

## Response ID ANON-5AGP-W1JU-M

Submitted to Land Reform in a Net Zero Nation  
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### Part 4: Criteria for large-scale landholdings

1 Do you agree or disagree with the criteria proposed for classifying landholdings as 'large-scale':

question1 - a) A fixed threshold of 3,000 hectares:  
Disagree

question1 - 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:  
Agree

question1 - c) Land that accounts for more than a specified minimum proportion of a permanently inhabited island:  
Agree

Please give some reasons for your answers and outline any additional criteria in the text box below::

3,000 hectares is a very large landholding and appears arbitrary. It would be helpful to know what additional land you estimate would be brought into scope by conditions (b) and (c) applied with different parameters. Reducing the threshold to 1,000 hectares would only increase the IACS registered businesses affected to around 1,000 but would significantly increase the policy's reach

2 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 in the text box below::

I don't know how 'family farm' is defined. I don't see any reason why the fact that a family owns the land (rather than a charity, public body, trust or corporation) should exempt the landholding from this policy

3 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 in the text box below::

There will be some strategic landholdings in urban areas (covering a big % of a data zone for example or controlling key access) which may not fall under derelict and vacant land heading and may not for some reason be amenable to compulsory purchase but where a public interest test should sensibly applied at the point of sale. This could of course be picked up in community wealth-building legislation, but it could help to have a consistent process to enforcement of this test across all landholdings

More generally, LRRS and its protocols should apply to all landholdings

### Part 5: Strengthening the Land Rights and Responsibilities Statement

4 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 in the text box below::

However, the protocols should be strengthened. The stewardship protocol is quite weak on climate and nature. Large-scale landholdings should be required to publish an independent assessment of their options for delivering for climate and nature and if they haven't chosen optimal management options a justification of why not. This could be picked up here or in the management plan. Protocol should also include a requirement to undertake and publish EIAs in relation to certain land use changes. while this is a legal requirement it is often not enforced

5 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.

Agree

Please give some reasons for your answer in the text box below::

No point in a requirement without remedy

Disagree

question5b\_organisation\_type - Community:

Agree

question5b\_organisation\_type - Charity:

Agree

question5b\_organisation\_type - Public sector:

Agree

Please provide some reasons for your answers and any additional suggestions in the text box below::

Community councils are often well-placed to notice breaches but may be reluctant to take on the laird. Ideally local authorities would back them up but also value in a local person or group being able to engage outside body like Environmental Rights Centre Scotland which doesn't have a local connection

question5c - the Scottish Government:

Don't know

question5c - a public body (such as the Scottish Land Commission):

Don't know

Please provide some reasons for your answers and any additional suggestions in the text box below::

Local authorities should be empowered to investigate and deal with complaints. It's important to integrate rural land use planning with the wider planning system and give local authorities greater capacity and agency in this space - including driving rural land use partnerships, catchment level projects, acquiring land for new entrants, investing directly in renewables and so on. Municipalities in several other EU states have more powers and are more engaged in land use decisions

question5d - Recommendation for a mediation process:

Yes

question5d - Recommendation on how the landowner or governing body could comply with the Codes of Practice/protocols:

Yes

question5d - 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 in the text box below::

mediation always cheapest and often best place to start

question5e - Financial penalties:

Yes

question5e - 'Cross-compliance' penalties:

Yes

Please provide some reasons for your answers and any additional suggestions in the text box below::

clearly depends on the nature of the breach, for example if public access is being unlawfully prevented then direct intervention may be needed eg to remove barriers and signs

6 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 in the text box below::

they are more likely to comply

7 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?

Please write your answer in the text box below::

no

Part 6: Compulsory Land Management Plans

8 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 in the text box below :

The whole point of the land reform journey is to ensure that the land of Scotland delivers more for public good and that the benefits from our land are more widely shared. so people who are responsible for looking after big chunks of it must be expected to have and share a plan for how to do this

9 How frequently do you think Management Plans should be published?

Please write your answer in the text box below::

5 years

10 Should Management Plans include information on:

question10 - Land Rights and Responsibility Statement compliance:

Yes

question10 - Community engagement:

Yes

question10 - Emission reduction plans:

Yes

question10 - Nature restoration:

Yes

question10 - Revenue from carbon offsetting/carbon credits:

Yes

question10 - Plans for developments/activities that will contribute to local and inclusive economic development or community wealth building:

Yes

Please provide some reasons for your answers and any additional suggestions in the text box below::

housing is a specific issue in many areas, and the plans should include what steps landowners are taking to meet local housing demand to buy and not just to rent, how they are upgrading their housing stock (see stewardship protocol)  
linked to this is the issue of redundant steadings which may be there for years or decades: some may be eligible for right to buy but in any case owners should be looking at how they can be brought into use  
maybe implicit in the protocols but what they're doing to manage/reduce deer numbers how they're supporting access to nature, esp by groups less likely to access

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

question11 - the Scottish Government:

Don't know

question11 - a public body (such as the Scottish Land Commission):

Don't know

Please provide some reasons for your answers and any additional suggestions in the text box below::

local authorities - see above

12 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 in the text box below :

It requires the more reluctant landlords to engage with the community and ensures a degree of transparency and accountability

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

Please write your answer in the text box below::

It would be helpful to develop a standard for these plans similar to the UKWAS standard for woodlands so that the plans meet a quality threshold. This standard could be drawn up in consultation with SLE so best practice becomes the norm

## Part 7 i): Regulating the market in large-scale land transfers - a new Public Interest Test

14 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 in the text box below :

see above - ownership of land (especially vast tracts) must bring responsibilities to manage in the public interest and where that's not being done or is not likely to be done it's right for the State to impose conditions on ownership

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

Please write your answer in the text box below::

advantages as above

disadvantages -

drive landowners into ever more elaborate ownership structures and transfer arrangements to avoid

potential to end up in court on substantive or procedural grounds

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

The buyer only

Please give some reasons for your answer in the text box below :

It makes sense for the public interest test to be triggered/put on standby once the seller places a significant parcel of land on the market or notifies the community of an intention to sell; but I'm not clear how a public interest test could be applied to a seller (it's not possible to stop them selling their land). The test is being applied to the transaction rather than to the buyer or seller. The question is "would this land transferring to this buyer, given their existing landholding and their stated intentions for the use of this land be in the public interest?" So a management plan would need to be prepared and published as part of the process, with powers for compulsory resale in the case of major unilateral changes in management after the sale.

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

Yes

Please give some reasons for your answer in the text box below :

The conveyancing process is a key place to intervene, though in other cases the transfer will be through executry, trust and company formation, or through shares transfer so other ways are needed to trigger the PIT

18 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 in the text box below :

otherwise everyone will evade by restructuring

19 Do you agree or disagree with these conditions?

question19 - Condition i.:

Agree

question19 - Condition ii.:

Agree

Please give some reasons for your answer and suggest any additional conditions in the text box below::

The list of conditions set out in the Act should not be exhaustive. The land could also be offered for sale to a local authority, the Scottish Government (and bodies like NatureScot) or to conservation charities. This recognises there may be a lack of competent or confident community bodies in some areas and that it might take some time for capacity building.

The conditions could also allow for the land to be transferred but apply constraints on how it could be managed, or on who benefits from the profits. For example, it may make more sense for a private company to manage the land but the community to receive some or all of the income from ecosystem services

20 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?

Yes

Please give some reasons for your answer in the text box below :

There's a general sense here of 'is this a fit person/company? (rather than is how they propose to manage the land in the public interest), If Government wants to create a fit person test which stands up to scrutiny it will have to be robust. This is only one of the things to be taken into account - for example they might never have found to be in breach but still be a bad bet.

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

question21 - Diversify ownership:

Don't know

question21 - Use their Management Plan to engage with community bodies over opportunities to lease or acquire land:

Please give some reasons for your answer in the text box below :

I don't understand what this is trying to achieve. The seller must be able to sell - it's who they sell to that is important. If you're thinking more of land being passed on through the family you should say that: but there are examples of next generation owners being much better and examples of next generation owners being much worse.

Please write your answer in the text box below::

n/a

22 Do you think the responsibility for administering the public interest test should sit with:

question22 - the Scottish Government:

Don't know

question22 - a public body (such as the Scottish Land Commission):

Don't know

Please provide some reasons for your answers and any additional suggestions in the text box below::

local authorities (see above)

23 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 in the text box below :

they might get a crack at owning or at least renting some or getting some housing out of it

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

Please write your answer in the text box below::

no

Part 7 ii): Regulating the market in large-scale land transfers - requirement to notify an intention to sell

25 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.

Agree

Please give some reasons for your answer in the text box below :

otherwise difficult for community bodies to be timeous with right to buy  
also as above this should trigger the PIT

Disagree

Please give some reasons for your answer in the text box below :

should be 60 days, community bodies take a while to get organised

Disagree

Please give some reasons for your answer in the text box below::

raising funds takes longer than this. these are big skelps of ground we're talking about, a year is reasonable

26 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?

Please write your answer in the text box below::

no

### Part 8: New conditions on those in receipt of public funding for land based activity

27 Do you agree or disagree with these requirements?

question27 - Requirement i.:

Agree

question27 - Requirement ii.:

Agree

Please give some reasons for your answer in the text box below: :

why would you give people public money otherwise?

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

Please write your answer in the text box below::

no

### Part 9: Land Use Tenancy

29 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?

Not Answered

Please give some reasons for your answer in the text box below: :

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

Please write your answer in the text box below::

31 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?

Not Answered

Please give some reasons for your answer in the text box below: :

32 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?

Not Answered

Please give some reasons for your answer in the text box below: :

33 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?

Not Answered

Please give some reasons for your answer in the text box below: :

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

Please write your answer in the text box below::

35 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?

Not Answered

Please give some reasons for your answer in the text box below :

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

Not Answered

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

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

Not Answered

Please give some reasons for your answers and outline how this process could be managed in the text box below::

38 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?

Not Answered

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

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

Please write your answer in the text box below::

## Part 10: Small landholdings

40 Would you like to be kept informed via email about the Small Landholding Consultation for the Land Reform Bill? We would use the email you provide in the 'About you' section to contact you.

Yes

## Part 11: Transparency: Who owns, controls and benefits from Scotland's Land

41 Do you agree or disagree with our proposal to explore:

question41 - Who should be able to acquire large-scale landholdings in Scotland:

Agree

question41 - 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:

Agree

Please give some reasons for your answer in the text box below :

we only have so much land and we have to increase both transparency and leverage in order to generate more public benefit

## Part 12: Other land related reforms

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

Please write your answer in the text box below::

It's always been inheritance tax which helps to break up large landholdings, so important to be talking to UKG about this, especially in a context where wealth has become more concentrated and land-based wealth has grown so quickly. Probably only a conservative government could tackle inheritance tax.

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

Please write your answer in the text box below::

Community acquisition of land should not be seen as the only or even best way to deliver community benefit. It's as important to increase community agency/management and community benefits - so partnership arrangements between communities and owners (whether state, charity or private) can be designed which share control and benefits.

There's scope to use RLUPs to aggregate projects for blended investment, and for communities to be involved in those discussions

Please write your answer in the text box below::

It might be worth thinking about how the registry could work for the high-integrity markets we want to see in carbon and eco-system services. If there was a single Scottish registry then perhaps projects could pay fees proportionate to their ROI, creating a wealth fund

It also makes complete sense to have a state-owned renewable energy company (as well as renationalising the grid and introducing locational pricing so that people can get cheaper power and new industries like green hydrogen and high tech glasshouses can flourish.

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

Please write your answer in the text box below::

n/a

### Part 13: Assessing impact

45 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?

Please write your answer in the text box below::

46 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?

Please write your answer in the text box below::

47 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)?

Please write your answer in the text box below::

48 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?

Please write your answer in the text box below::

49 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)?

Please write your answer in the text box below::

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

Please write your answer in the text box below::

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

Please write your answer in the text box below::

### Part 15: About you

What is your name?

Name:

Pete Ritchie

What is your email address?

Email:

pete@nourishscotland.org.uk

Are you responding as an individual or an organisation?

Organisation

What is your organisation?



Organisation:  
Nourish Scotland

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

Publish response with name

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Yes

I confirm that I have read the privacy policy and consent to the data I provide being used as set out in the policy.

I consent

## Part 16: Evaluation

Please help us improve our consultations by answering the questions below. (Responses to the evaluation will not be published.)

Matrix 1 - How satisfied were you with this consultation?:

Slightly satisfied

Please enter comments here.:

good to have lots of open text boxes, good explanation of rationale for the most part

Matrix 1 - How would you rate your satisfaction with using this platform (Citizen Space) to respond to this consultation?:

Very satisfied

Please enter comments here.: