

## **Submission to Net Zero Energy and Transport Committee**

### **Stage 1 Scrutiny of the Land Reform (Scotland) Bill**

#### **Background**

I am making this submission as a Member of Scottish Parliament with a keen and clear interest in the subject of land reform in Scotland. I consulted on a proposal for a members' bill on the subject of land reform, the [Land Ownership and Public Interest \(Scotland\) Bill](#) in June 2023. My draft proposal was lodged on 6<sup>th</sup> June 2023. The relevant consultation ran from 7<sup>th</sup> June to 26<sup>th</sup> September of that year

The text of my draft proposal was:

*'A proposal to address the centuries old, concentrated pattern of land ownership in Scotland and to restore land for the many by introducing a presumed limit of 500 hectares on individual sales or transfers of land and on the aggregate amount of land any person can own, and by strengthening the regulation of Scotland's land market by making land transfers over the 500-hectare limit subject to a public interest test.'*

The unequally concentrated distribution of Scotland's land is demonstrated in the most-recently available figures from 2013, that just 432 landowners own 50% of all Scotland's privately owned land.

It is clear this is one of the most entrenched inequalities in Scotland and forms a foundation of economic injustice in the country. The extraordinarily high concentration of land in the hands of so few must be urgently addressed if we wish to build a fairer Scotland for families and communities.

In communities across Scotland, inequality manifests itself in rising land value, house prices, and reduced access to nature. The rising prices of Scotland's land is due to relentless, increasing exploitation and commercial development of our land. Unchecked commercial exploitation prices communities out of buying land, where community ownership of land can help communities advance their social and economic needs. The current pattern of land ownership infringes on the ability of Scotland's communities from addressing these needs such as housing and energy. The Land Reform Review Group notes the scale of land ownership and decisions of landowners inhibits communities from gaining rights to land for green initiatives such as housing development or renewable energy installations.

Diversifying Scotland's land ownership so it is used for a wider range of purposes ranging from crofting, housebuilding and horticulture could be hugely beneficial to some of our most economically and geographically disadvantaged communities - by creating up to tens of thousands of new jobs in rural areas.

#### **The Land Reform (Scotland) Bill**

I welcome the Scottish Government's bill and the preceding 2022 consultation. I am pleased the government are considering and seeking to legislate on the issues of land management and land ownership whilst seeking to limit the number of hectares of land that can be owned and purchased while also creating a new Land and Communities Commissioner who would oversee and investigate land ownership and the other provisions in the Bill.

The 2022 Scottish Government consultation on the new Land Reform Bill sought views on several proposals including:

- strengthening the Land Rights and Responsibilities Statement
- introducing compulsory land management plans
- ensuring the public interest is considered on transfers of large-scale landholdings
- introducing new requirements to access public funding for land-based activity
- introducing a new Land Use Tenancy
- increasing transparency in relation to land ownership and land use

The bill is an opportunity to radically tackle the unfair distribution of Scotland's land. By placing new obligations on landowners to produce land management plans, engage with local communities, and ensure communities receive prior notification if an owner plans to transfer a large landholding (or part of it), thus providing an opportunity to purchase the land, the government is making a start on the issue. The guarantee that large landholdings (or more than 50 ha of a large landholding) cannot be transferred without Ministers' decision to sub-divide the land into "lots" is also welcome.

Proposals such as lotting and land management plans would have a welcome effect on ecological restoration and on meeting Scotland's net zero goals. Lotting of large landholdings allows communities the opportunity to purchase land for community benefit. The lower the threshold for lotting, the more communities will be in a viable position to benefit from lotting. Community ownership of land allows for ecological restoration work to be done with the initiative, consent, and engagement of local communities, in a way that benefits people in the community and future generations. Communities have shown they are eager to prioritise ecological restoration. With robust land management plans, smaller lotting will allow more communities to engage in meaningful ecological restoration.

However, as it currently stands the Bill is disappointing in that it does not go anywhere near far enough to help redistributing Scotland's land in a fair and equitable way. I believe that we must be more proactive and do all we can to intervene to provide communities with as much support as possible to own local land for the benefit of the wider community. To an extent, a number of the issues the government consulted on in 2022 and propose in the Bill replicate the principles and aims of my proposed Land Ownership and Public Interest Bill.

### **Proposed Land Ownership and Public Interest (Scotland) Bill**

The consultation for my proposed Bill received [568 responses](#). The consultation was open for 16 weeks (7<sup>th</sup> June – 26<sup>th</sup> Sept 2023). The consultation was necessary to enable people, communities, public bodies and businesses to contribute to this work on land reform. The consultation built on previous land reform – namely the [Land Reform \(Scotland\) Act 2003](#), the [Community Empowerment \(Scotland\) Act 2015](#), and the [Land Reform \(Scotland\) Act 2016](#). It draws on work by the [Scottish Land Commission](#), the [Just Transition Committee](#), and [Common Weal](#).

The purpose of the proposals in promoting community land ownership was to place people and communities at the heart of local land management and ecological restoration. With this, local communities, would be able to take agency and decisions affecting their local natural environment, local economy, and food supply. The consultation was framed in positive response to Scotland's [Land Rights and Responsibilities Statement](#). The proposals were proportionate to the scale of the problem, given the inequitable and increasing concentration of land in the hands of a small number of private landowners. As responses noted, Scotland's pattern of landownership is an outlier compared to other, similar developed

nations, and distribution of landownership has a harmful impact on housing, farming, public health and nature restoration.

The proposed bill did provoke a degree of polarisation amongst respondents, but the responses overall showed there is broad support for the proposals set out. It was clear from the responses there is an appetite for radical land reform and for Scotland to shift the dial on land ownership by expanding community ownership and limiting the concentration of land in the hands of wealthy individuals, families or companies. Whilst respondents to the consultation were by definition self-selecting, the consultation showed nearly three-quarters of respondents fully or partially supported the proposed bill, with a majority in favour of a presumed limit of 500 ha (or lower) for land being bought and sold. A clear two-thirds majority of respondents agreed that the public interest test should be applicable to existing landholdings. Independently, [polling by Diffley](#) for Community Land Scotland and the REVIVE Coalition shows two-thirds majority of people in Scotland support tighter restrictions on purchase & sale of land, the introduction of a limit on the total amount of land ownable, and a desire for more ambitious land reform across Scotland.

The Government categorises a large landholding as above 3,000 hectares. The government's Land Reform (Scotland) Bill includes provisions for certain circumstances where ownership of a large landholding must be transferred (or Ministers must consider the transfer) in smaller lots rather than as a whole. In contrast, my proposal would limit lotting of transfers to 500 ha with a public interest test. Of the ~50,000 agricultural holdings in Scotland, only 3.6% - [fewer than 1,800](#) - would be potentially affected by the proposal to limit lotting of transfers to 500 ha. This limit should not affect any domestic householders, crofters, or average-scale landowners.

Critically, my proposal also applies to existing holdings in that a community may bring forward a case to the regulator and if found a large holding does not satisfy the public interest test, the holding may be broken up. This gives local communities the power to challenge through the offices of the regulator rather than wait on movement in the 'market' before being able to seek ownership of local land.

## **Summary**

This bill is an opportunity to disrupt the relentless increase in cost of land which prices out communities and concentrates wealth in the hands of a few. The bill should provide more robust mechanisms for communities to access funds, skills and expertise, with a view to purchasing land if they want to. I feel the current proposals provide very limited scope for public interest examinations of existing landholdings.

As things stand, the government's proposals are not strong enough and will not tackle the inequitable distribution of land in Scotland in the robust and timely fashion necessary. Furthermore, the Bill's failure to include a total limit on land ownership means wealthy individuals, estates, and companies will be able to continue accumulating ever-greater concentration of land assets. Finally, the Bill's proposals also fail to set out which body would be responsible for regulation of Scotland's land market, including the administration of any public interest test.

## **Key Asks**

I would urge the Scottish Government to be more ambitious and to use the proposals in my members bill to strengthen its legislation. Scotland's communities need a fairer and more robust framework to diversify the ownership of Scotland's land. Well-meaning as this legislation is, it needs to go much further to help communities to take ownership of their local land for the benefit of local populations across Scotland and future generations.

I therefore am asking the Committee to consider the following in its scrutiny of the government's proposals and bill:

- scope for public interest examinations of transferring and existing landholdings
- the body responsible for regulation and administration of such tests
- robust mechanisms for communities to access funds, skills and expertise to support community purchasing of land
- the need for a total limit on land ownership by individuals, estates, and companies

I hope this submission has proved useful to the Committee in its examination and consideration of the general principles of the Land Reform (Scotland) Bill.