

Land Reform in a Net Zero Nation: Consultation Response by the Scottish Community Alliance

Criteria for large-scale landholdings

Q1. Do you agree or disagree with the criteria proposed for classifying landholdings as ‘large-scale’:

- | | |
|---|----------|
| a) A fixed threshold of 3,000 hectares | Disagree |
| b) Land that accounts for more than a fixed percentage of a data zone (or adjacent data zones) or local authority ward(s) designated as an Accessible Rural Area or Remote Rural Area, through our six-fold urban/rural classification scheme | Disagree |
| c) Land that accounts for more than a specified minimum proportion of a permanently inhabited island | Agree |

Please give some reasons for your answer and outline any additional criteria:

General comments on “Land Reform in a Net Zero Nation”

The Scottish Community Alliance (SCA) welcomes the opportunity to comment on the Scottish Government’s proposals for the forthcoming Land Reform Bill. We broadly welcome these proposals but have some concerns regarding their relatively limited scope and impact, and make a number of recommendations to strengthen the proposed measures, and with respect to additional measures that would assist the delivery of the Government’s objectives.

We consider that delivery of the Scottish Government’s commendable policy commitments to social justice, land reform and community wealth building will remain problematic unless action is taken to tackle the financial motivations for and advantages of large scale landownership, not just to mitigate the symptoms. As the Scottish Land Commission wrote: “The measures will not, on their own, deliver the longer term systemic change in patterns of land ownership that are required to realise the full benefits of Scotland’s land resource. Achieving this will require more fundamental policy reform, probably including changes to the taxation system.”

The SCA welcomes the measures to address the impact of scale and concentration of land ownership. It is sometimes suggested that the core issue is the concentration of decision making power that accompanies concentrated land ownership. However, whilst this is undoubtedly a concern, we consider that the distributional impacts of Scotland’s landownership patterns are much more significant: it is one thing for local communities to be consulted on decisions about land use, quite another to have control over land and assets, and to share the benefits that flow from them.

We also welcome the explicit link between land reform and tackling climate change. Land use is a major contributor to Scotland’s emissions and radical change is needed if the Scottish Government’s net zero targets are to be achieved. In recent years the opportunities arising from the sale of carbon and biodiversity credits have stimulated well-publicised acquisitions by so-called “green lairds”: high net worth individuals, corporates and institutions acquiring land ostensibly for the delivery of environmental outcomes but often attracted by the financial returns on offer. Concerns about the impact of green finance on the rural land market are well founded, but must be seen as symptomatic of the broader issues around Scotland’s largely unregulated land market and uniquely concentrated pattern of rural land ownership. Legislative or fiscal interventions must tackle the underlying issues, not simply impose additional hurdles on activities seeking to deliver net zero targets.

General comments on the establishment of criteria for “large-scale landholdings”

Limitations of a single threshold

Whilst we understand the rationale for a single qualifying threshold (or set of threshold criteria) for the various elements of legislation (LRRS, LMP, PIT) we question whether a “one-size-fits-all” model is entirely helpful. For example, compliance with LRRS should be expected of all landowners, and there should be proportionate mechanisms to address breaches at all scales (although there may be some specific elements of the LRRS where a qualifying threshold is appropriate).

Similarly, we consider a much lower threshold would be appropriate for measures relating to prior notification of sales, especially in urban areas, and for measures relating to overseas ownership of land. We discuss these suggestions in more detail in the respective sections below.

Definition of “landholding”

The consultation paper is unclear as to what is meant by landholding:

- a) landholdings or titles? The Land Register covers titles, but one “holding” may cover several titles.
- b) landholding or landownership? Many of the largest landowners have multiple land holdings.

We consider that any qualifying thresholds should be based on land ownership (e.g. as defined by IACS business) and should cover all land in same beneficial ownership wherever in Scotland.

We note that the land registry is far from complete and that the coverage statistics presented with respect to landholdings in the consultation document cover leases and other rights as well as ownership, and thus do not give an accurate picture of the likely impact of the legislation.

Ownership and Tenancy

Tenancy is a potentially complicating factor for the definition of qualifying thresholds, and will require a more nuanced implementation of the various proposals. However, the existence of tenancy arrangements should not be used as a blanket exemption from the proposals: this would exclude a large proportion of rural Scotland and provide an obvious loophole for future avoidance.

Comments on specific criteria

Fixed Area Threshold

We agree that an area threshold is an essential part of the definition of “large-scale landholdings” but consider that 3,000ha is too high: this would capture relatively few landholdings and would not have significant impact in tackling issues of scale and concentration in land ownership in Scotland.

We propose a threshold of 1,000ha, which should be based on aggregate beneficial ownership. The issues which these measures are intended to address arise from scale and concentration of ***landownership***: applying the threshold to individual holdings would potentially allow some very large landowners to avoid the measures and provide a loophole for future avoidance by artificial sub-division.

We note that, as per the consultation paper, a threshold of 1,000 hectares would still impact only ~5% (964) of IACS-registered businesses.

Data zones

The data zone measure is unlikely to be useful in rural areas (unless the qualifying % is set very low). The mean size of data zones across Scotland is just over 1,100ha but this hides a huge range: most data zones are in urban areas and are relatively small (83% of zones are less than 100ha), whereas in rural areas they are commonly 10,000ha or more. It seems likely therefore that any landholding covering a significant % of a rural data zone will already be captured by a fixed area threshold.

An additional consideration is that whilst data zones may be useful for statistical purposes they have almost no common currency: very few people know the name, extent or boundaries of “their” data zone.

Local Authority Wards

Local Authority wards have greater public recognition, but are often even larger: Highland Council covers over 2,500,000ha and has just 22 wards: 7 of which are predominantly or completely urban and under 2,500ha each, whilst the largest 9 rural wards are over 150,000ha each. As above, any landholding covering a significant % of a rural ward will already be captured by a fixed area threshold.

Islands

We agree that there should be an island-based criteria, although the utility of any such criteria will depend on the % level set and whether it applies to all inhabited islands, however small. We note that there are only ~90 Scottish inhabited islands, with a huge range of areas (15 over 10,000 ha, 11 under 100ha).

Additional criteria

We propose an additional criterion for “large scale landholdings”, based on receipt of direct agricultural subsidy (i.e. including Basic payments + Greening + LFASS/ANC but excluding one-off grant payments for specific activities such as woodland creation, agri-environment schemes and LEADER).

This will help address the regional imbalance inherent in an area threshold, where the significance / value of given area of land varies greatly across the country.

The table below shows the number of rural landholdings that would be captured by various subsidy thresholds, based on 2021 figures published by DEFRA and available at <https://cap-payments.defra.gov.uk/Default.aspx>

Threshold	# Businesses
£100,000	838
£75,000	1534
£50,000	3029

We note that, even with a threshold of £50,000, only about 3,000 (~15%) of IACS registered businesses would be impacted by this criteria. Regardless of the actual size of land managed, any business in receipt of this level of public subsidy on an annual basis has to be considered large.

The rationale for basing the calculation on direct subsidies rather than rural development grants is that payment levels are broadly consistent from year to year and this method would not disincentivise positive action to deliver net zero or enhance biodiversity.

Urban areas

As per our answer to Q3 below, we consider that many of the proposals in this consultation are applicable in urban areas, however, additional criteria are required to ensure that significant land assets are bought within the scope of legislation.

Q2. Do you agree or disagree that family farms should be exempt from the proposals outlined in Parts 5 to 7 even if they are classified as a ‘large-scale’ landholding?

Disagree

Please give some reasons for your answer:

The Scottish Community Alliance does not agree that “family farms” should be exempted from the proposals.

We support the intention not to place disproportionate burdens on small-scale landholdings, however a large landholding is a large landholding regardless of the ownership structure. Any landholding extending to over 1,000ha (or 3,000ha as proposed) or in receipt of £50,000 annual public subsidy should have the capacity to cope with the relatively light responsibilities introduced by the proposed legislation.

We note that there is no formal definition of a “family farm” and that many of Scotland’s largest estates could be considered family businesses. Creating such an exemption would provide a loophole for large-scale landowners to avoid the legislation.

We consider the proposed provisions should apply equally to all types and categories of public and private landownership in Scotland, though there may be elements of the legislation where the nature and structure of ownership is a material consideration in the implementation of measures.

Q3. Do you think that the proposals considered in this consultation should be applied to the urban context?

Yes

Please give some reasons for your answer:

The Scottish Government and Parliament have long recognised that land reform covers, and is necessary within, both rural and urban contexts, and we consider that restricting the forthcoming Land Reform Bill to rural Scotland sends a negative message. It may be the case that there are some measures which are more appropriately taken forward in the forthcoming Community Wealth Building Bill, but it is unhelpful to stereotype particular policies or legislative mechanisms as exclusively urban or rural.

We consider that a great many of the proposals considered in this consultation have application in the urban context, most notably Public Interest Tests and the requirement to notify community bodies of an intention to sell. We discuss these points further in the respective sections below.

Additional criteria are required to ensure significant urban assets are brought within the scope of the legislation, as they will not be captured by any of the proposed “large landholding” thresholds. Potential criteria (some of which might also be applicable in rural areas) include:

- Financial value of the land/asset
- Development land (especially for volume house-building)
- Local assets of community significance (major buildings such as hotels, land for affordable housing, community green space, piers & slipways)
- Vacant and Derelict Land / Long term Derelict Urban Sites (DUSTE)

Strengthening the Land Rights and Responsibilities Statement

Q4. We propose that there should be a duty on large-scale landowners to comply with the Land Rights and Responsibility Statement and its associated protocols. Do you agree or disagree with this proposal?

Agree

Please give some reasons for your answer:

The Scottish Community Alliance agrees with the statement above, however, we consider that all landowners and land managers should be expected to comply with the Land Rights and Responsibility Statement (LRRS) and its associated protocols.

Although the LRRS has recently been revised to more explicitly reference net zero objectives, the current phrasing of the LRRS is still rather vague and much more clarity is required: any enforceable requirements must be unambiguously framed to provide certainty for landowners and those charged with assessing compliance.

The updated LRRS has seven principles, some of which are backed by Protocols produced by the Scottish Land Commission. The LRRS and associated protocols, whilst setting out a broad framework of good practice, currently place relatively few specific demands on individual landowners, and these are generally framed as strong expectations (“should”), rather than mandatory requirements (“must”).

For example, the Protocol on Diversification of Ownership and Tenure, which specifically supports principle 2, but also principles 1 and 3, has seven expectations: some, like those relating to community engagement and prior notification of intention to sell could be enforced through other proposals in this consultation. Others, such as *“Landowners should consider proactive requests for sale or lease of property when they are reasonably made by a community organisation. They should be open and transparent in their decision-making processes and provide clear reasons for their decisions, where this is possible”*, whilst admirable in intent, would be difficult to regulate in terms of defining, assessing and sanctioning a breach (cf. the complexity of the legal architecture required to facilitate asset transfer from public authorities).

Similarly, Principle 6 *“There should be transparency about the ownership, use and management of land, and this information should be publicly available, clear and contain relevant detail”* is backed by the Protocol on Transparency of Ownership and Land Use Decision-Making which includes specific expectations to provide contact details and information on ownership / influence and control in line with that *“detailed in the Land Register and RCI”*. Whilst these expectations are potentially helpful they are hardly game-changing and would be difficult to enforce, not least because there is a massive backlog in applications to the Land Register and the RCI has very limited relevance.

The requirement to register a controlling interest in land only applies to certain types of landowners: if the owner or tenant of land is subject to what is known as a “transparency regime”, e.g. Companies, SCIOs, certain overseas entities, Public Authorities, and Limited Liability Partnerships they are exempted on the basis that the information is available elsewhere, although the extent to which this is the case is variable, and information held elsewhere may not always be reliable.

We note that RCI only commenced 1 April 2022 and persons required to submit to the register have a one year period, until 1 April 2023, to do so. However, there is no map-based search facility and it appears to be impossible to view all entries or even to see how many entries there are. The small

number of results for common search terms such as “Farm” and “Estate” suggest that the total number of registrations is relatively low.

Q5. If there was a legal duty on large-scale landowners to comply with the Land Rights and Responsibility Statement and its associated protocols, we propose that this should be enforced by having a formal procedure for raising complaints, and by making provisions for independent adjudication and enforcement.

a) Do you agree or disagree with the proposal above?

Agree

Please give some reasons for your answer:

SCA agrees that there should be a formal procedure for raising complaints, and by making provisions for independent adjudication and enforcement.

As noted above, the LRRS will need revision to give clarity to landowners and land managers as to what’s expected of them and to allow objective assessment of potential breaches.

There is likely much that can be learned from the experience of the Office of the Scottish Charity Regulator (OSCR) in the management of complaint procedures with respect to Scotland’s charities.

b) Do you agree or disagree that only constituted organisations that have a connection to the local area or the natural environment should be able to report breaches of the Land Rights and Responsibility Statement?

Disagree

We do not agree that the ability to report breaches of the LRRS should be restricted to constituted organisations. The consultation document does not provide a justification for restricting complaints in this way and we can only speculate that it is intended to minimise the potential for vexatious complaints.

However, as we anticipate that the formal procedure for making a complaint will require presentation of evidence of a breach of the LRRS, and also that the body responsible for investigating breaches will have the ability to dismiss unfounded and repetitive complaints, the proposed restriction on who can make a complaint is unnecessary, and will inevitably place the focus on who is complaining, rather than on whether or not there is a breach of the LRRS.

We note that OSCR has a well-established and open process for reporting a concern with a charity (or a body representing itself as a charity). <https://www.oscr.org.uk/contact-oscr/charity-concern-form/>

We consider that the meaning of “constituted organisations that have a connection to the local area or the natural environment” is unclear. If this is intended to mean that “local” organisations would only be able to report breaches in their respective community areas but national environmental NGOs such as RSPB would be permitted to report breaches everywhere then we would strongly disagree with this proposal.

Should these constituted organisations have a remit on:

- Community Agree / Disagree / Don’t know
- Charity Agree / Disagree / Don’t know

- Public service Agree / Disagree / Don't know

Please provide some reasons for your answers and any additional suggestions:

As per the previous comment, we do not agree with the proposal that only constituted organisations should have the right to report breaches of the LRRS, so we have not answered this question. We note that it is unclear what is meant by "a remit on public service".

c) Do you think the responsibility for investigating and dealing with complaints should sit with:

- the Scottish Government No
- a public body (such as the Scottish Land Commission) Yes

Please provide some reasons for your answers and any additional suggestions:

The responsibility for investigating and dealing with complaints should sit with a public body and believe that the Scottish Land Commission is the most appropriate organisation for this role, and already fulfils a similar function through the role of the Tenant Farming Commissioner.

A separate team within SLC will be required to investigate and deal with complaints.

SLC should have the power to issue recommendations and directions to landowners and others. Some sanctions will require involvement from other bodies: e.g. SGRIPD for cross-compliance penalties, whilst Compulsory Sale Orders will require Ministerial approval.

d) Should the potential outcome from an investigation of a breach be:

- Recommendation for a mediation process Yes
- Recommendation on how the landowner or governing body could comply with the Codes of Practice/protocols Yes
- A direction to the landowner or governing body to implement changes to operational and/or management practices Yes

Please provide some reasons for your answers and any additional suggestions:

Mediation: Mediation might be useful in some cases although in most potential breaches there would not be a an obvious "second" party.

Recommendation: We agree that a recommendation on how the landowner or governing body could comply with the Codes of Practice/protocols is likely to be an appropriate remedy for relatively minor and "accidental" breaches.

Direction: We agree that a direction to the landowner or governing body to implement changes to operational and/or management practices is an appropriate remedy for more serious breaches.

Additional outcomes: A further potential outcome of an investigation is that it is determined that no breach has occurred. As noted above, the regulator should have the power to dismiss clearly unsubstantiated or repetitive complaints without the need for a full investigation.

Where the breach is particularly serious, or where large landowners repeatedly refuse to comply with direction, there should be provision to terminate their landownership, e.g. through the issuing of a compulsory sale order.

CSOs will need Ministerial sign off, and an appeals process will be required.

e) Should the enforcement powers for a breach be:

- Financial penalties Yes
- 'Cross-compliance' penalties Yes

Please provide some reasons for your answers and any additional suggestions:

Financial penalties: It is uncertain whether fines could be set at a level that would have any meaningful deterrent effect on large scale landowners. SLC (or whoever was charged with investigating and dealing with breaches) would need additional powers to issue fines etc.

Cross-compliance penalties: Full or partial removal of access to subsidy, especially if effective over more than one year, is likely to be a much more substantial deterrent for large scale landowners.

As noted above, for the most egregious cases, or where large landowners refuse to comply with direction, it should be possible to issue a Compulsory Sale Order.

Q6. Do you think the proposal to make the Land Rights and Responsibility Statement and its associated protocols a legal duty for large-scale landowners would benefit the local community?

Yes

Please give some reasons for your answer:

Yes, although this is a very broad question which is difficult to answer with any certainty, not least as the impacts will be felt very differently by different local communities.

If the threshold for "large scale landholdings" is set too high then many communities will not be affected at all by the proposal.

Likewise where the current landowner already meets the requirements of the LRRS there will be no change.

Community benefit will only occur in those circumstances where there is significantly amended behaviour / practice on the part of the landowner as a result of this proposal. Even so, this is unlikely to deliver community empowerment, in the sense that we would understand it.

Q7. Do you have any other comments on the proposal to make the Land Rights and Responsibility Statement and its associated protocols a legal duty for large-scale landowners?

Compulsory Land Management Plans

Q8. We propose that there should be a duty on large-scale landowners to publish Management Plans. Do you agree or disagree with this proposal?

Agree

Please give some reasons for your answer:

We agree that there should be a duty on large-scale landowners to publish Land Management Plans, and propose that this should be a condition for receipt of public subsidy.

Land Management Plans should involve a public consultation phase. This will increase transparency and give communities the opportunity to comment on proposals likely to have a significant impact on their local environment.

Q9. How frequently do you think Management Plans should be published?

We suggest the plans should be published every ten years, with a mid-term refresh at five years (in line with Long Term Forest Plan timescales).

Q10. Should Management Plans include information on:

- | | |
|---|------------|
| • Land Rights and Responsibility Statement compliance | Yes |
| • Community engagement | Yes |
| • Emission reduction plans | Yes |
| • Nature restoration | Yes |
| • Revenue from carbon offsetting/carbon credits | No |
| • Plans for developments/activities that will contribute to local and inclusive economic development or community wealth building | Don't know |

Please provide some reasons for your answers and any additional suggestions:

The major omission from the list above is basic information on how the land will be used. We wouldn't expect an agricultural business to be able to say which crops would be planted in each field for the next 10 years, however it should be possible to identify the main anticipated land uses for each land parcel for the period of the plan, as well as any proposed development projects or major changes in land use.

The extent to which landowners can report meaningfully on **Land Rights and Responsibilities Statement** compliance will depend on the reworded statement and protocols.

Reporting on **emission reduction plans** assumes a well understood baseline.

Whilst it is reasonable to expect the management plans to include information on active and planned climate mitigation projects, it is unclear why **revenue from carbon offsetting/carbon credits** has been singled out, when there is no equivalent requirement to reveal revenue from other business activities (agriculture, shooting, forestry, property rentals, tourism, etc.) and public subsidy. We anticipate that any attempt to demand any of these figures would be fiercely resisted on grounds of commercial confidentiality (although public subsidy e.g. through agricultural grants is a matter of public record). It would also be difficult for most businesses to accurately predict their expected income from various activities ten years into the future.

All development plans should be included, not just those that "**will contribute to local and inclusive economic development or community wealth building**".

Q11. Do you think the responsibility for enforcing compulsory land management plans should sit with:

- | | |
|--|-----|
| • the Scottish Government | No |
| • a public body (such as the Scottish Land Commission) | Yes |

Please provide some reasons for your answers and any additional suggestions:

We consider that the Scottish Land Commission should have primary responsibility for enforcing compulsory land management plans. The Commission is well positioned to take an overview and investigate alleged breaches in a consistent way, and we do not see a case for creating a new body solely for this purpose.

Q12. Do you think the proposal to make Management Plans a legal duty for large-scale landowners would benefit the local community?

Yes

Please give some reasons for your answer:

Yes, although as with Q6 above this is a very broad question which is difficult to answer with any certainty, not least as the impacts will be felt very differently by different local communities.

If the threshold for “large scale landholdings” is set too high then many communities will not be affected by the proposal.

Where land management plans are produced as a result of this proposal the extent of community benefit will largely depend on the quality of community consultation, and the extent to which community aspirations are accommodated within the plan. A community will derive no benefit from a landowner simply telling the community what they intend to do.

Q13. Do you have any other comments on the proposal to make Management Plans a legal duty for large-scale landowners?

The consultation document highlights Forestry and Land Scotland’s Land Management Planning process, however this is a poor model for the Land Management Plans proposed here, not least because the implementation is variable and the community engagement often very poor.

A much more appropriate model is the Long Term Forest Plan required of all private sector holdings of >100ha as a condition of the receipt of forest management grants. This process will already be familiar to many large scale landowners and managers. <https://forestry.gov.scot/publications/132-long-term-forest-plans-applicant-s-guidance>

We consider that the draft templates produced by the Scottish Land Commission need significant development, to include maps and work plans, a summary of likely impacts of management (and mitigation where appropriate) as well as details of community / stakeholder consultation undertaken and a note of how comments have been addressed.

We agree that it will be important to manage overlaps with areas of operation, such as forestry, where plans are already required, to avoid duplication of effort.

Regulating the market in large-scale land transfers: a new Public Interest Test, and a requirement to notify an intention to sell

Q14. We propose that a public interest test should be applied to transactions of large-scale landholdings. Do you agree or disagree with this proposal?

Agree

Please give some reasons for your answer:

We agree that a public interest test (PIT) should be applied to transactions of large-scale landholdings.

More clarity as to what is intended by the proposals is required, especially with regard to the application of the PIT to the seller. Key issues are:

Scope: The consultation document says “We propose that the Test could be applicable to large-scale landholdings or where a large scale land holding would be created” and “A ‘large-scale’ landholding may be one that is about to be sold, but it could also be brought about as a result of acquisition of land e.g. by neighbouring owners”

We consider that it is essential that the PIT requirement would apply to the sale of part of a large-scale landholding, but it is unclear if this is intended, and if so, at what % or ha threshold would it apply?

Clearly, if a large estate is selling a single domestic property to a sitting tenant then there is no need for a public interest test, however, if an estate with a large number of rented houses was proposing selling all of them to a single buyer, this might well be an appropriate trigger for a PIT.

Similarly, whilst the sale of a small parcel of land should not normally be expected to trigger a PIT, the sale of several hundred or thousand ha should do so, even if that is only part of a larger landholding.

The application of a PIT to the seller: Several aspects of this are baffling, not least the proposal that “the seller would need to demonstrate that they were able to proceed with the sale of the land” – if they aren’t able to sell the land then it’s difficult to see how it can be sold in the first place.

In practice it may be better to frame the PIT as applying to the sale, rather than the seller.

Our view is that the PIT should have two stages:

First stage: When a qualifying sale or transfer is announced, the land, in whole or part, should be offered to constituted community bodies. If they are unwilling or unable to proceed with acquisition, then consideration should be given as to whether the public interest would be better served by the acquisition of all or part of the land by other public or non-statutory bodies (e.g. housing associations), and to whether the land should be lotted, and sold as a number of separate units.

Second stage: If, after the first stage assessments noted above, there is still a substantial area of land to be sold on the open market (this could be all or part of the original landholding), the second stage should involve assessment of specific potential purchasers, to ensure that acquisition does not add to or create local monopoly and that land ownership contributes towards community wealth building and a just transition.

Whilst one potential outcome would be the refusal of permission for a specific prospective purchaser to acquire the land, we anticipate that a much more likely outcome is the inclusion of requirements on the new owner, e.g. to carry out specific environmental works, respect existing community rights and provide additional contributions to community wealth building.

Q15. What do you think would be the advantages and/or disadvantages of applying a public interest test to transactions of large-scale landholdings?

The advantages of a two stage process such as that outlined above are that it would give the opportunity to ensure that the public interest, and that various ways of delivering this (community ownership, acquisition by public or non-statutory bodies, lotting, conditions on new owners) were fully considered during the transfer of land holdings.

Q16. Do you think the public interest test should be applied to:

The seller and buyer

Please give some reasons for your answer:

As per our answer to Q14 above, we believe the PIT should be applied to the sale and the buyer.

Q17. If the public interest test was applied to the seller, do you think the test should be considered as part of the conveyancing process?

No

Please give some reasons for your answer:

As noted above, exactly what is meant by applying the PIT to the seller is unclear, however, we consider the PIT on a qualifying sale should happen well in advance of conveyancing.

If one of the objectives of the PIT is to seek to reduce concentration of ownership (thus addressing issues of the unfair distribution of the benefits from large scale landownership and increasing community involvement in decision making), and if potential outcomes are to include requiring lotting, or providing opportunities for community bodies to acquire some or all of a qualifying sale, then this process has to take place well before the actual transfer of a legal title.

Q18. Do you think that all types of large-scale landholding transactions (including transfers of shares and transfers within or between trusts) should be in scope for a public interest test?

Yes

Please give some reasons for your answer:

We consider that all types of large-scale land transactions should be in scope for a Public Interest Test. If this is not the case there will be obvious loopholes by which the legislation can and will be avoided.

Q19. We have proposed that if a public interest test applied to the seller concluded there was a strong public interest in reducing scale/concentration, then the conditions placed on the sale of the land could include:

- i. The land in question should be split into lots and could not be sold to (or acquired by) one party as a whole unit
- ii. The land, in whole, or in part, should be offered to constituted community bodies in the area, and the sale can only proceed if the bodies consulted, after a period of time, indicate that they do not wish to proceed with the sale

Do you agree or disagree with these conditions?

- Condition i. Agree

- Condition ii. Agree

Please give some reasons for your answer and suggest any additional conditions:

We agree with the proposal and with these conditions, but note that they should be “the other way around”, i.e. the offer to constituted community bodies should come before consideration of lotting.

Condition 1: Splitting a large landholding into lots will only have a meaningful impact if it produces very much smaller and “affordable” lots: splitting 10,000ha into 5 holdings of 2,000ha will achieve next to nothing – the resultant parcels will still only be available to the very rich.

As per our answer to Q42 it is critical that the reasons why individuals and organisations seek to acquire land are also addressed

Condition 2: Given the current land market it is important to note that large-scale landholdings (as envisaged in proposal) will often be way beyond means of communities – 3,000ha of forest could well have a market value of £50m or more – so in many cases it is much more likely that communities bodies will seek to buy part or parts of a holding. It is important therefore that they are given enough time to carry out appropriate appraisal of options.

We suggest an **additional condition**, being the acquisition of all or part of the land by other public or non-statutory bodies (e.g. housing associations) for the delivery of specific activities for public benefit.

One further comment: we note the question is phrased as: “if a public interest test applied to the seller concluded there was a strong public interest in reducing scale/concentration” however, we would argue that it is already agreed there is a strong public interest in reducing scale/concentration of landownership: the decision a PIT has to come to is which measures, if any, in the specific case under consideration, will be most effective in reducing scale/concentration.

Q20. Do you think that a breach of the Lands Right and Responsibilities Statement should be taken into account when determining the outcome of a public interest test?

Don't know

Please give some reasons for your answer:

It is unclear whether this question refers to a breach of the Land Rights and Responsibilities Statement by the buyer or seller, and what timeframe is being considered.

It is also unclear how any breach might be taken into account. A breach by the seller does not seem relevant to the outcome of a PIT, indeed if a seller has been responsible for serious or repeated breaches this would seem to be a good reason to expedite a change of ownership.

A breach by a potential purchaser might be relevant, but the extent to which this would determine the outcome of a PIT would depend on the nature of the breach and how long ago it occurred, and would have to be assessed on a case-by-case basis. A minor, technical breach where the landowner has subsequently followed the regulator’s recommendations might not have any impact on the outcome of a PIT.

Q21. Do you think that a public interest test should take into account steps taken in the past by a seller to:

- | | |
|--|------------|
| a) Diversify ownership | Don't know |
| b) Use their Management Plan to engage with community bodies over opportunities to lease or acquire land | Don't know |

Please give some reasons for your answers:

We have answered "Don't know", because the answer depends on the context and timing.

a) If a landowner has attempted, prior putting the land on the market, to sell small parcels of land, but has not found any buyers, this suggests that a proposal for lotting may not be a useful outcome of a PIT. This does not mean that other options for sale and purchase should not be explored by the PIT, or that there should not be scrutiny of potential purchasers.

b) We would welcome landowners proactively offering communities "first refusal" to buy land that they intend to sell, so if a landowner has offered the community the opportunity to buy some or all of the land in question, and given a reasonable timescale for the community to explore the opportunity, **immediately prior** to putting the land on the market, it seems reasonable that community acquisition should not be a potential outcome of the PIT. This would not mean that other options for sale and purchase should not be explored by a PIT, or that there should not be scrutiny of potential purchasers. We note that if the proposal in Q25 (below) is implemented effectively, landowners offering communities first refusal will become standard practice.

We stress that this is somewhat different from the suggestion in the question above that landowners "use their Management Plan to engage with community bodies over opportunities to lease or acquire land" – a vague commitment in a management plan several years ago to "be open to discussion about community acquisition" is very different to a concrete proposal of "I'm going to sell this, are you interested in buying some or all of it?"

c) What time period do you think this should cover?

We consider that the relevant timescale should be relatively short, and certainly no more than one year. As above, we consider that landowners should be encouraged to proactively offer communities the opportunity to buy before bringing properties to market, but this should be effectively all part of a single process and formalised through prior notification of sales as below.

d) Q22. Do you think the responsibility for administering the public interest test should sit with:

- | | |
|--|-----|
| • the Scottish Government | No |
| • a public body (such as the Scottish Land Commission) | Yes |

Please provide some reasons for your answers and any additional suggestions:

We consider that responsibility for administering the public interest test should sit with the Scottish Land Commission, however adjudicating on the PIT should be the responsibility of Scottish Ministers, as is the case in relation to the existing Community Rights to Buy legislation that do not require a willing seller.

Q23. Do you think the proposal that a public interest test should be applied to transactions of large-scale landholdings would benefit the local community?

Yes

Please give some reasons for your answer:

We consider that a public interest test applied to transactions of large-scale landholdings would benefit the local community, although the scale of that benefit will depend on the qualifying threshold (i.e. how many PITs are initiated) and on the extent to which the outcomes of the test differ from those which would be arise from a simple sale.

Q24. Do you have any other comments on the proposal that a public interest test should be applied to transactions of large-scale landholdings?

As noted above the impact of a PIT as proposed will largely depend on how many sales are captured by the qualifying threshold.

A much greater impact would be achieved if all large-scale landholdings were potentially subject to Public Interest Tests, whether or not the landowner intended to sell or transfer ownership. Potential triggers for a PIT could include serious and/or repeated breaches of LRRS and community petitions.

Q25. We propose that landowners selling large-scale landholdings should give notice to community bodies (and others listed on a register compiled for the purpose) that they intend to sell.

a) Do you agree or disagree with the proposal above?

Agree

Please give some reasons for your answer:

The Scottish Community Alliance strongly agrees with this proposal, and consider that it should be foregrounded in legislation, rather than tacked on as an optional extra. This proposal should also be extended into urban areas.

The qualifying threshold for the requirement to notify community bodies of plans to sell should be set at a relatively low level, with community bodies given the opportunity to register significant assets (i.e. based on local importance rather than scale)

The requirement to notify communities of intention to sell should apply where the proposed sale is part of a large-scale landholding.

The effectiveness of this proposal will depend on:

- a) the comprehensiveness of the register,
- b) sufficient time being allowed for communities to explore the opportunity to acquire some or all of the land for sale.

b) Do you agree or disagree that there should be a notice period of 30 days for the community body or bodies to inform the landowner whether they are interested in purchasing the land?

Disagree

Please give some reasons for your answer:

We do not believe this period is long enough as many community bodies do not meet on a monthly cycle and would be unable to respond. 60 days is the minimum required.

c) If the community body or bodies notifies the landowner that they wish to purchase the land during the notice period, then the community body or bodies should have 6 months to negotiate the terms of the purchase and secure funding. Do you agree or disagree with this proposal?

Disagree

Please give some reasons for your answer:

We consider that 6 months is not nearly long enough and that 12 months is required.

Significant community acquisitions are typically funded by the Scottish Land Fund (SLF): the project development and funding process includes the following stages:

- Community body develops a tender brief, carries out a tender process for consultants, applies for SLF stage 1 funding,
- SLF assesses application and makes funding decision,
- Community body engages contractor, who produces draft feasibility study and carries out community consultation
- Consultant finalises business plan, incorporating feedback from community body and input from community consultation
- Community body application to SLF stage 2 (capital funding for acquisition)
- SLF assesses application and makes funding decision

We understand the SLF's normal processing time from receipt of a Stage 2 application – the final stage in the above list - is 4 months, so even the 8 months provided for this process by the Community Right to Buy is inadequate. A period of 12 months is required to ensure that community applications are adequately developed and successfully funded.

We note also that the proposal appears to place all the onus on the community body/bodies to “negotiate the terms of the purchase”, including, presumably, the price. Any legislation will need provisions to ensure that landowners couldn't simply drag their heels and run down the clock on community bids.

Q26. Do you have any other comments on the proposal that landowners selling large-scale landholdings should give notice to community bodies that they intend to sell?

As noted above the effectiveness of this proposal will depend on the extent to which a comprehensive and inclusive register of community bodies can be compiled. If the required process is similar that which applies for the registration (and re-registration) of a community interest in land under part 2 of the 2003 Act then this proposal will have very little value.

The register should be open to all incorporated bodies with a community membership or remit, and should also include all community councils (this will help ensure coverage for communities where there may not be an incorporated body in place).

Existing community bodies should be able to register without having to change their constitution, in contrast to previous legislative mechanisms which have demanded additional clauses in governing documents. If specific clauses are required in governing documents, the rule should be that these must be in place before a transfer takes place; this would align with the SLF process, where a broad

range of community bodies can access Stage 1 funding to explore the potential for community acquisition, with a fully compliant body required at the point of transfer.

Compiling the register will take time and energy: support is needed and should be made available to help community bodies through the registration process.

A template for the notification of intent to sell should be developed, including details (and map) of the land in question, a statement of the community's rights under the legislation, the timescale for the community response and links to external organisations that can support the community.

In addition to notifying local community bodies and community councils, landowners should also be required to send the notice of intent to sell the regulator and specified community intermediary bodies (e.g. Community Woodlands Association, Community Land Scotland, Development Trusts Association Scotland).

New conditions on those in receipt of public funding for land based activity

Q27. We propose the following eligibility requirements for landowners to receive public funding from the Scottish Government for land based activity:

- i. All land, regardless of size, must be registered in the Land Register of Scotland.
- ii. Large-scale landowners must demonstrate they comply with the Land Rights and Responsibility Statement and have an up to date Land Management Plan.

Do you agree or disagree with these requirements?

- | | |
|--------------------|---|
| a) Requirement i. | Agree / Disagree / Don't know |
| b) Requirement ii. | Agree / Disagree / Don't know |

Please give some reasons for your answers:

We agree that there is a need for reform of the system of public subsidy for land-based activity, but consider that it must be much more far reaching than the measures proposed. We consider the current system of direct payments, decoupled from the delivery of meaningful public benefit, operates against the public interest, frustrating land reform, and inhibiting measures to tackle climate change.

Any new eligibility requirements should apply to all (large-scale) recipients of public subsidy, regardless of whether they are the owners of the land or tenants, otherwise a very simple loophole for avoidance is created.

Requirement 1

Whilst we agree in principle that all land should be registered, the reality is that a great deal of Scotland's rural land is not currently on the register, and there is a very substantial (and growing) backlog of open cases: almost 140,000 in August 2022, including over 4,000 cases from 2017. <https://www.ros.gov.uk/performance/open-casework/total-number-of-open-cases>

Imposing this measure immediately would therefore disqualify a great many landowners / land managers from accessing grants to deliver work of public benefit, who might have to wait a considerable period of time before their registrations were processed. Any requirement to register land must be phased in over a number of years, starting with the largest landowners / land managers.

Additionally, clarity is needed as to how this measure would be applied where there are tenants in place. A crofter can register their croft tenancy, but is not in a position (and could not afford) to register the landowner's holding. Tenants should not be penalised for any failure to register on the part of their landowner.

A more general point is that the rationale for this specific requirement is unclear. The consultation paper mentions transparency with respect to the receipt of public funds and "the extent to which profit from land investment is finding its way out of the country" but does not explain why this measure should apply to "all land, regardless of size" rather than to large-sale landholdings (however defined) as is the case with all other proposed measures.

We note that currently all recipients of CAP and CAP replacement funding are required to register with the Scottish Government: recipients are issued with a Business Reference Number (BRN) and Main Location Code (MLC) whilst each individual areas of land has a Land Parcel Identifier (LPID).

SG Rural Payments and Services already hosts and manages an online mapping system incorporating all this information. Registered users can already access the LPIDs and area stats for parcels not in their own landholding, and it would be straightforward to give all users access to Business names and provide links to the data on grant and subsidy payments published annually by DEFRA at <https://cap-payments.defra.gov.uk/Default.aspx>

This would immediately provide a much more comprehensive and transparent view of the receipt of public funds than could ever be achieved through the Land Registry.

Requirement 2

We agree with the proposal that large-scale landowners should demonstrate compliance with the Land Rights and Responsibility Statement and have an up to date Land Management Plan

As noted previously, the LRRS will need review and revision to make it useful in this regard. If landowners are to be expected to actively demonstrate compliance (rather than simply reporting the absence of reported or confirmed breaches) then the LRRS and supporting protocols will need very clear guidance to large-scale landowners and land managers as to what's expected of them.

As noted previously (Q8), we consider that there should be a duty on large-scale landowners to publish Land Management Plans, and that this should be a condition for receipt of public subsidy. We note that a Long Term Forest Plan is already a requirement for landowners / land managers seeking forest management grants for holdings >100ha.

Q28. Do you have any other comments on the proposals outlined above?

We note that consultation document does not define "public funding from the Scottish Government for land based activity" and that the only illustrations given are grant aid for tree planting and peatland restoration. This proposal is only supported if all public subsidy for land based activity is included: including Basic Payments/Greening, LFASS/ANC and AECS etc.

Whilst there are some issues arising from grant aid for tree planting and peatland restoration, these grants are paying for action to deliver Scottish Government's net zero targets and it would be perverse if they were the only elements of public funding with these additional requirements.

We also note that if the intention of this proposal is to ensure better value for public money, then the most effective way to deliver this is through wholesale reform of the various schemes, and in particular those offering direct subsidy in return for little or no public benefit. We note, for example, that although successive reforms have been heralded as bringing an end to slipper farming, the practice still continues: <https://www.thescottishfarmer.co.uk/news/20100018.scotgovs-15-pay-out-shows-slipper-farming-alive-well/>

The Scottish Government should initiate a full-scale reform of direct agricultural subsidies, with funding caps on individual beneficiaries and a phased re-alignment of funding away from the most damaging forms of production and towards the delivery of specific public benefits.

Land Use Tenancy

Q29. Do you agree or disagree with our proposal that there should be a Land Use Tenancy to allow people to undertake a range of land management activities?

Agree

Please give some reasons for your answers:

We agree in principle with the proposal that there should be a land use tenancy to allow people to undertake a range of land management activities, where this will contribute to a just transition to net zero and population retention and growth in areas within rural Scotland. However, any new tenancy model must complement rather than undermine existing tenancy arrangements from tenants' perspectives and it is unclear why these objectives cannot be delivered by modifying existing tenancy models.

Q30. Are there any land management activities you think should not be included within a Land Use Tenancy?

Q31. Do you think that wider land use opportunities relating to diversification, such as renewable energy and agri-tourism, should be part of a Land Use Tenancy?

Yes

Please give some reasons for your answers:

We consider that the rationale for developing a new land use tenancy model is that it would facilitate a wide range of land use opportunities, including renewable energy and agri-tourism, if these cannot be delivered under existing tenancy models

Q32. Do you agree or disagree that a tenant farmer or a small landholder should, with the agreement of their landlord, have the ability to move their agricultural tenancy into a new Land Use Tenancy without having to bring their current lease to an end?

Agree / Disagree / Don't know

Please give some reasons for your answers:

Q33. Do you agree or disagree that when a tenant farmer or small landholders' tenancy is due to come to an end that the tenant and their landlord should be able to change the tenancy into a Land Use Tenancy without going through the process of waygo, with parties retaining their rights?

Agree / Disagree / Don't know

Please give some reasons for your answers:

Q34. How do you think the rent for a Land Use Tenancy should be calculated?

Q35. Would you use a Land Use Tenancy if you had access to a similar range of future Scottish Government payments which other kinds of land managers may receive?

Yes / No / Don't know

Please give some reasons for your answers:

Q36. Do you think that there should be guidance to help a tenant and their landlord to agree and manage a Land Use Tenancy?

Yes / No / Don't know

Please give some reasons for your answers and outline who you think should be responsible for writing and managing the guidance:

Q37. Do you think there should be a process to manage disputes between a tenant of a Land Use Tenancy and their landlord?

Yes / No / Don't know

Please give some reasons for your answers and outline how this process could be managed:

Q38. Do you agree or disagree that tenants of a Land Use Tenancy and their landlords should be able to resolve their legal disputes in relation to the tenancy through the Scottish Land Court?

Agree / Disagree / Don't know

Please give some reasons for your answers and outline additional ways in which disputes could be resolved:

Q39. Do you have any other comments on our proposal for a Land Use Tenancy?

Yes / No / Don't know

Please give some reasons for your answers:

Small landholdings

Q40. Would you like to be kept informed via email about the Small Landholding Consultation for the Land Reform Bill?

Yes

Transparency: Who owns, controls and benefits from Scotland's Land

Q41. Do you agree or disagree with our proposal to explore:

- Who should be able to acquire large-scale landholdings in Scotland Agree
- The possibility of introducing a requirement that those seeking to acquire large-scale landholdings in Scotland need to be registered in an EU member state or in the UK for tax purposes Disagree

Please give some reasons for your answers:

We agree with the proposal to explore who should be able to acquire large-scale landholdings in Scotland.

We disagree with the proposal to explore the possibility of introducing a requirement that those seeking to acquire large-scale landholdings in Scotland need to be registered in an EU member state or in the UK for tax purposes. It is unclear why registration in an EU member state is privileged, given that Scotland is no longer within the EU (unfortunately), and consider that the requirement should be registration in the UK.

We note also that the proposal is couched in terms of registration rather than domicile, and that the implication of the proposal is likely to be that those acquiring can still live anywhere in the world, but are simply required to establish an entity registered in UK (or in the EU) as a vehicle for the acquisition and ownership of land.

The consultation paper suggests that this proposal could “*help deal with instances of absenteeism*” but it is unclear how this would be achieved if the requirement focuses on registration rather than domicile. We note that crofters are already subject to a (32km) residency qualification and suggest that the aims of the proposal would be better delivered if owners of large-scale landholdings were subject to a requirement to live and pay tax in the UK.

We consider that the “qualifying threshold” for this proposal, however implemented, should be set at a much lower level than for some of the other elements of this consultation: there is no need in this case to set the threshold relatively high to avoid placing additional burdens on smaller landholdings. We suggest a threshold of 50ha.

Consideration should also be given to extending these proposals to urban areas: absenteeism and lack of landownership information are also important issues in Scotland’s towns and cities. Additional criteria will be required for urban assets.

Any measures with respect to who owns, controls or benefits from Scotland’s land need to be underpinned by an effective and comprehensive transparency regime. As noted previously, additional measures are needed to close loopholes in the current system. Recent correspondence with Registers of Scotland as to why relatively recently sold holdings were not on the Register, and how long it would take for them to appear, produced the following statement from RoS “There is no time bar on registering an application and indeed no legal obligation to register a property”. The mandatory requirement to register land transactions with Registers of Scotland needs to be confirmed, with a maximum time permitted for compliance. At the same time, RoS must clear their backlog of cases – failure to do so undermines claims of transparency.

Other land related reforms

Q42. Do you have any views on what the future role of taxation could be to support land reform?

Taxation reform has a very significant role to play in supporting land reform as there is a pressing need to tackle the reasons why individuals and corporations want to buy and hold on to vast swathes of land, not just to try and mitigate the negative impacts of large-scale ownership.

Scotland's uniquely concentrated pattern of rural land ownership is buttressed by a suite of grants, subsidies and tax exemptions which drive up land prices and build and protect private wealth. Large scale landowners benefit from a number of tax exemptions which serve to contribute to the inflated land market as buyers are attracted by the opportunity to "manage" their tax burden; indeed, the availability of these tax exemptions is often a key selling point.

We acknowledge that some powers over taxation are currently reserved to Westminster, however, the recognition that their current implementation frustrates the delivery of Scottish Government policy and objectives provides a strong case for reform.

Tax reform should take place alongside wholesale reform of the subsidy system, and include the following:

- A demand for immediate repatriation to Scotland of powers over Inheritance Tax and Capital Gains Tax and the declaration of the intention to remove these exemptions for land.
- Alignment of the non-residential rates of Land and Buildings Transaction Tax to those for residential properties and introduction of new additional bands for higher value properties.
- Removal of the red diesel rebate for agriculture and forestry.
- Initiation of a phased re-introduction of non-domestic rates for agricultural and forestry land.

Q43. How do you think the Scottish Government could use investment from natural capital to maximise:

- a) community benefit
- b) national benefit

It is unclear what is intended by "use investment from natural capital". The paragraph of explanatory text references the Interim Principles for Responsible Investment in Natural Capital, which take a very narrow view of "Natural Capital", i.e. as essentially about carbon management.

However, Natural Capital generally has a broader meaning, e.g. NatureScot says that it is "a term for the habitats and ecosystems that provide social, environmental and economic benefits to humans". (<https://www.nature.scot/professional-advice/social-and-economic-benefits-nature/natural-capital>)

Natural Capital therefore encompasses the flora, fauna and natural scenic beauty of rural Scotland and its potential to support productive land based industries and activities, such as renewables, tourism, agriculture, forestry, shooting and fishing.

We consider that those investing at scale for any of these land-based industries and activities should be expected to deliver community and national benefit. Whilst, as noted previously, there are genuine issues around the impact of green finance on the rural land market, it is unclear why those buying land to deliver net zero initiatives should be subject to a more stringent regime than those acquiring land to shoot deer and grouse or to develop golfing resorts.

With respect specifically to investment in land for the purposes of monetising carbon and/or biodiversity, whilst the Scottish Government has a role in facilitating investment, e.g. through:

- provision of grants to contribute towards the costs of implementing woodland creation and peatland restoration schemes
- a legitimising role in the sale of carbon credits through the establishment and promotion of the Woodland Carbon Code and Peatland Code
- encouraging the development and sale of biodiversity credits through the promotion of the Biodiversity Net Gain concept

the production and sale of carbon and biodiversity credits is fundamentally a private transaction, which limits the potential for direct intervention. It would be possible to apply a levy to such transactions, although it is unclear how the Scottish Government could justify taxing net zero initiatives and not the income from other rural activities.

There are, however, measures which could be taken by way of review and regulation of green finance mechanisms to ensure that they contribute more effectively to net zero:

- Continue the evolution of green grant schemes (Forestry Grant Scheme, Peatland Action Fund), ensuring that they provide a contribution to costs whilst incentivising best practice.
- Tighten regulation of the sellers of carbon and biodiversity credits to ensure additionality and remove rewards for past bad practice.
- Introduce mandatory third party accreditation of the buyers of carbon and biodiversity credits to ensure that only genuinely unavoidable emissions are offset.

Q44. Do you have any additional ideas or proposals for Land Reform in Scotland?

Reform of existing legislation

Reform of existing legislation – the 2003 and 2016 Land Reform Acts and the 2015 Community Empowerment Act - is required to simplify procedures and harmonise requirements for Community Bodies, in particular allow greater cross-eligibility, e.g.

- allow crofting Community Bodies to use other Rights to Buy & Asset Transfer
- allow AT-eligible bodies to use Community Rights to Buy

The time period for exercise of the Community Right to Buy (LRA 2003 56/3/a) should be extended from 8 months to 12 months.

The Bill should also include provisions to strengthen the Community Asset Transfer legislation: introducing greater accountability (and sanctions) for Public Authorities and limiting the removal of public assets from the scope of the legislation.

Measures to secure rural housing

The single most important land issue for many rural communities is the chronic lack of affordable housing. The housing shortage is a major constraint on the economic development of rural Scotland, as demonstrated by the Skye Business Housing Needs survey commissioned by HIE, Highland Council and others, which reported earlier this year that “42% of businesses state that the lack of accommodation is having an impact on their efforts to recruit and retain permanent staff”.

Whilst there may be some rural areas where there is an absolute shortage of housing and the only solution is to build more, the problem is greatly exacerbated by the increasing numbers of second homes or holiday homes, which push up prices and reduce the availability of permanent homes to local people.

A raft of measures is needed to address this issue, the most important of which is making holiday houses a separate use class (as is being done in Wales), to give local authorities the option to classify homes as primary residences, second homes or holiday lets. An owner would need planning permission to change a property’s classification from a primary residence to a second home.

Other measures should include a power for licensing authorities to include an Overprovision Policy within the current licensing regime for holiday lets and giving local authorities powers to increase Council Tax rates for second homes or apply to increase LBTT in specific areas to dampen prices (again, as Wales has done).

Assessing impact

Q45. Are you aware of any examples of how the proposals in this consultation might impact, positively or negatively, on island communities in a way that is different from the impact on mainland areas?

We consider that the proposals in this consultation should impact positively on island communities as, large scale landownership (or land that accounts for more than a specified minimum proportion of a permanently inhabited island) can be a critical issue for local communities.

Effective implementation of proposals such as making compliance with LRRS a statutory duty having to publish Land Management Plans and demonstrate meaningful engagement, and for these to be conditions for receipt of public subsidy, will all help to improve landowner accountability.

It is vital that public and non-statutory bodies (e.g.. NatureScot, National Trust for Scotland) are within the scope of the legislation, and that qualifying criteria include defined categories of key local assets and infrastructure (shops, hotels, harbour areas, suitable housing land etc).

Q46. Are you aware of any examples of particular current or future impacts, positive or negative, on young people, (children, pupils, and young adults up to the age of 26) of any aspect of the proposals in this consultation?

Q47. Are you aware of any examples of how the proposals in this consultation may impact, either positively or negatively, on those with protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation)?

Q48. Are you aware of any examples of potential impacts, either positive or negative, that you consider any of the proposals in this consultation may have on the environment?

Q49. Are you aware of any examples of how the proposals in this consultation might impact, positively or negatively, on groups or areas at socioeconomic disadvantage (such as income, low wealth or area deprivation)?

Q50. Are you aware of any potential costs and burdens that you think may arise as a result of the proposals within this consultation?

Q51. Are you aware of any impacts, positive or negative, of the proposals in this consultation on data protection or privacy?