



Land Reform Bill

Response to committee call for views, May 2024

Introduction to Scottish Environment LINK

Scottish Environment LINK is the forum for Scotland's voluntary environment community, with over 40 member bodies representing a broad spectrum of environmental interests with the common goal of contributing to a more environmentally sustainable society.

Its member bodies represent a wide community of environmental interest, sharing the common goal of contributing to a more sustainable society. LINK provides a forum for these organisations, enabling informed debate, assisting co-operation within the voluntary sector, and acting as a strong voice for the environment. Acting at local, national and international levels, LINK aims to ensure that the environmental community participates in the development of policy and legislation affecting Scotland.

LINK works mainly through groups of members working together on topics of mutual interest, exploring the issues and developing advocacy to promote sustainable development, respecting environmental limits. This consultation response was written by LINK's Land Use and Land Reform Group.

1. Response

Part 1 of the Bill

General Purpose in Relation to Large Landholdings

Do you agree that there is a need for further land reform to address issues around large landholdings in Scotland?

Yes.

Although ownership is not the only determining factor in good use of land, there are a number of potential benefits in changing the pattern of landownership in Scotland, including a fairer distribution of benefits from investment in nature restoration.

Will the proposals in this Bill fulfil the Scottish Government's objectives in relation to land reform?

No.

The proposals in the Bill are unlikely to significantly alter patterns of landownership or to change land use at scale. We were disappointed that proposals consulted on have not been included in the draft Bill.

Do you support the proposal that the Scottish Ministers may, by regulations, impose obligations on landowners to promote community engagement in relation to large landholdings?

Yes.

LINK members believe that there should be mechanisms for meaningful community input and consultation into land use, and that nature restoration should as far as possible be driven by local circumstances and the priorities of local communities alongside communities of interest.



In principle, do you agree that owners of large landholdings should have a legal duty to consult on and publish land management plans?

Yes.

Management plans can play an important role in ensuring landowners are working towards their responsibilities while consulting with their communities and stakeholders. However, some landowners will already have management plans which may have been produced shortly before this became a legal requirement. Where this is the case, legislation should be clear at what point they will need to publish subsequently, and should not be unduly burdensome on organisations with existing plans. For example, some eNGO landowners will already have long-term management plans in place.

Do you support the process for investigating alleged breaches of community engagement requirements for large landowners set out in the Bill? Do you support the proposed level of penalty for contravention?

Yes.

We support the inclusion of provisions in the Bill on enforcement. Enabling a simple process through which recognised bodies can report instances of non-compliance sounds reasonable. We suggest there could be an emphasis on resolution through dialogue in the first instance, with fines being used when a process of dialogue has broken down or been impossible to instigate. We also suggest that there is a process that covers the possibility where one of the listed organisations that can report a breach is in breach of the requirements – who in those circumstances would report a breach? For repeated breaches we suggest the penalty should increase, with an ultimate sanction for persistent breaches and non-cooperation such as compulsory purchase.

Section 2

Do you support in principle strengthening community bodies' opportunity to buy large landholdings?

Yes

If you answered "yes", does Section 2 of the Bill go about this in the right way to address the Government's aims?

We generally support provisions in Section 2 of the Bill as a positive step towards giving communities greater awareness of land coming up for sale. Under the Bill Scottish Ministers are to publish information about land coming up for transfer, notify communities that have registered an interest in the land that it is now up for sale and provide information on how a community can register an interest. The provisions will also give communities more time to register an interest in land that is for sale. Under the Bill Scottish Ministers will have the power to prohibit a land transfer until a community has registered its interest.

Do you think that 1,000 hectares is an appropriate threshold?

Yes.

Section 4



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Do you, in principle, approve of allowing the Scottish Ministers to make a lotting decision in relation to sales of large landholdings?

Yes.

Ownership of large-scale landholdings provides individuals and organisations with considerable, and at times disproportionate, influence over local and national communities. Land should be viewed as a strategic national asset, particularly in the context of the crises of climate and nature loss.

If so, do you agree that 1000 hectares is an appropriate threshold?

Yes.

Is the proposed process for making a lotting decision appropriate and workable?

We suggest that some land classifications are more suitable than others for subdivision into smaller units, and in some instances – for example, steep and rugged mountain landscapes – land reform may be better served by charity or public ownership.

Section 6

Do you support the creation of the new role of Land and Communities Commissioner?

Yes

Part 2 of the Bill

Section 7

Are you satisfied with the broad duty Section 7 of the Bill places on the Scottish Ministers to develop a model lease for environmental purposes, including the definition of “environmental purposes” set out in Section 7?

Yes.

Do you believe that the provisions will better enable tenant farmers to engage in sustainable and regenerative agriculture?

The improvements related to sustainable and regenerative agriculture, including organic conversion, creation of species-rich pasture, and creation of silvopasture and silvoarable systems are welcome.

Uncertainty around permissions for tree planting on tenanted land has been a barrier to uptake of agroforestry and the proposal to require notice, but not consent, for most tree planting could improve uptake.

‘Sustainable and regenerative agriculture’ is not defined. The Agriculture and Rural Communities Bill will however require a Code of Practice to be published, and it would be reasonable for the Land Reform Bill to refer explicitly to this.



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This response was compiled on behalf of LINK Land Use and Land Reform Group and is supported by:

Action to Protect Rural Scotland (APRS)

Amphibian and Reptile Conservation

The John Muir Trust

Scottish Campaign for National Parks

The Woodland Trust Scotland

For further information contact:

LINK Advocacy Manager: Dan Paris dan@scotlink.org



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