as being the protection of landscape heritage alone to an interpretation that also includes the sustainable development of communities and the promotion of human rights.

This shift in thinking about how the public interest in relation to conservation should be defined is consistent with broader changes that are exemplified by the *Land Rights (Scotland) Act 2016* and the *Land Rights & Responsibilities Statement*¹⁰, both of which refer to the United Nations *International Covenant on Economic, Social and Cultural Rights*¹¹. The *Covenant* concerns rights such as the rights to housing, work, cultural life, health and food. It promotes a pro-active approach to such rights, encouraging action that helps to deliver the progressive fulfilment of such rights. In the current context – and as Shields has recently argued¹² in a paper for the Scottish Land Commission – this leads us to see land as an asset for the common good, and to see the progressive fulfilment of human rights as a focus for land decisions. Shields also argues that community engagement and empowerment is necessary in order for Scotland to fulfil its obligations under the *Covenant*. We can extend this thinking to decisions about landscape, where the progressive realisation of rights such as those identified in the *Covenant* might be made an explicit aim, and where community participation might be considered a necessary part of achieving that aim.

The singular approach is exemplified by those cases where areas of land are 'fenced off' – either literally or through the application of legislation and policy – for the protection of a single interest. Certain designations can have this effect, and it can also happen as a result of land owner policy. Such 'fencing' can appear to ignore people's past contribution to the shaping of the land, their ongoing relationships with the land and their needs and aspirations for the future. Some interviewees expressed a preference for 'ecological' as opposed to 'aesthetic' designations, because the former are seen to be more about sustaining a dynamic and functioning environment, whereas the latter are more associated with a 'museum' approach that is driven by a desire to fossilise the landscape in some kind of idealised state, as it was perceived to be at the designation 'census date'.

Many of these points were also expressed in a review of protected areas for nature, commissioned by Scottish Natural Heritage in 2014¹³. The review panel argued that the history of protected areas is one in which 'knowledge elites' have focused discussion on a narrow range of interests and in which social, economic and social-historical factors have been excluded on the grounds of maintaining objectivity. This has created divisions "between people and nature, between groups of people who have different views about nature, and between policies which should in fact be closely integrated"¹⁴. The system is imbued with a siege mentality – a sense of 'us' and 'them' – which has its roots in the philosophy of post-War conservation, where nature was seen as being under threat from "the inexorable advance of overwhelmingly superior forces"¹⁵.

In the interviews for the current project, Wild Land Areas and National Scenic Areas were also raised as examples of the 'singular' approach. Both can be seen as simply recognising certain qualities of a place so that those qualities can be taken into account – alongside others – when decisions are made. However, there is concern around the imbalance of power created by giving certain values official status and by fixing them into the system as permanent features. It was noted that the assessment of scenic and wild qualities is presented in highly technical, seemingly 'scientific' or in some sense 'objective' ways, giving it greater recognition and weight than community views which are seen as somehow being more subjective and partial and less robust. This acts to limit the 'legitimate' grounds for discussion and decision making to certain institutionalised concerns, and to exclude those who have not been disciplined to see the land in this way.

One interviewee described Wild Land mapping and similar programmes as a 'framing process' and a 'process of appropriation' that determines people's agency with regard to the development of their community and of the land.

Some interviewees commented on the geographical bias in the distribution of WLAs and NSAs towards the Highlands and Islands¹⁶. They argued that this can be seen as the latest manifestation of a long-standing tradition of romanticising Highland landscapes – of idealising the Highlands as an exotic place, outside of normal everyday experience, which should be managed for the benefit of the urban, Central Belt population.

Public sector (heritage) interviewees recognised that concerns such as these exist, and that they are widespread. This recognition is also evident in SNH's policy statement on 'wildness', which notes that an:

"interest in protecting the qualities of wildness can be interpreted as a means of sterilising land from local economic uses or, somehow, as denying their past uses by populations, now either cleared or departed. The sensitivities attached to empty land being 'emptied' land are considerable"¹⁷.

The policy statement goes on to argue, though, that "the scope for dispute here should not be overstated" because, while land valued for its wild qualities will have a use (e.g. for grazing or hunting), it "lies mainly in remoter ... areas ... [which] will have had no recent, permanent occupation, because they lack cultivable land"¹⁸.

A number of public sector (heritage) interviewees sought to clarify the intention behind Wild Land mapping, the methodology used and the status of the results. They also recognised that there are problems in this area that do merit attention.

Reference was made here to the initial efforts to map perceived wildness in the Cairngorms National Park in 2006/7, and to a subsequent wildness study that was undertaken for the Loch Lomond & the Trossachs National Park¹⁹. The national methodology for Wild Land mapping took the Cairngorms study as its starting point²⁰. Interviewees underlined that these studies accept that 'wildness' is a matter of subjective human perception. They added that this makes it difficult to map 'wild land', because wildness is not a physical characteristic of the land and it is therefore not particularly amenable to spatial definition. They also noted that assumptions need to be made about whether or not a landscape professional's perceptions of a landscape's qualities are representative of wider public perceptions of the same place.

In relation to the problems inherent in representing human perceptions in map

form, the approach has been to use certain physical features of the land – features which can readily be mapped – as surrogate measures²¹. The methodology for this involves analysing digital datasets relating to four criteria. The first criterion is a ‘high degree of perceived naturalness’, which is identified by analysing vegetation and woodland cover and by factoring in any heavily modified lochs and reservoirs. The second is ‘rugged or challenging terrain’, identified by analysing geographical data on slope and relief. The third criterion is ‘remoteness from public mechanised access’, which is established by calculating the theoretical time it would take to walk or cycle from the nearest public road, ferry landing or railway station. The fourth is ‘lack of built modern artefacts’, established through a computerised analysis of the theoretical visibility of buildings and structures, such as roads, vehicle tracks, railways, pylons, masts and wind turbines. Once the most extensive areas of highest wildness have been identified from this data, Wild Land Areas are selected and defined on the basis of the ‘informed judgement’ of those undertaking the analysis.

Written descriptions have also been produced for each Wild Land Area, using a “professional, transparent and repeatable method”²². This method uses Ordnance Survey maps, aerial photographs, wildness mapping data (see above), Landscape Character Assessment and Historic Land-use Assessment information and other information including statements of NSA or Local Landscape Area special qualities. It also uses information produced by special interest groups, such as outdoor pursuit organisations and conservation NGOs, and literary sources, such as the work of mountaineer W.H. Murray. All of this information is combined with data gathered from new site visits by consultant landscape architects and SNH staff.

Embedded in the Wild Land mapping and description process are assumptions about the representativeness of professional assessments of the landscape qualities. Traditionally, there has been little attempt to test these assumptions beyond the professional sphere. For example, in the original study – in the late 1970s – that underpinned the designation of NSAs, the professional assessors were not able to “develop any completely objective system capable of satisfactorily comprehending the selection of scenery in a way which would satisfy the essentially aesthetic aspects of the appreciation of natural beauty and amenity”²³. They concluded that the process needed to rely on the “subjective judgement of assessors” and that using the same surveyors throughout would provide the desired consistency and rigour. There seems to have been little interest in testing the assessors’ subjective assessment for its wider representativeness.

When a more detailed assessment of the special qualities of NSAs was undertaken in 2007-09, a “professional-led approach” was taken once again²⁴. One of the criteria for the process was that it should be ‘respected’, i.e. “capable of being ... perceived as a method generating consensus through informed professional judgement and wide public opinion that is as free from dispute as possible”²⁵. As such, the involvement of as wide a community of people as possible was considered to be “a necessary part of the process”²⁶. However, this requirement for participation was not implemented, the preference being, in the end, for a “professional-led process designed to produce a consistent overview of the NSAs”²⁷. While the special quality descriptions produced in 2007-09 were seen at the time as “provisional descriptions of the special qualities of NSAs from a national and professional perspective”²⁸, these descriptions have become embedded in the system in a more than provisional way. It was envisaged that there would be opportunities for participation during the production of Management Strategies for these designated areas but, ten years on, such Strategies have only been developed for a small handful of Scotland’s 40 NSAs (see Chapter 5).

The approach taken to Wild Land assessment represents something of a departure from this tradition. Production of the national map of Wild Land Areas was accompanied by a consultation process in 2012 and 2013²⁹. Prior to that, public surveys had been carried out in association with the assessment of the wild land qualities of the two National Parks³⁰. These surveys sought to develop understanding of public perceptions of wildness and Wild Land, both within the Parks and at national level. This involved surveying nationally-representative samples of the Scottish population, Park residents and a self-selecting sample of the members of special interest groups.

Reflecting on all this, one interviewee commented that it is a moot point whether it is better to take a local or a national average of the way a landscape is perceived but that, at the national level, the aim is to recognise the ‘national average’ and this is what the 2014 map of Wild Land Areas seeks to express. Several public sector (heritage) interviewees made the related point that it was never the intention in all this to exclude other values from consideration, nor to downplay the historical injustices associated with certain places. It is simply that the professionals undertaking the analysis had a particular job to do, working within the confines of a remit relating to the analysis of one particular set of values.

However, there was recognition amongst these interviewees that there are legitimate questions to be answered surrounding the weight that is given to such

national analyses of landscape qualities. There was recognition here that some people's values are currently under-represented in decision making.

A certain 'mission creep' was also noted in relation to Wild Land. The original intention in studying these qualities in the Cairngorms was to identify 'wildness' qualities as one set of attributes to be layered over others. It was not to identify 'wild land', recognising that the act of drawing a line on the map in this way creates problems in fixing one set of values as somehow more definitive of an area than others. The imperative to map Wild Land Areas came from the perceived threat of extensive wind farm developments to wildness qualities. However, there is concern – expressed by interviewees in both the community and public sectors – that the original intention of regulating such large-scale development will not be where the effects of Wild Land mapping stop. The concern is that, because qualities of wildness have now been identified as somehow defining certain places, those particular qualities will be privileged above others in all decision making.

For example, one public sector (heritage) interviewee noted that, while the Scottish Government has been clear that there should be no 'boundary effect' with Wild Land policies affecting development beyond the Wild Land Area, there is a real risk that this will happen as time goes on. Statements of Wild Land qualities have already edged in this direction by considering the relationship of the WLA to the wider landscape beyond the boundary. This is the case, for example, where 'borrowed views' – i.e. views of land beyond the Wild Land Area boundary – are considered to contribute to people's experience of wildness when standing in or moving within the WLA³¹. The interviewee in question noted that professionals often push beyond the original scope of a designation or process in this way, because they are keen to future-proof their work by making its scope as comprehensive as it can be in relation to a wide range of possible future scenarios.

Exclusion from the Process

On the second main aspect of exclusion – that of participation in the process, or a lack thereof – some community sector interviewees described a gulf between communities and national public bodies, and also national conservation NGOs. A general lack of interaction was noted, as was the feeling that, when representatives of a national authority or a large conservation NGO do engage, it is in order to 'do something to' the community or to stop the community from



Figure of a miner on the site of the former Barony Colliery in Auchinleck, East Ayrshire. Part of a monument to the mining industry and the people who worked in it.

photo © C. Daghli

doing something. Interviewees bemoaned the frequency with which polarised positions seem to emerge.

A number of interviewees drew a contrast here with relationships at the local level. The local staff of SNH and the Forestry Commission, and of a number of conservation NGOs such as the John Muir Trust and the Woodlands Trust, were praised for their sensitivity to community concerns and their pragmatism. There is clearly a preference in the community sector for an approach that prioritises good working relationships at the local level, rather than dealing with matters through national-level assessments, designations and regulation processes. There was recognition of the value in and a need for broad, nationally-consistent principles, tempered by a desire to see more emphasis on the local interpretation and application of these principles.

Many interviewees in both the community sector and the public sector agreed that an over-professionalised culture is at the root of the gulf between communities and national organisations, and that this culture is a significant barrier to achieving the better relationships that could help to enable development for communities whilst also addressing conservation concerns. This is an issue that has been recognised before, in the SNH-commissioned review of protected areas for nature for example. The review panel noted the generally top-down nature of the process for applying and administering designations³². This was described as ‘managerialist’ in approach, seeking “to manage natural systems for administrative convenience” and tending to:

“view management as the most essential and desirable element of good administration and government. [Managerialism] emphasises how things are done rather than why. It solves problems through a rational assessment involving gathering and collating information, listing the options, calculating costs of each, evaluating consequences and choosing the best course of action. Unless the assumptions and value judgements that underpin these techniques are clearly stated then essentially subjective decisions made under a cloak of objectivity will result”³³

The panel further argued that managerialist approaches tend:

“to obscure the really important purposes and outcomes in favour of auditable outputs with no obvious rationale to the layperson. This weakens the public service ethos ... [and] stifles adaptiveness and flexibility – essential considerations in managing diverse and dynamic natural systems”³⁴

A number of public sector interviewees did offer explanations for why national authorities, in particular, act as they do. The reasons include the statutory and other constraints placed on them, the limited financial resources available for engaging with communities and the lack of staff expertise and experience in this kind of activity. The reasons also include a genuine need, as professionals see it, for systematic, analytical knowledge on landscape issues to provide a consistent national framework of information within which more variable local assessments can be placed. Finally, the reasons include external drivers such as the quasi-legal, and therefore confrontational, nature of the planning system. As noted above, this tends to lead professionals to try to ‘bomb-proof’ their work, which leads to it being ‘over-engineered’; in this context, engagement is seen as weakening the perceived objectivity and rigour of the work.

It is important, then, to understand the context within which current practice has developed and still takes place. However, this does not mean that there is no need for change. Public sector interviewees recognised that, while the principle of participation has been accepted, it is not often implemented in practice. They explicitly voiced dissatisfaction with a system that has become too process driven and not sufficiently focused on outcomes, and on dialogue in relation to those outcomes and how they should be achieved. The responses of a range of public sector interviewees indicated that there is a general appetite for change within public organisations with regard to community participation and some action has been taken in this direction (see Chapter 5). This action has been prompted by changes in the policy environment – with the growth of a community empowerment agenda, for example – by increased public demands for opportunities to participate in and influence decisions, and by changes in professional attitudes as the idea of participation becomes more accepted and valued.



A managed and planted woodland in the Cairngorms National Park, near Aviemore. As well as being within the National Park, the area in and around the photo is designated as a National Nature Reserve, a National Scenic Area, a Site of Special Scientific Interest, a Special Protection Area and a Special Area of Conservation.

photo © K. Dalglish

Most interviewees – in both the community and public sectors – recognised the participation deficit discussed in Chapter 4 and commented on how they thought this deficit might be tackled.

Three main approaches to the problem came through in the interviews. The first involves introducing greater community participation to institutionally-led landscape processes. The second concerns what one interviewee referred to as the ‘modern approach’ to conservation – a more cooperative model focused on achieving multiple conservation and development objectives. The third approach is one of enabling people to produce community-led characterisations of the land. These three approaches are discussed in turn below.

Each approach differs in terms of its motivation and in terms of the degree and kind of participation and empowerment it seeks to promote. However, there is overlap and, to a degree, the different approaches might be connected or pursued in parallel to address the participation deficit in a rounded way.

Key Points: Recent Developments & Pathways to the Future

Participation in institutionally-led landscape processes

Various public organisations have begun to consider how they might address the participation deficit discussed in Chapter 4. A number of public sector (heritage) interviewees distinguished between matters that they consider appropriate for technical analysis (e.g. ‘landscape character’) and matters that they think are more open to public involvement (e.g. assessment of the values and qualities attached to the land). Public sector (heritage) interviewees also expressed a broad preference for a two-track system in which:

Track 1: national-level designation and assessment programmes remain largely institutionally-driven, with limited scope for participation.

Track 2: opportunities for participation are provided through local systems for the designation of cultural and natural heritage assets and through programmes for involving people in the *management* of nationally-designated areas.

The interviewees in question recognised a number of problems associated with this two-track model. These include deciding what weight should be given to local and to national designations and assessments. They include a lack of institutional expertise in and resources for participation activities. They include the constraints imposed by current laws and policies, and by a seeming lack of political appetite for rolling out the institutionally-led participation pilots that have already taken place.

A ‘modern approach’ to conservation

Interviewees referred to a group of recent designations that, together, exemplify a ‘modern approach’ to conservation, i.e. National Parks and the UNESCO soft law designations of Global Geopark, Biosphere Reserve and, to an extent, World Heritage Site. Each of these examples display the main features of the ‘modern approach’ to different degrees and in different ways.

In its idealised form, this approach seeks to bring conservation and development together, addressing multiple objectives at the same time. It seeks to enable positive action, with a focus on achieving outcomes rather than fulfilling processes. It seeks to make use of valuable landscape and heritage assets in order to achieve development goals, and not just to protect such assets from development. It functions through dialogue, cooperation and collaboration. It promotes bottom-up decision making.

Extending the principles of this approach need not simply involve designating new parks or reserves. The principles can be applied, for example, to the management of 'old style' designations such as National Scenic Areas or protected areas for nature, helping to move their operation away from a 'command and control' and 'fence and exclude' culture.

Community-led characterisation of the land

Interviewees across the categories considered that, in order to address the participation deficit, it will be necessary for communities to take the lead in producing their own assessments of what defines the land and what matters about it. It will also be necessary for communities to be empowered to do this in a way that enables people to influence decisions about the land.

Key features of any community-led process for defining the land include that the process should:

- be appropriate to the community and the place;
- be strongly linked to delivering tangible benefits for the community and meeting the community's development goals;
- take time. Institutionally-driven participation exercises often have a short timeframe, which does not engender good levels and depth of participation;
- be about generating dialogue within the community and between the community and others;
- have a focus on learning, and on achieving shared understanding and common purpose within communities formed of diverse people, with diverse and fluid points of view and interests;

Interviewees noted that leadership and drive from within the community will be needed, and that such leadership might best come from community bodies or anchor organisations, especially those that enjoy a good level of legitimacy in the eyes of the local population.

A number of challenges are likely to be faced in developing and delivering a community-led process to define the land. These include:

- activating the community and achieving good levels of inclusive participation;
- overcoming divisions within the community and/or a lack of shared identity and common purpose;
- limits on the capacity of the community at large to participate and of community bodies to lead and deliver the process;
- securing a positive response to community-produced definitions of the land on the part of public authorities and land owners in all sectors, as well as the demonstrable and meaningful use of such definitions in decision-making.

Recent Developments in Institutional Practice

A number of public sector (heritage) interviewees talked about innovation that is taking place in an effort to address some of the problems highlighted in Chapter 4. These interviewees underlined the need to move to an approach which is focused not on technical and administrative processes but on outcomes at the local level.

Interviewees expressed some principles that they considered should underpin future practice. These include engaging people in ways that suit them, rather than expecting people to participate in situations designed to suit institutional needs. They include engaging people in more open-ended ways, rather than chasing

rigidly pre-defined outputs and outcomes. As some interviewees pointed out, it follows that institutions will need to take some risks and strive to make ongoing engagement a part of their everyday work. Some interviewees considered that this level and kind of engagement would be best focused in areas where there is significant added value in participation, e.g. at local level and in relation to the definition of landscape qualities (rather than landscape character, which is still largely seen as a technical matter).

In the field of designation, there has been some experimentation to enable greater participation both in national and local designation processes, and in the management of designated areas.

Historic Environment Scotland, has, for example, been experimenting with new processes that allow people to propose sites and landscapes for designation¹.



photo © C. Dalglish

The 2000-year old broch (a scheduled monument) and modern township at Dùn Chàrlabhaigh, Isle of Lewis.

This experimentation has been driven by a changing external environment, with the rise of the community empowerment agenda, for example. It has also been catalysed by particular cases, such as the lodging of a petition with the Scottish Parliament in 2014 to restore and preserve the 'Tinker's Heart' in Argyll, a monument associated with Scottish Travellers².

In most cases, designation proposals still originate within public bodies. Here there has been some innovation too. It has long been the practice to consult when designating an area of land, but this consultation is often narrowly confined to the land owner and the local authority. In some instances, though, the process has begun to open up. There is an effort, for example, in adding an area to the Inventory of Gardens & Designed Landscapes, to consult with everyone who will be affected (i.e. all those within the boundary of the proposed designation). Another specific example mentioned in the interviews was Scapa Flow in Orkney, which is the site of the scuttled WWI German High Seas Fleet. As part of its recent review of the protection of the remains of the Fleet, HES has sought views from the local community, the diving community and others³. This was done through an online survey, one-to-one meetings with a number of organisations and a series of drop-in sessions.

A discussion has also emerged in historic environment circles around the merits of creating a locally-run designation or (less formal) recognition system. In the 2017 *What's Your Heritage?* survey, 89% of respondents said they would like a locally-run system in their area; 70% said that they would like to be involved in this⁴.

Provision for making local landscape designations has existed since the 1960s in the form of Local Landscape Areas (which have historically been known by various names). Such areas are designated by local authorities (see Chapter 3). SNH and HES have been revising the national Guidance for Local Landscape Areas. The draft revised guidance asserts that LLAs reflect "the values that communities attach to their local place"⁵ and can help to ensure that people's priorities and objectives are taken into account. The draft Guidance also notes that participation in Local Landscape Area decisions is relatively under-developed and promotes such participation, both in the act of designation itself and in the subsequent management of designated areas.

Participation in the management of designated areas has also been a focus of attention for national-level designations, such as National Scenic Areas. NSA Management Strategies summarise the action that needs to be taken to

safeguard the special qualities of the area⁶. Most NSAs do not yet have active Management Strategies in place. Only the three NSAs in Dumfries & Galloway do⁷. These three Strategies arise from a pilot, undertaken in 2000-02 by SNH in partnership with Dumfries & Galloway and Highland Councils (the Highland pilot was in Wester Ross⁸). The pilot involved "an extensive programme of community involvement"⁹. According to one of the interviewees, this project provides a good example of trying to bring the "accepted modern approach to protected areas" to an 'old' style of designation (see below on the 'modern approach'). In Dumfries & Galloway, this was enabled by the local authority taking the lead in engaging with communities in the course of the pilot, and an NSA Officer has been employed to continue the work.

Moving beyond designation, interviewees also expressed views on participation in the wider assessment of landscape characteristics and qualities. One interviewee commented that, rather than trying to shoehorn participation into pre-existing processes designed for another purpose, it would be better to create opportunities for participation that sit alongside these existing processes. A distinction was drawn by some interviewees between national-level and local-level processes in terms of the perceived scope for participation, and between assessments of character (a professional domain) and values and qualities (where community participation can add something new).

From the professional point of view, 'landscape character' is often seen as something that is best studied through a technical, analytical process, especially when working at the 1:50,000 scale of the national LCA programme. The case of Cairngorms National Park is illustrative here. The LCA for the Park was completed in 2009 and the results made available to people through the Park's on-line Landscape Toolkit¹⁰. However, it was noted in the interviews that there hadn't been much community take-up of this resource, which is seemingly difficult for people to understand and use. More success has been had in terms of working with communities in the Park to capture the values that people attach to the landscape. This has happened in various contexts, such as in the course of producing community action plans and as part of the preparation for the 2012 National Park Partnership Plan, and information on people's values and priorities is now used routinely in responding to development proposals.

In principle, the two-track approach of institutionally-led, national-level technical analysis and local-level, participatory processes could create different kinds of information that can be considered together in decision-making. However, public sector interviewees recognised that there is a question here about how

different views and assessments are perceived and weighted in making decisions. The interviewees also identified a series of other problems and challenges that are likely to be faced in pursuing this strategy. Reference was made to the lack of experience and expertise in participation amongst landscape and heritage professionals. Reference was also made to the lack of resources for this kind of work. One interviewee commented that there is no lack of will within public bodies to try to achieve greater participation, and there is some sense of how to approach this; the real issue is not being able to roll out the pilots that have already taken place and to take risks and experiment on a grander scale. This, it was commented, is linked to a lack of appetite within government for large-scale programmes of participation in this area. Until this becomes a political priority, the resources and the imperative will not be in place to catalyse and support action for participation.

The 'Modern Approach' to Conservation

The comment above about a “modern approach to protected areas”, made by a public sector (heritage) interviewee, reflects wider sentiments expressed by a number of interviewees. Quite a number of community and public sector (development) interviewees – as well as one or two public sector (heritage) interviewees – referred to a group of recent designations of a ‘different kind’ with many positive features.

The hallmarks of this approach, as described by interviewees, are that:

- it is more about what can be done than what cannot. It is about developing and making use of landscape and heritage assets;
- it is concerned with outcomes and is flexible in terms of how those outcomes are delivered. It is not about slavish adherence to a set process;
- it seeks to address multiple objectives (including both conservation and development objectives);
- it involves dialogue and cooperation at local level to define the landscape, set objectives for its future and take action to achieve those objectives;
- it seeks to ‘front-load’ discussion about what should or should not happen within a designated area. This involves planning for the future management and development of the area, rather than falling back on

the reactive regulation of change;

- it seeks to promote bottom-up decision-making that serves people’s interests more directly and fully, as well as addressing wider national and international concerns.

Examples of the type – each displaying the above traits in different ways and to different degrees – include National Parks and the soft UNESCO designations of Global Geopark and Biosphere Reserve and, to an extent, World Heritage Site (depending on the approach taken to the management of the WHS). Two particular examples were singled out by some interviewees as particularly illustrative of the positive traits of the ‘modern approach’: Scotland’s two Geoparks and the proposal to establish a National Park on the Isle of Harris.

Scotland’s two Geoparks were described by one interviewee as coming from grass roots action, in contrast to the top-down approach taken to Geoparks in some other countries. Geopark status is seen as valuable at local level because, amongst other things, it connects people in the area to a global network of other Geoparks and to wider business, arts and science communities. Geopark status is also a way to get attention for the area and to promote it, e.g. for tourism or investment.

The Harris National Park proposal was mentioned by a number of community sector and public sector (development) interviewees. This particular example was mentioned because the drive to establish a National Park came from the local level. The proposal was first promoted by the North Harris Trust. A feasibility study was undertaken in 2008¹¹ and a ballot in 2009 showed strong local support. The proposal was rejected by the Scottish Government in 2011, citing the economic climate and the lack of support for the initiative from Western Isles Council. The attractions of the National Park proposal for Harris, according to interviewees, were the potential for job creation and attracting investment, and the potential benefits that would bring in terms of retaining young people in the area.

There have also been efforts to apply the ‘modern approach’ more widely, i.e. not by creating more National Parks or seeking UNESCO recognition for other areas as Biospheres, Geoparks or World Heritage Sites, but by applying the principles of the approach to places that have been designated under ‘old style’ regimes. An example is the National Scenic Area management pilots mentioned above. There will, of course, be constraints imposed by the laws governing some existing designations, but there is also scope in most cases to manage these areas



The North Harris Eagle Observatory, Gleann Mhiabhaig, Isle of Harris. Developed by the North Harris Trust, which manages the estate on behalf of the community, with support from Scottish Natural Heritage and others.

photo © C. Dalgligh

differently while still meeting the objectives for which they have been designated.

The case for doing this has been made in other contexts too. For example, the 2014 SNH-commissioned review of protected areas suggested that such areas “should have a new purpose which is more forward looking, people-oriented and adaptive”¹². It argued that a premium should be placed on meeting human needs whilst also supporting the healthy functioning of ecosystems. It noted the need for a fresh focus on outcomes and on securing multiple benefits from the use of the land. It also noted the need to explore all opportunities to involve people in decisions about protected areas and for introducing a more bottom-up culture for their management. The review panel argued that:

“Decision making that reflects local history, culture, social and economic contexts will create and sustain more diversity – and engender more support We propose a more local basis for the fine detail of protected area management, based on both scientific and non-scientific evidence, in contrast to a top-down approach in which experts define the interests without reference to stakeholders, the public and their interests.”¹³

The panel noted that a shift to this ‘modern approach’ will sit awkwardly with the ‘command-and-control’ nature of some designations and that the negotiations inherent in achieving a more bottom-up and cooperative approach will be difficult, take time and challenge embedded traditions of protected area management. However, the panel considered that:

“the boundaries of flexibility should be tested” because “doing the same as we’ve always done will undoubtedly lock us into the same pattern of decline ... which we all know to be unacceptable”¹⁴

“the status quo really is not an alternative. A more open approach rooted in consensus rather than command-and-control is likely to yield more legitimacy for action than wrong answers”¹⁵.

The kind of approach that is advocated in these statements is in step with wider developments. It connects, for example, with the ideas behind the recent Scottish Government *Guidance on Engaging Communities in Decisions Relating to Land*¹⁶. Also relevant here is the work that has been undertaken to pilot elements of the Scottish Government *Land Use Strategy*¹⁷. One element of this Strategy – land use partnerships – was trialled through local authority-led pilots in Aberdeenshire and the Scottish Borders in 2013-15. These partnerships are

intended to bring together local people, land users and managers with the aim of including a wide range of interests and giving local people a clearer influence over land use in their area. The development and demonstration of the idea remains at an early stage. One of the functions of a land use partnership could be to lead on developing regional land use frameworks, which are another element of the Strategy. Such frameworks would consider future land uses within the context of a better understanding of competing interests and of the interactions people in local communities have with the land and their aspirations for the future.

There are, of course, examples where land owners and managers have been working over a longer period of time to promote better participation in their decision making processes. This has, for example, been a concern for Forestry Commission Scotland, which undertook a ‘community engagement health check’ in 2013. This health check established that the experience of communities engaging with Forest Enterprise Scotland ranged from ‘very good’ to ‘very poor’¹⁸. The recommendations included mainstreaming community engagement throughout FES, extending staff training and other measures.

As well as reflecting on wider domestic trends, it is worth considering how conservation practice has been developing at international level. The SNH-commissioned protected areas review panel placed their discussion in an international context by referring to the Aichi goals and targets for biodiversity, agreed by 200 countries in 2014¹⁹. The goals include addressing biodiversity loss, promoting sustainable use of the environment and improving the status of biodiversity. They also include enhancing the benefits from biodiversity and ecosystems for people’s health, livelihoods and well-being and addressing issues of justice and equality. They include enhancing participatory planning and making use both of scientific and other forms of knowledge (such as “traditional knowledge, innovations and practices”).

In discussing the various UNESCO designations, some interviewees also referred to the benefits of looking at international experience and practice to help understand how Scotland might approach conservation and development differently in the future. One interviewee commented that the continuing drive in Scotland for a ‘fence and exclude’ approach to conservation runs counter to global best practice and to international knowledge about the negative effects of such an approach.

For example, the editors of a volume on rights-based approaches to conservation, published by the Center for International Forestry Research and

the International Union for the Conservation of Nature, observe that:

“The links between the realisation of human rights and the conservation of natural resources and biodiversity are receiving increasing attention worldwide bitter experience has demonstrated that exclusionary approaches to conservation can undermine ... [the] rights of affected communities, in some instances violate civil and political rights, and can undermine conservation objectives.”²⁰

An approach centred on rights, justice and equity is now widely promoted outside of Scotland as an essential component of modern conservation practice

²¹

Community-led Characterisation of the Land

A number of interviewees – in all categories – felt that, in order to address the participation deficit, it is not sufficient to rely on institutionally-driven change. The deficit is likely to persist if communities do not take a lead in transforming how the characteristics and qualities of the land are seen in decision-making contexts, and if they are not enabled to take that lead.

It was noted that there is a need for a shift in culture, which enables communities to have a stronger voice here and which opens institutions up to listening to and responding to this voice. It was suggested that empowerment of communities is needed to overcome some of the principal problems associated with the current participation deficit. It is not enough simply to improve or extend institutionally-driven and controlled practice. A more productive and just approach – in the eyes of many of the community sector interviewees and also quite a number in the public sector – would be for communities to be able to lead on producing their own assessments of what it is that defines land and what it is that matters about it, and for public bodies and institutions to engage with such assessments and take account of them.

Interviewees also saw a number of potential benefits in a community-led approach. Such an approach could engender engagement and dialogue within the community, between its different parts and between community bodies and the community at large. This could challenge and explore preconceptions

about the area and lead to greater participation in determining what people feel is important about their place, what defines it and how it should develop. A community-led approach could also provide opportunities for dialogue between communities, private land owners, public bodies, charities and businesses, laying foundations for more cooperative and rounded decision-making in a variety of areas. This approach could not only help to articulate the community's views in external decision-making contexts, such as the planning system, but inform strategic planning within the community (e.g. by community land owners and other community bodies), input to local decisions about land use and help people to make better use of the land as an asset for development.

The Nature of the Process

In terms of the nature of the process, one cross-cutting theme was the need for the process to be appropriate to the circumstances of each community, i.e. not a one-size-fits-all process that requires people to follow a logic that is imposed upon them. This is a recognised principle of participation, in planning contexts for example²², although in practice it can be over-ridden by institutional and professional needs and traditions.

Another cross-cutting theme was the need for the process to be driven by the outcomes it can deliver for communities. An initiative seeking to ‘define the land’ could be quite nebulous and abstract, and therefore fail to attract participants, unless it is given a strong sense of purpose. Some interviewees commented that it will help to link the process directly to outcome-focused activities such as the production of a community action plan, land-use plan or similar. In other words, it will be important to embed any discussion about what defines the land in wider processes that are focused on addressing people's development needs.

These points came through in discussion of the thematic scope of the process. It was pointed out that this scope should be determined on a case-by-case basis through discussion within the community, so that people themselves can lead in determining what issues will be covered and to what end. A number of interviewees felt that there would be particular value in explicitly seeking to connect a historical assessment of how the area came to be the way it is now, with a forward-looking assessment of how it should develop into the future.

Several public sector (heritage) interviewees advocated the use of a number of

existing 'tools' that have been designed to help communities discuss their place. These include the *Place Standard Assessment Tool*²³ developed by the Scottish Government, NHS Health Scotland and Architecture & Design Scotland. The *Place Standard* prompts people to evaluate their place from a health and well-being perspective. Also relevant here is SNH's *Talking About Our Place* toolkit²⁴ which is designed to help people consider what is special about their place, what 'landscape benefits' it provides and how action might be taken to improve it.

However, while these tools may prove useful in this context, the priority should be for communities themselves to frame their process for defining the land and what matters about it – to determine the questions which should be asked, about what, and the language, terms and concepts that should be used.

On the point about the need for community-led characterisation of the land to be a purposeful exercise, interviewees identified a need to build in activities and outputs that translate the resulting information into forms that can be used in external processes (such as designation or planning). A number of interviewees emphasised that this should not be done by requiring communities to 'think and act like planners', i.e. to use the language and logic of natural, historic and built environment professionals. That would defeat the purpose. Rather, the community should articulate its voice in the way that it sees fit, and this can then be translated for use in a variety of contexts. Several public sector (heritage) interviewees talked about the need for public bodies to become much more receptive to information that is presented to them in whatever form the community considers appropriate.

Interviewees also considered that it is important to think beyond the use of community-generated information in institutional decision-making; to stick to that one context would, in effect, continue to place institutional needs in the foreground. A number of interviewees mentioned the potential value of the process in relation to a community's own strategic and action planning. Community bodies of different kinds already produce plans to guide development in their area²⁵. However, while these plans may refer to the land and to spatial or environmental issues, they are often more focused on services, infrastructure and community activity than they are on land use and development. A community-led process to define the land and consider what matters about it could help to develop understanding of the land as an asset for development and of how people would like to see it conserved, used, managed and changed.

There are examples of explicitly land-focused plans to refer to, e.g. the

Community Land Use Plan produced by the Isle of Rum Community Trust and its partners²⁶. This plan was produced through engagement within the community and with other stakeholders. The process explored how aims such as increasing Rum's population to a more sustainable level, offering a better range of housing and improving tourism could be achieved in balance with protection of the natural and built heritage of the island. The Plan has been adopted by Highland Council as supplementary planning guidance, meaning that it will be used in making planning decisions.

Plans such as this are currently rare. However, as interviewees in all categories pointed out, they may become much more common as a result of proposals for Local Place Plans that have been included in the *Planning (Scotland) Bill*²⁷, which was introduced to the Scottish Parliament in late 2017.

The Scottish Government has said that it wants:

"to give people a stronger say in the future of their own place Local people know how their places work now, and are well placed to be involved in deciding how they can be improved in the future [and to develop an] understanding on how future change and development can improve, rather than undermine, quality of life."²⁸

The Local Place Plan proposals have the aim of helping to enable people to have a 'stronger say'. The Bill defines such a Plan as "a proposal as to the development or use of land" that is prepared by a community body. The intention is that the Plan will express "the community's view about the future development of its place, set within the wider planning context"²⁹. Planning authorities are to 'have regard' to any Local Place Plans in preparing their Local Development Plans.

Many interviewees considered the idea of the Local Place Plan to be a good one, although they had reservations and concerns (discussed below). Interviewees also noted the potential value of a community-produced characterisation of the land as a starting point for producing a Local Place Plan and the potential of the Local Place Plan as a mechanism for feeding community views on the land through to the planning authority and others.

In terms of how a community-led characterisation of the land should be produced, interviewees' comments can be summed up through the three words of time, dialogue and learning.

There is a perceived need for a process which is ongoing or at least extended

in time, rather than strictly time-limited. This is because taking more time will help to draw out a complex understanding of the land in a way that expresses its living, evolving character (rather than a static and partial 'snapshot'). It is also because taking time is important in achieving greater and better participation. An extended time frame should be anticipated, then, but this is not the same as expecting that all members of the community will be constantly involved in the process.

On the point about dialogue, any community-led process will need to try to engage a diverse range of people within the community, with different knowledge, perspectives, interests, needs and circumstances. This is not easy, and it takes time. It also requires that participation activities are themselves diverse. Limiting the process to formal situations and using standard off-the-shelf participation methods is likely to disenfranchise some people. Other ways to engage need to be found.

Finally, because the process is about engagement between different people with different points-of-view, it needs to focus on learning if it is to be genuinely useful as a means of generating productive dialogue within a community and delivering a greater level of shared understanding and vision for the community and its place. What is needed is *social learning*, where everyone is encouraged to learn through the process and arrive at a new understanding of their community and place. This does not mean dispensing with one's own knowledge, values and priorities; it does mean being encouraged to see things through other's eyes as well. As a number of interviewees pointed out, use can and should be made here of any past or current initiatives within the community to draw out and capture knowledge about the place (e.g. oral history, place-name, archaeology or photography projects).

A focus on learning is also needed in another sense, which is that communities and community bodies may need to learn in order to lead the process and to ensure that it delivers useful and beneficial results. There is no assumption here about communities and community bodies lacking relevant skills, knowledge and experience; the point is that additional skills, knowledge and experience may be needed – the extent to which they are will vary from one place to another.

Interviewees in all sectors commented on who might lead the process within the community. A number of interviewees argued that successful community initiatives need leadership, commitment and drive from within the community. There needs to be an agent or actor within the community who can kick off and

sustain the process. The lead group or body also needs to have legitimacy in the eyes of the community at large and an inclusive ethos and approach, so as to be in a position to secure buy-in to the initiative and participation from different people.

Interviewees talked about different groups and organisations in this context, including local councillors, Community Councils, crofters' associations, community development trusts and community land owners. Which particular body might best take the lead depends on the context, and it may be that a coalition of organisations and groups is appropriate. That said, some common criteria did underpin the comments of many of the interviewees on this question. One suggested criterion is that the lead body should have an explicit remit and responsibility for working for community benefit. Another is an explicit remit for development, to help ensure that the community's definition of the land is connected to meeting local development goals. Another suggested criterion, relating to the need to build trust and confidence and to be inclusive, is some kind of local democratic accountability. A final suggestion is that the body in question should have the capacity to lead, to deliver the effort necessary to secure good participation across the community and to provide a structure for the process.

A number of interviewees commented on the need to secure buy-in from other stakeholders beyond the community, to help ensure that the community's efforts do not go to waste. This includes public bodies and authorities and any relevant charitable organisations. Private landowners were mentioned too; some people would categorise such individuals as part of 'the community', but others would see them as sitting outwith the community in this context. To achieve buy in from such organisations and individuals, consideration will have to be given to their different interests and how the process might relate to those interests.

External parties were also discussed in terms of how they might support the process, whether by providing funds or by providing non-financial support (e.g. access to networks, contacts and information). Mixed views were expressed about the idea of bringing in external expertise to facilitate the process. On the negative side, it was commented that the 'narrow professional' could get in the way of the process rather than help it, by simply presenting the consultant's view of the issues not the community's view and by promoting a process that, effectively, tries to ape institutional practices and agendas. Any external professional involved in the process would need to have the ability to see things from the community point of view and to adapt to the particular circumstances. It was also considered important that any external expertise is independent, i.e. not

provided by or otherwise responsible or dependent on another interested party such as the local authority, a national public body or the Scottish Government.

On the positive side, it was noted that, while communities and community bodies might well have the skills and experience to coordinate the process, it is sometimes useful to bring in additional capacity for a particular purpose. It was also commented that external expertise can play a valuable role in exposing the community to information, choices and possibilities that might not otherwise be known or recognised. An external contributor to the process can also often be valuable as an honest broker within the community and between the community and external parties, which can help to generate more inclusive participation and more productive relationships and conversations.

Challenges in Realising Community-led Practice

Many of the comments interviewees made about the nature of the process were driven by an understanding of the challenges that will be faced in delivering participation in the right way.

The first set of issues is around what one interviewee called ‘activating the community’. Some communities have a tradition of being active in this way and enjoy relatively high levels of involvement in community activities. Others do not. One interviewee commented that some communities are unified by a “powerful historical narrative” with which they identify and that encourages them to act for themselves. In some cases, communities are also galvanised into collective action by a shared sense of threat. Other communities do not share a strong sense of collective identity and interest in this way. Active participation may need to be built, and that is no easy task.

Issues were also identified in terms of the challenges posed by difference and division within the community. Interviewees commented that it is easy to romanticise ‘community’ and to assume that communities are cohesive, harmonious and inherently predisposed to cooperation. It is also easy to objectify the idea of ‘community’, assuming that the word describes a real ‘thing’ – a single entity that exists out there in the world – rather than simply being convenient shorthand for diverse people who share a place of residence. One particular point that was made here was that there should be no prior assumption that a shared community view exists on how the land should be defined. This view (or

these views) may need to be developed as part of a process of dialogue leading to shared understanding.

Another point made was that participation processes often target the ‘easy to reach’, in the sense of people who are easily identifiable and who already participate, but even in the best of circumstances it is often only a minority of the local population that falls into this category. This can lead to unrepresentative views being taken to represent the views of the community as a whole. It can act to perpetuate inequalities and disenfranchisement within the community. It will take hard work, without guaranteed success, to overcome this potential pitfall and also to handle dissent and arrive at a shared understanding and sense of common interest.

These various challenges are not lightly to be dismissed, but there is some evidence to suggest that progress can be made on a number of them in situations where a community body is leading, and where there is sufficient buy-in to the legitimacy and mission of that body.

Democratically-elected and directly-accountable community land owners provide a germane example. Research³⁰ has begun to document the common values that underpin community ownership. The principle of participation is embedded in this model. Typically, every person of voting age within an estate is entitled to be a member of the land ownership company or trust. Members can vote in the election of directors and have a say in the direction of land use, management and development. This direct access, and the community benefit purpose of the land-owning body, can be a motivating factor that helps to improve the take-up of participation opportunities. Community land owners also typically promote participation in the running and development of the estate. Voluntary effort is a necessary component of the model. And they tend to promote local entrepreneurialism, giving people more of a stake in the development of the land, the local economy and the community.

The results of a survey³¹ of the residents of the community-owned estates on Eigg and in Knoydart are illustrative. This research, which has compared the survey results with Scotland- and UK-wide data, suggests that there is a significantly stronger sense amongst people on Eigg and in Knoydart that they can influence decisions. People in these two areas are also much more likely to participate in public meetings, consultations and petitions, or to raise issues directly with organisations. People in the two areas are also much more likely to have a regular voluntary commitment and to explain their motivation in volunteering as being

a matter of community need and self-reliance, rather than a personal matter of making friends and meeting people, or a religious matter.

The research does not suggest that there is always agreement with decisions. In fact, it shows that there are disagreements over specific issues and over the nature of decision-making processes themselves. However, the evidence does show that active participation is occurring “at a level and in ways simply not available in previous ownership arrangements”³².

While the findings in relation to these two particular cases cannot necessarily be generalised to all community-owned estates, they do illustrate the point made by one interviewee that recognising the challenges of participation does not mean that a defeatist attitude must be adopted to those challenges. Communities and community bodies are demonstrably addressing these challenges in a number of places.

For community bodies and communities at large to address these challenges and deliver a community-led process to define the land, they need to have the necessary capacity – another major challenge raised by interviewees.

In talking about the capacity of the community at large, interviewees acknowledged that many individuals find it hard to engage in community activities or to do so regularly and frequently. This would have to be factored in to the process, with an extended time frame, with diverse forms of activity taking part in different places at different times and with realistic expectations in terms of how much and how often people can take part. Some interviewees also suggested that it would be appropriate to place some reliance on engaging with individuals who are representative of wider groups, especially where it is possible to identify individuals who have been elected by the community or parts thereof or who represent community associations or similar organisations.

The point about capacity was also made with reference to community bodies. To lead on any process to define the land, such bodies would need to have the resources, both in terms of funds and people (volunteer and/or staff time). The overloading of community bodies, and the fatigue of individuals involved, are real concerns for many in the community sector. Here again, a clear sense of purpose will be important – the community body leading the process will need to be able to see that it is worth the investment of resources. Other aspects of the solution to the problem include funding (e.g. to employ staff for the purpose) and mentoring and support of other kinds (e.g. as provided through peer-to-peer

knowledge sharing schemes and the advice services of relevant associations³³). Also of concern is the potential for cementing inequalities between communities, with the relatively well-resourced able to capitalise on any potential opportunities for support (e.g. in the form of funding) and other communities not.

Finally, issues were raised around the potential institutional response to communities taking the initiative in this way. It was noted that it is one thing for a community to articulate its views on the land, and it is another for those views to be taken seriously by institutions and to have an influence on external decision-making. There are concerns, again, about capacity here, both on the community side and on the institutional side. In other words, building relationships between communities (or community bodies) and institutions is important, but it takes time and has to be undertaken on an ongoing basis. There is also the question of institutional cultures and of whether or not staff will have the remit to engage in this way, the personal interest and the right mindset and experience.

Several interviewees noted that the above issues and challenges are versions in this particular context of more general problems.

This is borne out, for example, by the evidence that has emerged from the recent review of the Scottish planning system³⁴. According to this evidence, planning and other built environment professionals are more likely to believe that the current system is fair and adequate and, while people in the community and third sectors are strongly in favour of a ‘community right to plan’ (where communities *lead* on the development of plans for their place), professional opinion is equally divided on the desirability and practicality of this.

Some of the concerns voiced in relation to the proposals for Local Place Plans are of this kind. The proposals have broadly been welcomed, but there is concern that requirements for the format and content of the Plans will be driven by institutional not community needs. There is also concern that the Planning Bill only requires the Planning Authority to ‘have regard’ to Local Place Plans, and that such Plans will not be given much weight in decision making as a result. It has been argued that, in order to deliver successful Local Place Plans, a new culture of collaboration between local authorities and communities will be required.

The planning review has also raised general concerns surrounding communities’ capacity, both to participate in externally-driven participation processes and to respond to the challenge and the opportunity of producing Local Place Plans. This will probably be a considerable undertaking and community bodies are often

not well resourced, both financially and in terms of staff. There is concern that the production of Local Place Plans might soak up a significant amount of effort without having much influence on the statutory Local Development Plan and on development decisions.

Also echoing interviewee comments about resourcing community-led processes to define the land is evidence of a concern that the anticipated level of funding and support for Local Place Plan production is insufficient. Beyond the question of funding, it has also been suggested that provision will need to be made to help communities to acquire the knowledge, skills and confidence necessary to produce Local Place Plans. Some have suggested that the necessary capacity-building might be targeted at local anchor organisations that are accountable to the community and that can lead the Local Place Plan process (e.g. community councils, community development trusts, community land owners).

One potential impact of a lack of sufficient, dedicated support for the production of Local Place Plans is that it may deepen exclusion from decision-making and widen inequalities of participation within and between communities and areas. Looking more widely, a review of the evidence for community participation in Scotland and the UK³⁵ has concluded that those facing inequalities are often easy to ignore due to the complexity of their situation, the difficulty of forming solutions and a lack of understanding on the part of public authorities and others. Inequalities faced at large in society often constitute the key barriers that prevent people from gaining access to decision-making and from continuing to engage.

This research has been about how we define ‘landscape’, and how the way this is done affects people in terms of their ability to develop as communities and to influence decisions about the land. The context for the research is the need for renewal in many parts of rural Scotland, and for people to be empowered to develop their communities and places in sustainable ways.

We have sought to provide initial answers to a number of questions:

What are the effects of current landscape policy on local communities and on their ability to develop in sustainable ways?

To what extent are people able to participate in defining the characteristics and qualities of the land, and to shape decisions about conservation and its relationship with development?

What should be our objectives for the future in terms of community participation in defining the characteristics and qualities of the land, and in shaping and implementing conservation policies and practices? What paths might be followed in order to meet these objectives?

The phrase ‘landscape policy’ is used here as shorthand for a suite of policies dealing with the conservation and management of the ‘landscape’, ‘historic environment’ and ‘natural’ dimensions of rural places. It also refers to the various means through which policy is implemented.

The research has essentially been about the effects of landscape policy on people. With this in mind, we have placed considerations of *development and justice* explicitly in the foreground in addressing the questions above (see Chapter 1). In other words, we have treated landscape policy as a kind of development intervention, seeing the purpose of this policy as one of influencing decisions about the land and about change. We have also sought to assess this policy in terms of whether or not it is fair with reference to four aspects of justice: 1) *the distribution* of harms and benefits arising from policy interventions – a matter of the outcomes for people; 2) the *processes* through which the characteristics

and qualities of land are defined and treated in decision-making contexts; 3) the *recognition* that is given to different values, priorities and interests when decisions are made; and 4) people’s opportunities for exercising their *capabilities* in order to achieve the development outcomes that they seek.

In Chapter 2, we reviewed Scotland’s system for governing how land is held, developed and used. From the principles identified through this review, we developed two key tests that help to determine whether or not a decision about the land is in the community interest:

Does the decision help to achieve the goals of sustainable development at the local level?

Has the decision been made with the empowered participation of any communities that will potentially be affected by the outcome?

These two tests mirror the first two of our three research questions. The tests – which are based on established principles in Scottish law and policy – establish that our first two questions map clearly onto wider concerns. These two tests also provide a framework for answering the third research question, about objectives for the future and the paths that might be followed in working towards those objectives – the principles of sustainable development and empowered participation should inform the direction and nature of change in the way Scotland’s landscapes are defined, conserved and developed.



photo © K. Dalglish

Ruined 19th-century house, Berneray.

The Character & Effects of Current Landscape Policy

In Chapter 3, we reviewed current landscape policy with reference to the first research question (on the effects of policy on local communities) and the first test (which raises a wider point about the effects of policy on society's ability to achieve the goals of sustainable development). The main conclusion is that:

Conclusion 1: The principles of sustainable development are already embedded in Scottish landscape policy, and some action has been taken to put these principles into practice. However, there are tensions within policy that have the potential to hamper development that is sustainable in the fullest sense of the term.

These tensions arise because the current policy framework seeks to accommodate a number of different agendas. There is also friction because key policy principles have not adequately been drawn through into the measures through which policy is implemented. Many of the tensions and contradictions in policy result from 'path dependencies' that stem from inertia in the system and deeply-embedded institutional and disciplinary cultures. In no small part, they result from adherence to a strict post-War conservation ethic in the changed circumstances of the 21st century. The principles of sustainable development have been explicitly adopted into policy in recognition of the changed world we now live in – a world in which conservation and development are expected to articulate with each other, not simply stand in opposition. Some areas of policy and practice have failed to keep step with this change.

In Chapter 4, the status quo was explored further through the interview evidence and other information. The main conclusion that has emerged from that analysis is that:

Conclusion 2: The evidence is mixed in terms of what it has to say about the effects of landscape policy on communities and their ability to develop in sustainable ways – the effects appear to be variable and dependent on the context.

There is certainly concern in both the community sector and the public sector about the potential negative effects of designations and other policy measures.

In the interviews, most concern was expressed in relation to designations and policies relating to subjective perceptions of the landscape. Particular concern was also expressed about the potential for such designations and policies to act as a barrier to development in the Highlands and Islands.

There is also a feeling, though, that designations and other policy measures can have a positive effect. They can help to place decision-making within a wider framework, which is necessary for sustainable development. Landscape policy can also align with some local people's values. Designations can act to block or mitigate development that is considered to be harmful to people's interests. Some designations also create economic opportunities.

The Participation Deficit

When it comes to the second research question and the second more general test (both about people's empowered participation in decision-making), the research presented in Chapter 3 shows that:

Conclusion 3: The principle of participation is already embedded in landscape policy and some action has been taken to put this principle into practice. However, the tensions within Scotland's current landscape policy framework have the potential to create and perpetuate injustice by excluding people from decisions that affect their lives. Some aspects of the current framework explicitly promote the principle of empowered participation. However, other aspects of this framework and its associated institutional cultures and practices contradict this principle.

When we look in detail at the ways in which landscape policy is currently being implemented in practice – as we did in Chapter 4 – it is clear that:

Conclusion 4: There is a significant participation deficit. There is a strong sense of exclusion from the processes of defining the characteristics and qualities of the land and of designating areas of land for conservation. There is a gap between the principle of participation, which is enshrined in policy, and the delivery of participation on the ground.

This participation deficit is, in part, due to a lack of recognition of the community voice regarding the land. There is a sense of injustice in the privileged position that is given to a narrow suite of values and in the lack of consideration that people feel is being given to other values and needs. There is a feeling that there is a strong institutional culture that does not value dialogue with communities.

The participation deficit is also, in part, due to poor relationships between communities and authorities and the persistent exclusion of people from the decision-making process. There is a sense that the interactions and relationships that communities have with public bodies and authorities are too limited and one-way; that things are done to people, rather than with them. There is also a sense of being shut out by a managerialist approach to decisions (i.e. a process-driven approach that serves the needs of institutions, rather than those of people).

Conclusion 5: The effects of the participation deficit are potentially profound, in that persistent exclusion from decision-making has psychological effects that can diminish people's capacity to develop their communities and places.

Exclusion breeds a sense of insecurity and alienation, as people feel locked out of decisions that affect their lives. It undermines people's confidence, resilience and drive. This problem is more acute in some places than in others. In the north and west Highlands and the Western Isles, for example, this exclusion can be read as part of a longer narrative in which people's lives have been determined by external interests.

The Future: Paths to Follow

Turning to the third research question – on objectives for the future and paths that might be followed in pursuit of those objectives – the research has established that people both in the community sector and in the public sector recognise that the status quo is unacceptable. They recognise that change is needed to address the participation deficit and to bring landscape policy and practice more into line with the principles of sustainable development.

In Chapter 5, we discussed different views on how this widely-sought-for change might be achieved. Interviewees identified three main paths that might be

followed. The first path is one of change in policy and in institutional cultures. The second path involves rolling out what one interviewee referred to as the 'modern approach' to designation and conservation. The third path leads to people being empowered to produce community-led characterisations of the land.

Each approach differs in terms of its motivation and in terms of the degree and kind of participation and empowerment that it seeks to promote. However, the boundaries between these approaches are porous. There is a degree to which the different approaches might be connected or pursued in parallel.

Change in Policy & Institutional Culture

As discussed in Chapter 5, a number of conclusions can be drawn about the scope for and direction of change in institutional cultures and practices:

Conclusion 6: Public bodies have begun to experiment with enhancing participation in the act of designation, in the management of designated areas and in the assessment of landscape characteristics and qualities.

There have been a number of pilot participation projects and there has been some experimentation with new approaches in the course of routine designation work.

Conclusion 7: There is a will to extend participation in institutionally-driven processes, but also a number of constraints that will hold change back.

The constraints include a lack of participation expertise and experience amongst landscape and heritage professionals. There are limited resources for participation work, and constraints imposed by current laws and policies. There is also seemingly a lack of political appetite for more extensive participation programmes.

Conclusion 8: Broadly speaking, there is a preference in the public sector for developing a two-track national and local system, with participation concentrated at the local level.

In this, national-level programmes would remain largely institutionally-driven, with a continuing focus on a particular set of values and on professional



A complex landscape at Howmore or Tobha Mòr, South Uist. Within the township is a group of ruined medieval churches and chapels – a scheduled monument – indicated by the sign in the foreground. The photo is taken from within a National Scenic Area and the hills in the background have been designated as a Wild Land Area. The area is also designated as a SSSI, an SAC, an SPA and a Ramsar Site.

photo © C. Dalglish

judgement. Participation opportunities would be focused on local designation and recognition systems that exist in parallel to the national system and on initiatives relating to the management of designated areas.

With reference to the wider conclusions of our research, we do not consider that the current pace and scope of institutionally-driven change is sufficient to address the participation gap and to bring landscape policy and practice fully into alignment with the principles of sustainable development. We recommend that:

Recommendation 1: Scotland's landscape, historic environment and natural heritage policies should be rooted more strongly in the principles of sustainable development and of progressively fulfilling human rights.

The *European Landscape Convention* promotes the principles of sustainable development and has a rights basis. However, the Convention is only one element of Scotland's complex body of landscape policy, which has different principles and objectives embedded within it. When elements of this framework are being revised, the opportunity should be taken to introduce a stronger emphasis on sustainable development and human rights. This would include provisions for people's empowerment and for their participation in decisions that affect them. It would include situating the conservation of natural heritage, natural beauty and amenity and the historic environment in relation to wider social, cultural, economic and environmental concerns. The progressive fulfillment of economic, social and cultural rights – as identified in the UN *International Covenant on Economic, Social & Cultural Rights* – has already been accepted as a basis for wider decisions about the land, e.g. in the *Land Reform (Scotland) Act 2016*.

Recommendation 2: The socio-economic consequences of designation should be considered both in the process of designation itself and in the subsequent management of a designated area.

This is already the case for some recent types of designation. For example, the *Marine (Scotland) Act 2010* requires the government to consider the social and economic consequences of designation in relation to Marine Protected Areas. This principle should be extended to other types of designation.

Recommendation 3: Public bodies and authorities should act to promote the empowered participation of local communities in decisions to designate areas of land, and in the management of designated areas.

Some action has already been taken to open up designation processes, and this work should be extended. It is important that *empowered* participation is the objective, giving people influence in decision-making. Empowered participation does not mean promoting any one interest to the exclusion of others. It means enabling people who are currently excluded to have a voice, and it means taking account of that voice.

Recommendation 4: A culture change is needed to achieve empowered participation in landscape matters and to improve relationships between public bodies and authorities, on the one hand, and local communities, on the other.

The participation deficit stems, in part, from an over-professionalised conservation culture. More active, cooperative and sustained relationships should be developed between public organisations and communities, in the interests of identifying and realising multiple benefits for communities, places and the environment. This will require a significant shift of culture within public bodies and institutions, and the dedication of resources to this task. It will require effort to build the participation capacity and capabilities of these organisations.

A Modern Approach to Conservation

A number of conclusions can be drawn about the potential for more collaborative and multi-objective approaches to conservation:

Conclusion 9: A 'modern approach' to conservation can be identified in a number of instances in Scotland, and this approach is considered to have greater potential than many longer-established approaches in terms of addressing the participation deficit and enabling sustainable development.

This 'modern approach' is exemplified by a recent suite of designations that includes National Parks, UNESCO Global Geoparks and Biosphere Reserves and, to some extent, UNESCO World Heritage Sites. National Parks have a legal basis in the *National Parks (Scotland) Act 2000*; the various UNESCO designations are 'soft law' in that their provisions are not legally binding. Because of this and other differences, each of these examples displays the main features of the modern approach to different degrees and in different ways. In its idealised form, the 'modern approach' brings conservation and development together, addressing

multiple objectives at the same time. It enables positive action, being outcome-driven rather than process-driven. It develops and makes use of valuable landscape and heritage assets, as well as attending to the still-important matter of curating them for the future. It functions through dialogue, cooperation and collaboration, and promotes bottom-up decision making.

Conclusion 10: The principles of the ‘modern approach’ can be transferred beyond the boundaries of designated areas. They can be rolled out to bring about a wider shift away from a culture of ‘command and control’, ‘fence and exclude’ conservation.

We recommend that:

Recommendation 5: The characteristics and outcomes of the ‘modern approach’ to conservation should be investigated more thoroughly. The principles and practices associated with this approach should be rolled out more widely, where they are believed to promote just and sustainable development and community participation.

A greater understanding of this approach and its outcomes for people can be developed by investigating different Scottish case studies and by looking at international evidence, experience and best practice. The wider delivery of this approach does not necessarily mean the creation of new parks and reserves. It will be important to explore how the principles and practices might be applied in areas that are already designated under other regimes, and in areas which are not designated at all.

Community-led Characterisation of the Land

Finally, it is clear from the research that greater involvement in institutionally-driven processes will not resolve the participation deficit on its own. There needs to be space for communities to define and promote their own voices. Community-led definition of the characteristics and qualities of the land could help to improve the community’s own efforts for development. It could also improve external decision-making, such as in the planning system.

From the research, we conclude that:

Conclusion 11: In order to address the participation deficit, it will be necessary for communities to take the lead in developing and promoting their views on what defines their land and what matters about it. It will also be necessary for others to help empower communities to do this in a way that enables people to influence decisions about the land.

Conclusion 12: A number of key criteria can be identified for a community-led process for defining the land.

These criteria include that the process should be appropriate to the community and the place, and it should be determined by the community itself. The process should be linked to the delivery of tangible benefits for the community. It will take time, which is a necessary ingredient in achieving inclusive and empowered participation. It should be about generating dialogue within the community and between the community and others. It should have a focus on social learning, with the aim of producing shared understandings of the land and a sense of common purpose in relation to it.

Conclusion 13: Leadership and drive from within the community will be needed to deliver a community-led process for defining the land.

This leadership and coordination will need to come from a variety of community bodies and anchor organisations, to account for the different circumstances of different communities and places. It will be important for the lead body or bodies to have legitimacy within the eyes of the wider community and to be able to secure local buy-in to the process.

Conclusion 14: A number of significant challenges are likely to be faced in developing and delivering a community-led process to define the land.

The challenges include activating the community and achieving good levels of inclusive participation. They include overcoming divisions and differences within the community and building a common sense of interest and purpose. They include the capacity of the community at large to participate and the capacity of community-based organisations to lead and deliver the process. They also include securing a positive response to community-produced characterisations of the land on the part of public bodies and authorities, and realising the demonstrable and meaningful use of such characterisations in decision-making.

We recommend that:

Recommendation 6: Community-led characterisation of the land should be enabled – including by community sector organisations, other third sector organisations and the public sector – as a means of empowering communities to promote their voice on what defines the land and what matters about it.

Communities, community bodies and local anchor organisations will naturally be the ones who will take the lead here. However, wider community sector associations and networks can provide valuable support. The public sector can play a role by providing funding, access, knowledge and information, and generally by seeking to engage with communities in a collaborative and supportive way and to build the relationships that will help communities to make their voice heard with influence. Conservation and development charities likewise can play an important enabling role, for example by helping communities and community bodies to build capacity where they need to.

Glossary

<p><i>Biosphere Reserve</i></p>	<p>See the table on Local, National and International Designations in Chapter 3.</p>
<p><i>Community</i></p>	<p>The <i>National Standards for Community Engagement</i> define a community as “a group of people united by at least one common characteristic, including geography, identity or shared interests”. In this report, the focus is on local communities, i.e. people who reside in the same geographical area. References to ‘community’ should be taken as references to ‘local community’. Any community is a complex constellation of individuals and groups and there are usually important differences within a community. In the report, the term community is used simply as convenient shorthand, rather than in an attempt to suggest that communities are internally homogenous.</p> <p>See Chapter 1; <i>National Standards for Community Engagement</i>.</p>
<p><i>Community body (inc. Community Councils)</i></p>	<p>In this report, community body means a ‘community-controlled body’ as defined in section 19 of the <i>Community Empowerment (Scotland) Act 2015</i> or a Community Council as established under the <i>Local Government (Scotland) Act 1973</i>.</p> <p>Membership of a community-controlled body must be open to members of the community. Community members must form the majority and this community majority must have control of the organisation. The body must work for the benefit of the community.</p> <p>A Community Council is a voluntary organisation set up by the Local Authority and run by local residents. The general purpose of a Community Council is to ascertain the views of the community, to express these views to the local authority and other public authorities, and otherwise to take action in the interests of the community. Community Councils have a right to be consulted on planning applications.</p> <p>See the <i>Community Empowerment (Scotland) Act 2015</i>; <i>Local Government (Scotland) Act 1973</i>.</p>
<p><i>Community participation (inc. consultation, engagement, empowerment)</i></p>	<p>Participation is an umbrella term for all those activities through which people to take part in decisions and processes that affect them. Community participation refers to instances where people participate in decisions and processes collectively, as communities. Common aspects of participation include consultation and engagement, and empowerment is also a relevant term.</p> <p>Consultation is perhaps the most common type of participation; it is a process led by an external party (such as a planning authority or a developer) and designed to get the responses of a community or community body to a plan or proposal.</p> <p>Engagement refers to the wider process of developing effective relationships. This can include engagement within the community (e.g. between a community body and the community it represents) and it can include engagement between a community/community body and an external party. The aim of engagement is to facilitate dialogue and improved understanding and to create the general conditions that enable participation in more specific decisions and actions.</p> <p>Empowerment is the process that leads to people achieving greater influence on the decisions that affect them and greater control over the circumstances of their lives. Not all participation opportunities involve empowerment, and participation without influence is often said to be tokenistic.</p> <p>See Chapters 2 and 3.</p>

<i>Community interest</i>	<p>Where the public interest relates to matters of general public concern and private interest relates to matters of concern to a private individual or group, community interest refers to matters of concern to a particular community (and specifically a local community in the case of this research report). For a decision, process or action to be in the community interest, it must benefit the community.</p> <p>See Chapter 1</p>
<i>Conservation Area</i>	<p>See the table on Local, National and International Designations in Chapter 3.</p>
<i>Croft/crofter/crofting</i>	<p>Crofting is a distinct form of land tenure. A croft is a small agricultural unit and a crofter is the person who occupies and works this small landholding. Most crofts are situated in the 'crofting counties' (the former counties of Argyll, Caithness, Inverness, Ross & Cromarty, Sutherland, Orkney and Shetland). Crofting tenure is governed by the Crofting Acts, the first of which was passed in 1886. These Acts provide security of tenure to crofters, protect them from being unfairly removed from their land, guarantee fair rents and allow crofters to claim compensation for improvements should their tenancy come to an end. Since 1976, crofters have been able to purchase their crofts, becoming owner-occupiers rather than tenants. Alongside their individual crofts, crofters often hold a share in grazing land that is held in common with other crofters in the area.</p> <p>See Chapter 2; www.crofting.scotland.gov.uk; www.crofting.org</p>
<i>Designation</i>	<p>Generally speaking, designation refers to the act of giving a place special status. In the current context, this is done for the purpose of conserving particular characteristics or qualities associated with a place (e.g. the scenic qualities of the place or its nature conservation value).</p> <p>Designations do not all have the same basis and strength in law or in policy. There is an important distinction to be drawn between 'hard law' or 'statutory' designations, on the one hand, and 'soft law' designations, on the other. The term 'designation' is sometimes taken to refer only to the former, i.e. to areas designated under a specific law and subject to specific legal measures. In this report, though, the term is applied more broadly, to include both hard law and soft law designations. Soft law designations do not have a specific legal basis, but are nonetheless formally designated (e.g. through the inclusion of an area in a national inventory or map) and they are subject to particular policy provisions (e.g. in the planning system).</p> <p>See Chapter 3 and the definition of 'protected areas' below.</p>
<i>Development</i>	<p>In Scottish planning law, development means construction, engineering and mining operations or material changes in the use of land and buildings. In this report, we use the term development in a wider sense, to mean positive change, e.g. in a community or place. The purpose of development, in this wider sense, is as defined for sustainable development below.</p> <p>See http://www.gov.scot/Resource/Doc/281542/0084999.pdf</p>
<i>Development Plan</i>	<p>A development plan provides the framework for land use and development decisions within the relevant planning authority area. The development plan is made up of the 'local development plan', the 'strategic development plan' (if there is one) and any supplementary guidance prepared in connection with those plans (see separate definitions of these terms below).</p> <p>See Chapter 2; https://beta.gov.scot/policies/planning-architecture/development-plans</p>
<i>Gardens & Designed Landscapes</i>	<p>See the table on Local, National and International Designations in Chapter 3.</p>

<i>Global Geopark</i>	See the table on Local, National and International Designations in Chapter 3.
<i>Historic battlefield</i>	See the table on Local, National and International Designations in Chapter 3.
<i>Historic Environment</i>	<p>The historic environment is defined by the Scottish Government as “the physical evidence for [historic] human activity that connects people with place, linked with the associations we can see, feel and understand”. The national Historic Environment Strategy goes on to say that the “historic environment could be said to be ‘the cultural heritage of places’, and is a combination of physical things (tangible) and those aspects we cannot see – stories, traditions and concepts (intangible). It comprises a variety of objects, structures, landscapes and features.” The historic environment includes inter alia archaeological sites and monuments, historic buildings, historic battlefields and marine heritage such as shipwrecks; more broadly, it refers to the historic dimensions of our landscapes, townscape and seascapes.</p> <p>See Chapter 3; Scottish Government 2014c.</p>
<i>Historic Land-use Assessment (HLA)</i>	<p>The National Historic Land-use Assessment (HLA) programme was undertaken between 1997 and 2015 by the predecessor bodies to Historic Environment Scotland. HLA uses maps, aerial photographs and the available archaeological data to identify the extent of past and present land uses (e.g. as indicated by distinctive patterns of field boundaries or vegetation cover). Areas of land are assigned to one of 81 historic land-use types. The aim is to enable those making decisions about land use and development to take account of these historic aspects of the character of a landscape. This is done by providing information on the ways in which today’s landscape has been influenced by people’s actions in the past. It is also done by mapping the material legacy of those past actions in the form of surviving historic landscape elements and features.</p> <p>See Chapter 3; http://hlamap.org.uk</p>
<i>Justice</i>	<p>Something is just when it is fair and reasonable. In this report, we use a four-fold, analytical definition of justice to help identify whether current policies and processes are just. This involves analysing: 1) the distribution of harms and benefits arising from policies, decisions and actions; 2) the processes through which policies are formulated and decisions taken; 3) whether or not due recognition is given to different values, priorities and interests; and 4) the extent to which people have the opportunity to exercise their capabilities with regard to development, i.e. their opportunities for achieving the development outcomes that they seek.</p> <p>See Chapter 1; Aitken et al. 2016</p>
<i>Land</i>	<p>The definition of land used in this report is based on the <i>Interpretation and Legislative Reform (Scotland) Act 2010</i>, Schedule 1. There, land is considered to include not just the solid rock, soil and vegetation, but also any buildings and structures attached to the land, land covered with water and any rights over or interests in the land. Our definition of land also includes the values, meanings and associations that people attach to the land. We also consider that the ways in which land is used are integral to any understanding of the land.</p> <p>We are aware that there is significant overlap between this definition of land and some policy definitions of ‘landscape’. However, we prefer the term land when talking in general terms about a place and people’s relationships with and uses of that place. This is because the term ‘landscape’ often carries a narrower meaning, both in policy and in daily usage (see definition of ‘landscape’ below).</p> <p>See <i>Interpretation and Legislative Reform (Scotland) Act 2010</i>, Schedule 1</p>

<p><i>Landscape</i></p>	<p>There are several different definitions of 'landscape' to be found in Scottish policy.</p> <p>The <i>European Landscape Convention</i> defines landscape as “an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors”. Scottish Natural Heritage interprets this as meaning that 'landscape' refers to “our experience and perception of all the elements of the physical environment that surrounds us” (Scottish Natural Heritage 2005). These definitions of landscape are broad. They allow a holistic approach to the local environment that includes all aspects of our surroundings and that recognises that both people and nature have played a role in shaping these surroundings. The Convention considers that the term 'landscape' applies to a wide variety of contexts, including “natural, rural, urban and peri-urban areas”.</p> <p>However, within Scotland’s landscape policy framework – and also in more general usage of the term – 'landscape' is often equated more narrowly with 'countryside', and particularly with 'scenery' and 'natural beauty'. The <i>Natural Heritage (Scotland) Act 1991</i> includes 'natural beauty and amenity' in its definition of 'natural heritage'. Scottish National Heritage use 'landscape' as a descriptive and analytical term for 'natural beauty and amenity', and their main concern is “with the aesthetic and more natural qualities of the landscape, and the enjoyment people derive from this”; they see 'scenery' as a popular term for 'landscape'.</p> <p>See Chapter 3; Council of Europe 2000; Scottish Natural Heritage 2005</p>
<p><i>Landscape Character</i></p>	<p>In technical terms, landscape character is the distinct and recognisable pattern of elements that occurs consistently in a particular type of landscape and the way people perceive these. The technical process of assessing landscape character – Landscape Character Assessment (LCA) – largely looks at landscape character by studying the physical elements of a landscape, such as its underlying geology, its surface land cover (e.g. vegetation, water bodies) and its pattern of settlement, and the particular ways that they combine.</p> <p>In this report, the idea of 'character' is also used in a wider sense. A common dictionary definition of character – as the attributes, features and qualities that make up and distinguish a person or place – is broadly consistent with the technical definition of landscape character above. The idea of character does provide a good way of focusing discussion about an area of land, a landscape or place. However, the range of attributes and features studied under formal process such as LCA is too narrow and landscape professionals also tend to separate landscape character from landscape qualities (defined below). We consider that, in seeking to understand the character of a place, it is necessary to consider the things that members of the local community and others see as the defining attributes and features of the place. It is also necessary to bring physical attributes and qualities together into the same frame.</p> <p>See Chapter 3; Scottish Natural Heritage 2005; Swanwick & Land Use Consultants 2002.</p>
<p><i>Landscape Character Assessment (LCA)</i></p>	<p>Landscape Character Assessment (LCA) is the technical process for studying landscape character. The process involves the systematic description, classification and analysis of the landscape. The LCA method is used in a number of countries. In Scotland, the national programme of LCA was undertaken in the 1990s, categorising areas of land across Scotland into one of 275 Landscape Character Types. Finer resolution LCA studies have subsequently been undertaken in a number of places. As well as providing a descriptive typology of Scotland’s landscape, the national LCA programme identified key forces for change within each Landscape Character Type (i.e. activities that are likely to have a significant impact on the landscape).</p> <p>See Chapter 3; Scottish Natural Heritage 2005; Swanwick & Land Use Consultants 2002.</p>

<i>Landscape evaluation</i>	<p>Landscape evaluation is the process of assessing the value(s) that are attached to a landscape. This is usually done for a specific purpose, such as the designation of areas of land (in order to protect the particular values or qualities identified through the evaluation). Landscape evaluation is often carried out as a separate process from Landscape Character Assessment, although it may draw upon LCA information. Landscape professionals and authorities tend to see evaluation as involving more subjective judgements of landscape quality and preference, and to see LCA as being more objective and descriptive (although this is a moot point). Examples of national-scale landscape evaluation include those which have been carried out to identify the scenic qualities of Scotland’s designated National Scenic Areas and to map Wild Land Areas, where perceived qualities of wildness are considered to be prominent.</p> <p>See Chapter 3; Scottish Natural Heritage 2005</p>
<i>Landscape qualities</i>	<p>Landscape qualities can be defined as the less tangible and more experiential aspects of a landscape, such as its beauty, history or sense of wildness. Any statement of a landscape’s qualities reflects subjective judgements about the landscape, rooted in the different ways in which people understand and value it, and their diverse relationships with it. Landscape qualities are a matter of individual perception, but certain qualities are commonly recognised and valued by people (whether locally, amongst specific interest groups or more widely across the population).</p> <p>See Chapter 3; Scottish Natural Heritage 2005</p>
<i>Listed Building</i>	See the table on Local, National and International Designations in Chapter 3.
<i>Local Development Plan</i>	<p>The Local Development Plan (LDP) is part of the ‘development plan’ (see above). Every planning authority in Scotland is required to produce local development plans for all parts of their district. An LDP sets out a detailed statement of the planning authority’s policies and proposals for the development and use of the land. Planning decisions are to be made in accordance with the LDP, unless material considerations indicate otherwise.</p> <p>See Chapter 2; https://beta.gov.scot/policies/planning-architecture/development-plans/</p>
<i>Local Landscape Area</i>	See the table on Local, National and International Designations in Chapter 3.
<i>Marine Protected Area</i>	See the table on Local, National and International Designations in Chapter 3.
<i>Material consideration (in planning)</i>	When a decision is made about a planning application, only certain issues are taken into account. These material considerations are issues that are relevant to the planning decision in question and which must be taken into account when making that decision. The scope of material considerations is wide and dependent on the circumstances of the case, although there are certain parameters (e.g. because planning is concerned with the development and use of land in the public interest, purely private interests are not material considerations).
<i>Nature Site</i>	See the table on Local, National and International Designations in Chapter 3.
<i>Protected Area</i>	<p>Protected area is an alternative term for ‘hard’ designated sites (see designation above), especially in nature conservation circles. As defined by the International Union on the Conservation of Nature (IUCN), a protected area is “a clearly defined geographical space, recognised, dedicated and managed, through legal or other effective means, to achieve the long term conservation of nature with associated ecosystem services and cultural values”.</p> <p>See Chapter 3; www.iucn.org/theme/protected-areas/about; www.nature.scot/professional-advice/safeguarding-protected-areas-and-species/protected-areas</p>

<i>National Nature Reserve</i>	See the table on Local, National and International Designations in Chapter 3.
<i>National Park</i>	See the table on Local, National and International Designations in Chapter 3.
<i>National Scenic Area</i>	See the table on Local, National and International Designations in Chapter 3.
<i>Natural heritage</i>	<p>The natural heritage of Scotland includes the flora and fauna of Scotland, its geological and physiographical features and its natural beauty and amenity (see 'landscape' above for further comment on 'natural beauty and amenity').</p> <p>See <i>Natural Heritage (Scotland) Act 1991</i>.</p>
<i>Placemaking</i>	<p>Scottish Planning Policy contains a number of principles relating to placemaking. These includes that planning “should take every opportunity to create high quality places by taking a design-led approach” and that it “should direct the right development to the right place”. Placemaking is defined in policy as follows: “Planning’s purpose is to create better places. Placemaking is a creative, collaborative process that includes design, development, renewal or regeneration of our urban or rural built environments. The outcome should be sustainable, well-designed places and homes which meet people’s needs.”</p> <p>See Chapter 2; Scottish Government 2014b.</p>
<i>Planning system</i>	<p>The planning system is the system through which decisions are made about the future development and use of land. Through this system, decisions are taken about where development and changes of use should happen and where they should not. Decisions are taken about the character of development and about how it will affect its surroundings. A principle underpinning the system is that it should balance competing demands to ensure that land is used and developed in the public’s long-term interest.</p> <p>See Chapter 2; www.gov.scot/Publications/2009/08/11133705/1</p>
<i>Ramsar Site</i>	See the table on Local, National and International Designations in Chapter 3.
<i>Rural renewal</i>	<p>Rural renewal is the rural analogue of urban regeneration or renewal. In rural contexts, the idea of renewal is often closely tied to concern about depopulation and to the objective of reversing population decline in order to secure the sustainability of rural communities. As defined by Community Land Scotland, rural renewal means “the social and economic development of the place, and the enrichment of the life, environment and culture of that place”.</p> <p>See Chapter 1; Community Land Scotland 2017.</p>
<i>Scheduled Monument</i>	See the table on Local, National and International Designations in Chapter 3.
<i>Setting</i>	<p><i>Scottish Planning Policy</i> directs people making planning decisions to seek to protect and enhance the ‘settings’ of certain aspects of the historic environment. This applies to designated places such as Listed Buildings, Scheduled Monuments, Conservation Areas and World Heritage Sites. It also applies to the “non-designated historic environment”, whether individual structures and sites or the “wider cultural landscape”. According to Historic Environment Scotland, setting is “the way the surroundings of a historic asset or place contribute to how it is understood, appreciated and experienced”.</p> <p>See Chapter 3; Scottish Government 2014b; Historic Environment Scotland 2016.</p>

<i>Site of Special Scientific Interest</i>	See the table on Local, National and International Designations in Chapter 3.
<i>Special Area of Conservation</i>	See the table on Local, National and International Designations in Chapter 3.
<i>Special Protection Area</i>	See the table on Local, National and International Designations in Chapter 3.
<i>Strategic Development Plan</i>	In the four largest city regions– Aberdeen, Dundee, Edinburgh, and Glasgow – a Strategic Development Plan forms part of the development plan. These strategic plans set out a long-term vision and a strategy to deal with the key planning issues that extend beyond individual planning authority boundaries. See https://beta.gov.scot/policies/planning-architecture/development-plans/
<i>Supplementary guidance</i>	Supplementary guidance forms part of the development plan. This is detailed guidance on topics, policies or proposals contained within the development plan. See https://beta.gov.scot/policies/planning-architecture/development-plans/
<i>Sustainable development</i>	Sustainable development is a widely-used but contested term. The definition used in this report starts from the premise that the primary purpose of development is to address people’s needs and improve people’s quality of life. For development to be sustainable it must be fair – promoting justice and reducing inequalities. It must serve the interests both of people in the present and of people in the future. It must balance and, ideally, integrate social, cultural, economic and environmental concerns (the ‘four pillars’ of sustainability). It must involve the empowered participation of individuals and communities. This means that people must be provided with genuine opportunities to influence decisions that will potentially affect them. It means that people should have the power to act for themselves for the purposes of the sustainable development of their communities and places See Chapter 3 for a fuller discussion.
<i>Wild Land Area</i>	See the table on <i>Local, National and International Designations</i> in Chapter 3.
<i>World Heritage Site</i>	See the table on <i>Local, National and International Designations</i> in Chapter 3.

Citations

Chapter 1

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5. derived from Aitken et al. 2016
6. OECD 2002
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Chapter 2

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2. Scottish Government Rural & Environment Science and Analytical Services Division 2017
3. Hunter 2012
4. principally the Land Reform (Scotland) Act 2003, Land Reform (Scotland) Act 2016 and Community Empowerment (Scotland) Act 2015.
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List of Interviewees

Simon Brooks	Policy & Advice Manager (Strategic Planning), Scottish Natural Heritage	Megan MacInnes	Land Advisor, Global Witness
David Cameron	Director, Community Land Scotland	Calum Iain Maciver	Director of Development, Comhairle nan Eilean Sair
Laura Campbell	Policy & Advice Manager – Landscape and Greenspace, Scottish Natural Heritage	Calum MacLeod	Policy Director, Community Land Scotland
Douglas Cowan	Director of Strengthening Communities, Highlands & Islands Enterprise	Dr Issie MacPhail	Research Fellow, University of the Highlands & Islands
Prof. Lorne Crerar	Chair, Highlands & Islands Enterprise	Dr John Raven	Deputy Head of Casework (Ancient Monuments): West, Historic Environment Scotland
Barbara Cummins	Director of Heritage, Historic Environment Scotland	Agnes Rennie	Director, Community Land Scotland & Chair, Urras Oighreachd Ghabhsainn (Galson Estate Trust)
Hughie Donaldson	Community Assets Sector Development Manager, Highlands & Islands Enterprise	Dr Sally Reynolds	Development Officer, Urras Oighreachd Chàrlabhaigh (Carloway Estate Trust)
Jo Duncan	Policy & Advice Officer – Landscape, Scottish Natural Heritage	Lincoln Richford	Director, Community Land Scotland & Chair, Wanlockhead Community Trust
Matthew Hawkins	Landscapes & Ecology Manager, Cairngorms National Park Authority	Philip Robertson	Deputy Head of Designations (Inventories & Marine), Historic Environment Scotland
Ian Hepburn	Chair, Community Land Scotland & Director, North West Mull Community Woodland Company	Frances Thin	Landscape Adviser, Cairngorms National Park Authority
Prof. James Hunter	Director, Community Land Scotland & Emeritus Professor of History, University of the Highlands & Islands	Hamish Trench	Chief Executive, Scottish Land Commission
		Angela Williams	Director, Community Land Scotland & Development Manager, the Knoydart Foundation

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