Reconstructing sustainability; participant experiences of community land tenure in North West Scotland

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A B S T R A C T

Keywords:
Community landownership
Sustainability
Rural development
Scotland

This paper explores how participants in community landownership initiatives in Scotland experience this emergent form of communal tenure and governance, set within their own narratives of sustainability. The research i) captures individual and collective as well as convergent and divergent narratives of community landownership and management; ii) explores the sustainability credentials of this form of tenure from a theoretical perspective; and iii) assesses key barriers and opportunities for progressing sustainability in a community land context. Four in-depth case studies from the Scottish Highlands and Islands, incorporating 77 semi-structured interviews within a purposive sample of participants, inform four narratives of community landownership. First, rebuilding community capacity. Second, redefining participatory governance and partnership working. Third, building a framework for economic development; and finally reconfiguring community-natural resource relationships. The findings reveal community landownership acts as a powerful catalyst and positive agent for reconstructing rural development set within locally prescribed narratives of sustainability. Thus, community landownership is linked with a re-construction of sustainability, with an emphasis on subsidiarity and legitimate governance processes set within strong conflict management and leadership attributes to maximize long-term success.

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1. Introduction

Lachapelle and McCool (2005) chart three key dimensions to contemporary concepts of ownership: i) a shift from landownership as a legal and jurisdictional framework towards an emphasis on moral and conceptual issues of community interest and stewardship; ii) a challenging of conventional notions of absolute power and control through a redistribution of influence over decision making; and iii) a changing distribution across diverse social, political and ecological scales — addressing considerations of who is affected and how plans and decisions are owned spatially. Property therefore represents a form of social relationship, which defines rights of property holders to a particular benefits stream, so that property rights play a key role in the creation of incentives for sustainable resource management (Mappatoba, 2004). As a 'relationship', property effectively connects people to each other with respect to land and natural resources (Bromley, 1991). In this context, property becomes increasingly allied with assumptions about moral judgements and what is acceptable in terms of people-environmental actions by those claiming property rights (Brown, 2007).

Critically, the view that communal ownership was potentially detrimental to the environment (as portrayed by Hardin, 1968) and that privatisation and state regulatory frameworks were the most effective way to manage land, has been repeatedly challenged in recent decades (Marshall, 2005; Ostrom, 1990, 2009; McCay and Acheson, 1987). Community-based natural resource management (CBNRM) models, wherein communities have full or partial control over resource management decisions, are increasingly associated with more sustainable, cost-effective and equitable outcomes (Dressler et al., 2010; Armitage, 2005). The seminal work of Ostrom (1990, 2009) argues that communal tenure agreements can be sustainable where certain principles are applied, following a 'polycentric' approach, where decision-making processes and structures are strongly participative and as close to the scene of events and the actors involved as possible. In this paper we focus on community landownership in Scotland,

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as an emergent interpretation of communal ownership in a post-industrial country providing a rich test-bed for the sustainability credentials of this form of tenure. The paper proceeds with a review of community landownership in Scotland, including an examination of the sustainability of this form of tenure based on existing evidence. This is followed by a description of the research methodology and approach and presentation and discussion of key findings.

1.1. The emergence of communal land tenure in Scotland

Scotland has one of the most concentrated patterns of private landownership in the world, with the current dominance of large private estates; a legacy of the longevity of feudal tenure (Wightman, 1997). In recent decades, one response to this situation has been increased demand for community ownership of land, driven by issues of insecurity, neglect and disempowerment, set within the wider macroeconomic climate of community decline associated with reductions in population, investments and services (MacPhail, 2002; MacAskill, 1999). Community 'buyouts' thus became a rallying cry as part of a wider movement for endogenous community development activities and programmes (see Hunter, 2012) and the embodiment of 'asset based' models of community development (Flora et al., 2004; Kretzmann and McKnight, 1993). The foundations of the present day community land movement in Scotland were laid by the crofting community ('crofts' consist of small-scale agricultural tenancies, the majority of which occur in the 'crofting counties' of Northern Scotland). This began with the landmark purchase of the 21,300 ha North Lochinver Estate by the Assynt Crofters Trust (ACT) in 1993. This proved to be the catalyst for a number of smaller-scale buyouts by crofting collectives (Brennan, 2001; Chenevix-Trench and Philip, 2001), as well as community buyouts on the Isle of Eigg (1997) and in Knoydart (1999), both in direct response to perceived irresponsible private landownership (Boyd, 2003; Dressler, 2002).

From 1997 onwards, the process moved from being relatively ad-hoc to being more formalised and legitimised, with the establishment of the Community Land Unit (CLU) within Highlands and Islands Enterprise (HIE), the Scottish Government's economic and community development agency for the Highlands and Islands region. This, together with the establishment of the Scottish Land Fund in 2001 to support community land purchase and management, signalled a shift in government support for community landownership, with the CLU tasked with providing communities with technical advice relating to the purchase and management of land (SQW, 2005). In 2003, the Land Reform (Scotland) Act (LRSA) further legitimised the process and empowered communities through establishing the 'community right to buy', granting communities first right of purchase where properties are put on the market, and the 'crofting right to buy', which empowers crofting communities with the right to pre-emptive purchase. Decisions on the right to buy are based on two primary criteria: consistency with the government's aims for sustainable development and the need for the purchase to be in the public interest (Scottish Government, 2003). Motivated by the passage of the Act and early successes, further buyouts followed, including the Isle of Gigha (2001), North Harris (2003) and South Uist (2006) (Mackenzie, 2006; 2012; Satsangi, 2009; Warren, 2009). Currently over 200,000 ha of Scotland is under community ownership (excluding community woodlands) (Skerratt, 2011). This is a relatively modest proportion (less than 4%) of the 7.5 million hectares of rural Scotland, although it should be noted that many community landholdings encompass areas of particularly high scenic and environmental value (e.g. Assynt, North Harris and Knoydart).

Despite a lapse in political momentum around land reform since the emergence of the LRSA (Wightman, 2011a), recent events evidence an increased impetus, with the establishment of a new Scottish Land Fund and the commissioning of a Land Reform Review Group (LLRG) in 2012 with a remit to 'enable more people in rural and urban Scotland to have a stake in the ownership, governance, management and use of land, which will lead to a greater diversity of land ownership, and ownership types, in Scotland' (LRRG, 2012, p1). Community buyouts have therefore become embedded in the governance of Scotland, with environmental NGOs, local government and non-departmental bodies all playing key roles. Partnerships involving these diverse actors have often been necessary to enable communities to access the necessary funding and expertise to buy land and establish the governance structure as required by the LRSA (Bryden and Geisler, 2007). In many cases, this has resulted in such organisations becoming formal partners within subsequent community land bodies. The prescriptive approach from the CLU has shaped the overall approach, structure and process of community landownership, with some authors critical of the way this limits the freedom of the communities to self-organise (Brown, 2008; Slee et al., 2008; Wightman, 2007).

1.2. Community landownership and sustainability

Community land ownership, set within wider notions of community, is often perceived as a universal good: a logical expression of sustainable development activity which delivers widespread benefits (e.g. Hunter, 2012). However, a review of the impacts of the Scottish Land Fund (SQW, 2007) and case studies of 'social land-ownership' (Boyd and Reid, 2001, 2000, 1999) highlighted a significant number of constraints which community landowners face: economic pressures and limited income streams; limited asset bases, including a lack of affordable housing; demographic trends and continued out-migration; remoteness and inaccessibility of the purchased land; shortage of local expertise and burdens on volunteers; difficulties in achieving community cohesion; and the unforeseen extent of the finance, time and labour required to develop these initiatives sufficiently to achieve self-sufficiency. Pillai (2005) also challenges the long-term sustainability of these ventures.

Though existing literature emphasises economic barriers, the issue of community cohesion may also be central to the future of these initiatives: communities engaged in, or having successfully completed buyouts, are not necessarily cohesive. As studies in Breakish (Brown, 2008) and Orbost (Rohde, 2004) on Skye demonstrate, conflicts can erupt in conjunction with buyouts, both within communities and between communities and other stakeholders, deriving from conflicting values and differing definitions of what constitutes the 'community' and sustainable development. For example, in Breakish, where crofters embraced the right to buy because of the prospect of a wind farm, the conflict centred around the contested identity(ies) of the community and whether both crofters and non-crofting 'incomers' should have voting rights (Brown, 2008). Such conflicts raise fundamental questions around the legitimacy of emerging governance structures and management committees for community land, and suggest that buyouts may also lead to the disempowerment of certain community elements at the expense of others.

Furthermore, the Community Right to Buy has been criticised both for failing to incorporate any clear mechanism for integrating the three pillars of sustainability and for suggesting that economic or social benefits alone are sufficient to deliver sustainable development (Pillai, 2010). This raises concern over the potential environmental outcomes of community ownership given the significant scenic, natural and cultural heritage value of the respective areas, as