

Stakeholder Advisory Group Report (2022-23)

Scotland's Land Reform Futures project, Rural Futures theme



(Isle of Lewis: Photograph by Annabel Pinker)

Annabel Pinker and Annie McKee, James Hutton Institute, April 2024

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Context

The Scottish Government funds a programme of strategic research through the Rural and Environment Science and Analytical Services (RESAS) division to advance the evidence base in the development of rural affairs, food and environment policies.

One of the themes of the research programme is on Rural Futures. This theme is made up of three research topics: rural communities, rural economy and land reform. There are two projects within each topic led by Scotland's Rural College (SRUC) and James Hutton Institute (JHI). Within the land reform topic, the two projects are:

- 1) Impacts of land-based financial support mechanisms on land values, landownership diversification and land use outcomes
- 2) [Scotland's Land Reform Futures](#)

This report sits within a series of publications as part of this theme.

The Scotland's Land Reform Futures project will support Scottish Government policy development regarding community land ownership and engagement in land use decision-making, as well as increasing understanding of the role of landownership and land reform in achieving net zero emissions and reversing biodiversity decline in Scotland. This project will also build knowledge of Scottish land reform processes and outcomes that can contribute to wider global land issues requiring urgent attention.

As part of the Scotland's Land Reform Futures project objective to incorporate a transdisciplinary, deliberative knowledge exchange-based dimension into the research process, a Stakeholder Advisory Group was formed. The project seeks to facilitate learning between and within Scotland's landownership and land use sectors, and to create spaces for different kinds of knowledge to inform future land reform policy development. The project also adheres to an open science approach, involving practitioners, policymakers, organisations, and community members throughout the research process. With these aims in mind, through a process of purposive sampling across land sectors, and drawing on knowledge and contacts within the research team, 14 participants were recruited to the Stakeholder Advisory Group. The participants have been drawn from across the land ownership and land use sector in Scotland and include: land reform-focussed academic researchers; representatives of communities that own land or have an interest in issues around land ownership and use; organisations engaged in issues relating to land ownership and land use; relevant government agencies or public bodies (e.g. the Scottish Land Commission and NatureScot); and relevant Scottish Government policy teams.

After indicating their willingness to join the Stakeholder Advisory Group, all members were invited to participate in a baseline interview with a member of the research team. In addition to informing the stakeholders about the research project, the aim of these interviews was to learn about their perspectives, experiences and values around Scottish land reform. The interview questions explored the stakeholders' thoughts on current and future outcomes of Scottish land reform, and the key issues and knowledge gaps that should be addressed in relation to land reform.

This report outlines the main themes that arose from these interviews. It also includes a summary of the main points discussed in the Stakeholder Advisory Group meetings over

the course of its first year. It should be noted that this report is designed to lay out stakeholder views in order to better inform the next stages of the research process. As such, it does not offer policy recommendations, and is not intended to advise policy-making.

Highlights

This report lays out some of the key points raised by stakeholders in the Stakeholder Advisory Group meetings and baseline interviews held over the first year of the Scotland's Land Reform Futures project.

The key themes arising from this set of interviews offer an overview of the policy and social context of land reform in Scotland, providing a valuable starting point for the new research generated in the Scotland's Land Reform Futures project. Through undertaking these baseline interviews, we also have a qualitative dataset for a comparative analysis at the end of the project aimed at understanding whether the process of taking part in the Stakeholder Advisory Group (and the 'open science' approach adopted) has led to social learning outcomes (such as changed perspectives or the formation of new relationships)¹ for the participants.

The main themes discussed in the interviews are offered in summary below:

Definitions of land reform

Whilst stakeholders' ways of understanding land reform differed somewhat, there were broad overlaps and resonances between them:

- Land reform is anything that relates to land policy, land legislation and changing land use.
- Land reform is concerned with making the best possible use of Scotland's land and marine assets to deliver public benefit.
- Land reform is often confused with community land ownership, but whilst community landownership would not have happened without land reform, land reform is a larger issue.
- Land reform is concerned with the productive, responsible and sustainable use of land to benefit everyone, whereby everyone has a stake and some influence over how that is managed and used.
- Land reform is constituted of three different strands: the 'political polemic of land reform'; the 'political and legislative public policy' and 'the societal change'.

Positive dimensions of land reform

- Stakeholders mentioned that there is now greater awareness around land reform and noted that Scotland was becoming a model for other countries contemplating land reform.
- The community ownership movement is seen by some as the main achievement of land reform.
- There is an increasing recognition that with ownership comes responsibility, to the land, communities, and fundamentally, to the planet.

¹ On social outcomes see **McKee, A.**, Guimarães, M.H. and Pinto-Correia, T. 2015. Social capital accumulation and the role of the researcher: An example of a transdisciplinary visioning process for the future of agriculture in Europe, *Environmental Science & Policy* 50: 88-99.
<https://doi.org/10.1016/j.envsci.2015.02.006>

- Land reform has opened up more mechanisms and legal instruments for influence and engagement, with the potential for greater equality and equity.
- There has been an increase in academic outputs on land reform, which have supported communities to articulate challenges and potential solutions.
- There are signs of a more positive relationship between landowners, local decision makers, local communities and others, pointing to an increase in collaboration and mutual understanding in certain respects.
- Community buy-outs have led to positive outcomes at economic and social levels.
- There is now a greater diversity of land assets that are now more available to communities through lease and purchase arrangements.
- Land reform is becoming increasingly important in urban as well as rural areas.

Negative dimensions of land reform

- The legislation can be onerous and complex for communities.
- The pace of change is slow.
- There is a need for more funding and support for communities.
- Policies relating to land reform can be unhelpfully siloed in different areas.
- There can be a lack of clarity from government around land reform outcomes.
- Land reform has overseen a rise in polarisation and antagonism, especially towards landowners.
- There is a growing disconnect between urban and rural Scotland partly as a result of land reform.
- There are raised expectations that community landowners can deliver more than they can.
- There are governance and recruitment challenges facing communities that take over ownership of estates.

Stakeholder views on land reform priorities in Scotland

- Responding to climate change, biodiversity loss, net zero targets, and the related rise in buying land for carbon offsetting are key priorities for stakeholders, especially with respect to land use and management.
- There are concerns about the numbers of land sales currently taking place ‘below the radar’ and in an ‘unregulated’ fashion on account of the growing market in land trading for carbon offsetting and natural capital.
- There are concerns about rapidly changing land values and the commodification of land, specifically in relation to a relatively unregulated land market, planning changes, and the drive towards carbon credits.
- Land use changes must be responsive to current and changing societal needs, especially around housing, tourism, recreation, food production, in addition to climate change and biodiversity loss. However, these different domains are often in conflict with one another.
- There is too much emphasis on how many acres of land communities have control over, rather than on how the land is used.
- It will not be possible to do land reform properly without establishing fiscal measures – though there is a recognition that a lot of this would be beyond the powers of the Scottish Parliament.
- There is a need for improved funding and resources for communities seeking to own land and assets

1. Introduction

This report provides a brief precis of the Stakeholder Advisory Group (SAG) meetings held over the course of the first year of the Scotland's Land Reform Futures Project (April 2022 – March 2023), which will be updated on an annual basis. The second part of this report is a longer summary of the baseline interviews held with members of the advisory group at the start of the project.

2. Stakeholder Advisory Group meetings summary

Three Stakeholder Advisory Group meetings have been held since the project began: the first took place on August 31st, 2022 (hybrid in-person and online); the second on December 8th, 2022 (online); and the third on March 21st, 2023 (hybrid in-person and online).

The **first meeting**, in August 2022, provided an overview of the two projects that comprise the SRP's planned research on land reform: 'Scotland's Land Reform Futures' (led by Hutton), and 'Impacts of land-based financial support mechanisms on land values, landownership diversification and land use outcomes' (led by SRUC). Both projects were presented by members of the project teams, and there was an important discussion regarding the remit, terms of reference and governance of the Stakeholder Advisory Group.

In the **second meeting**, there was more space for substantive discussion amongst stakeholders. The research team provided updates from the various strands of the 'Scotland's Land Reform Futures' and the 'Impacts of land-based financial support mechanisms on land values, landownership diversification and land use outcomes' projects, and there was some discussion of a number of themes. There were also two breakout group discussions. The first, led by Ian Merrell of SRUC, looked at land values and landownership diversification; the second, led by Naomi Beingessner, explored alternative models of land tenure (each discussion is summarised in separate reports², so will not be addressed in any further depth here).

The Scotland's Land Reform Futures team also provided details of planned research on the impact of land reforms on values associated with land, to consider values in more than monetary terms, through the lenses of human, social, natural as well as financial capital. SAG members were supportive of this developing research. It was also noted that a key factor to take into account when considering land values is the value in terms of tax avoidance and the tax breaks associated with land, which drives up land prices. The SAG suggested including croft land and crofters, in particular, gathering their insights into how they value their land, as well as non-crofters, considering the way the land is used and its accessibility. Finally, it was noted that it is important to consider tenanted land, in terms of how people value land that they use but don't own.

² The report on alternative land tenure can be found here:

<https://www.hutton.ac.uk/sites/default/files/files/Alternative%20Land%20Tenure%20Models%20-%20Naomi%20Beingessner,%20Hutton,%20June%202023.pdf>

The report on land values and landownership diversification can be found here:

<https://pure.sruc.ac.uk/en/publications/rural-land-values-and-land-diversification>

The **third meeting** began with project updates, which were followed by two facilitated discussions: the first sought to draw on SAG members' feedback regarding the SRUC project team's conceptual model on the impacts of land-based financial support and the second was aimed at gleaning the SAG's views on values associated with land (as introduced during the previous meeting).

In relation to the developing research on the impacts of land-based financial support, the SAG members suggested that tenancies could be a reason for landlords both to buy and sell land: landlords can be considered rent-seekers, and rental income is useful; but landlords may also wish to sell to rid themselves of troublesome agreements. Crofting tenure could, similarly, serve as a motivation to landlords to buy or sell. There was some discussion of the barriers to and attractiveness of buying crofting estates and the crofting individual right to buy.

Stakeholders also suggested that business activities including tourism, hospitality, agrotourism and county sports tourism; biodiversity (measured by natural capital); family partnership issues (selling land due to a lack of services in older age, etc.); and selling land as a moral decision, should all be incorporated into the conceptual model³.

The second break-out discussion was focussed on verifying the range of values associated with land identified from the academic literature. The SAG members suggested additional values not yet captured and tested an approach to prioritising key values⁴.

3. Stakeholder Advisory Group baseline interviews analysis

The following section provides a summary of some of the key themes arising from the rich baseline interviews carried out with the initial members of the Stakeholder Advisory Group (interviews undertaken during Summer 2022)⁵. The interviews, which were about an hour in length, were carried out online, and were transcribed and analysed thematically using NVivo software. In accordance with the consent agreement signed by the interviewees, the interviews are presented here anonymously, in order to preserve confidentiality; however, some descriptors relating to interviewees' roles have been retained in order to provide some nuance in the analysis. This report focusses on four main themes that were prominent in the baseline interviews: (i) stakeholders' understandings and definitions of land reform; (ii) their perceptions of the positive effects of the land reform agenda; (iii) a discussion of the more negative dimensions of land reform; and (iv) stakeholder views on land reform priorities in Scotland over the coming years. Throughout the analysis, the interviewees will be referred to as 'stakeholders'.

³ The published framework is an attempt to track all of the influences of the market (supply and demand side factors), not necessarily just financial flows. It also includes what affect these have on land concentration and the overall value of land. The report on the conceptual model can be found in full here: <https://doi.org/10.58073/SRUC.23192564.v1>. A simplified version can be found here: <https://doi.org/10.58073/SRUC.22348396.v1>

⁴ The report on land values can be found here: [Understanding public values of land: A developing typology \(zenodo.org\)](https://zenodo.org/record/6444441)

⁵ Please note that since the initial SAG meeting, two further individuals have joined the SAG. Their baseline interviews are not incorporated into the analysis presented in this report.

Key themes

A. Land reform and its impacts

A1. What is land reform?

In many of the baseline interviews, there was some exploration of what land reform means to the stakeholders, and there was some variety in the responses.

One stakeholder, from an organisation representing landowners, said simply that land reform is anything that relates to land policy, land legislation and changing land use. Another, from a Scottish development agency, defined it as *“all about making the best possible use out of Scotland’s land assets – and marine assets as well – in its widest context to deliver public benefit”*. They noted that *“land reform is all about productive, responsible and sustainable use of land – a bit like utopia, to benefit everyone, [whereby] everyone [has] a stake and some influence over how that is managed and used”*. Another stakeholder, from a body representing community landowners, was careful to say that land reform was often confused with community land ownership, but that in fact, whilst community landownership would not have happened without land reform, land reform is a larger topic.

One stakeholder from an organisation representing landowners, saw land reform as constituted of three different strands: the *“political polemic of land reform”*; *“political and legislative public policy”* and *“societal change”*. In relation to the latter, they noted that land reform as an:

“ever-evolving mix of land rights and responsibilities which happen through normal societal change...has been far more transformative than people appreciate; so things that have happened with changing land use, changing attitudes, you know, generational change, changing relationship with land - I think that’s an area that doesn’t get enough attention – and there’s positives and negatives, you know...”

This stakeholder then described the public policy and legislation dimension of land reform as a *“never-ending”* journey. They noted, *“it does feel as though...we’ve just got one new piece of legislation and we’re suddenly onto the next one, or a new policy”*. They also pointed out that very little work had been done to explore the impact of changes that had already taken place, and that there was a need to understand *“the baselines”* and *“outcomes”* of existing legislation and policies.

One stakeholder from a public body working on land issues reflected that land reform is a process, and that therefore there may be no endpoint: *“It’s a journey, it’s not a final destination.....And I think we’re still on that journey and each land reform bill and other things, like the Community Empowerment Act, are another step on that journey. It’s never one of those things where there’s going to be a final land reform act and that’s it done, finished and over; it’s something that will constantly evolve. There’s never an endpoint for society so there’s never an endpoint for land reform”*.

This stakeholder also described land reform as a means of promoting greater equality. They noted that whilst things may happen differently in different places, *“addressing the structural issues of power and control and...communities having a hand in their own destiny is very much the same. And I think that’s where the focus is; it’s on those structural changes and it’s about...giving people, both as individuals and communities collectively, the tools to*

essentially have a fair crack at what has been the preserve of a relatively small number of individuals, organisations, institutions for a long, long time. And in a way, I think that's how I would see land reform: it's about levelling that playing field and giving everyone the same opportunity".

Others pointed out that there was quite a lot of confusion and misunderstanding about land reform in the public domain. One stakeholder (from a body representing farmers) noted that the members of their organisation didn't necessarily have a good understanding of what land reform meant; they might explain to members that land reform was *"anything to do with ownership, management and use of land in Scotland and you can see people going, 'oh right, okay. I didn't realise that's what it was'"*. They also mentioned that land reform as a topic does not necessarily grab people's attention: *"If I walked along my holding's road and stopped people who live and work here and sort of said, 'Are you interested in talking about land reform?', they would roll their eyes at me, but if I said to them, 'Do you want to talk about housing or farming policy or where we plant trees?' I wouldn't be able to shut them up"*.

Indeed, another stakeholder pointed to the complexity of land reform, and its overlaps with many other policy areas, such as housing.

A2. Positive dimensions of land reform

• More awareness of land reform

One stakeholder, from a third sector organisation that campaigns for crofting, pointed to the fact that many more people are now talking about land reform and noted that Scotland was becoming a model for other countries contemplating land reform: *"Other countries are looking at what's happening in Scotland and with a certain degree of envy, that Scotland is actually getting on with it, grasping the mettle and trying to do something about the situation that we have"*

• Community ownership

Several stakeholders suggested that the community ownership movement, with a shift away from the assumption of single-entity landowners, could be seen as the *"main achievement"* of land reform (stakeholder from public body working on land issues). They drew attention to the increasing normalisation of community ownership, which is now considered a *"normal and reasonable aspiration"* (community development consultant). Whilst the Assynt crofters⁶ were considered radical in what they were doing, *"now it's kind of...becoming mainstream"*. Nor were such moves associated solely with those on the left of politics; instead, it is becoming a *"normal thing...for communities to want to have control over land assets"* (stakeholder from a Scottish development agency). Such changes were down to a culture shift; others also pointed to *"community voices, certain organisations...and also...to government listening and understanding [that] this is a real issue"* (stakeholders from organisation representing rural issues).

One stakeholder, a community development consultant, pointed out that the success of community ownership has been evinced by the numbers of acquisitions of small land areas and asset transfers that have come through for communities over the past few years. Meanwhile, although many landowners continue to sell land privately (including 'off-market'), there has been an increase in those who are willing to *"approach communities*

⁶ The Assynt crofters led one of the early community land buyouts in Scotland, in 1992.

and offer them an asset because they are thinking of selling it, rather than just sticking it on the market or selling it privately”.

Several stakeholders highlighted that land reform was not simply about community ownership. One of the successes of the land reform movement has been – partly on account of the work of the Scottish Land Commission – that land reform is now seen as going beyond the issue of community ownership alone. One stakeholder, from a Scottish development agency, also noted that community ownership is no longer seen simply as a rural issue, but as something increasingly relevant to all communities and to “every single person in Scotland”.

- ***With landownership comes responsibility***

One stakeholder, from a Scottish development agency, observed that there is an increasing recognition that with ownership comes responsibility, *“both to the land, but also to...communities, and fundamentally, to the planet, because obviously we’ve got very significant climate challenges ahead and land is a critical factor in that”*. Another, an academic specialising in land reform, similarly pointed out that the land reform agenda has brought a shift in the presumption that a landowner has absolute rights over land: *“The right to disposal is clearly a big thing for any property owner and that has had its wings clipped”*.

- ***More mechanisms of influence and engagement, and the potential for greater equity***

One stakeholder, from a Scottish development agency, noted that there are now mechanisms for people to *“influence and to engage and to become active”* in relation to land reform. Another, from a body representing farmers, pointed to the importance of the Scottish Land Commission, and said that the creation (as a result of the 2016 Act) of the Tenant Farming Commissioner as an *“independent ombudsman”* had been very *“positive for the sector”*.

Another, from a public body working on land issues, said that the *“main thing”* was that the land reform movement had given *“more people more opportunity”*:

“It’s about giving people the tools to do things, to be able to fulfil their destiny, if you like, rather than feel that they are trapped within a system where they can’t. And I think that’s what we’ve seen through things like the community right-to-buy and the crofter’s right-to-buy and then laterally, with things like community asset transfer, through the community empowerment bill, those are the positives – you open up those options. And it’s not to say that those kind of options weren’t there before. There was nothing previously stopping a community coming together to buy the estate or their local assets or approach the council to take over the town hall, or whatever it was, but it’s that marker that provides the confidence and ultimately the legal backstop, if it’s required, that enables communities, individuals, to feel that they can do these things. I think that’s the crucial thing, it’s not necessarily about the legislation itself, it’s the signalling that’s really powerful and the confidence that gives...to people to feel they can participate, they can fill their destiny, if you like. They have the tools to do that, if they want”

One stakeholder, an academic specialising in land reform, similarly pointed out that *“the legislation brings owners to the table”* whereas without it *“they wouldn’t have had to even acknowledge the table in the first place”*. They emphasised that whilst the number of land

transfers was low, noting that only one transfer of a crofting estate has occurred under the [Transfer of Crofting Estates \(Scotland\) Act 1997](#), and the crofting community right to buy has never been used, the transfer in Pairc on Lewis would not have happened without the latter, and it was possible that the Galson and South Uist transfers may not have happened either. So, they noted, the existence of the legislation has had an impact and wielded an influence even though it has barely been formally used⁷.

- **Increasing academic outputs**

Stakeholders noted that there has been an increase in academic outputs on land reform, which have supported communities, as one stakeholder from an organisation supporting rural issues put it, *“to be able to articulate both the challenges they are facing but also the solutions they can put forward... These are positive trends that will counteract the policy silos and more national issues”*.

- **Increased transparency and collaboration**

Some pointed to the *“growing awareness of how people can work together to a common goal”* that has arisen through land reform: *“So, you know, defining what success looks like, defining how landowners can contribute to local and national targets, and then landowners thinking about their land in terms of how it plays a part in a thriving rural Scotland, getting people to kind of think differently about how they’re contributing to society and societal aims”* (stakeholder from an organisation representing landowners). They also noted that with that has come a more positive relationship between landowners, local decision makers, local communities and others, pointing to an increase in collaboration and mutual understanding in certain respects, as different parties have come to the table together to seek common ground.

Others, however, suggested that insofar as such collaboration has been influenced by the Land Rights and Responsibilities Statement, much of what is addressed there remains *“quite aspirational and not regulated or enforced in any way”* (stakeholder from a national conservation charity). In this sense, whilst they agreed that there are some leaders who are *“creating change and setting precedents”*, they didn’t think such practices were commonplace, and felt that the majority *“still aren’t getting it...and aren’t trying, and aren’t interested, and are disengaged”*.

Others pointed to the greater transparency and visibility around landownership; there’s been some scope *“to throw off some of the stereotypes”*, with landowners saying more about who they are and how they contribute, and being shown to be more diverse than they have been considered to be in the past; *“it wasn’t just this one person in tweed”* (stakeholder from an organisation representing landowners).

- **Real world impacts**

One stakeholder (from a body representing community landowners) observed that without exception, the community buy-outs they knew of in the Highlands and Islands had led to

⁷ On this, one stakeholder, from a development agency, commented: *“So I think, since the 2003 act, which was obviously three bits, two bits were relevant to communities, of which one still hasn’t been used, the Crofting Community Right to Buy still has never been used in its entirety, there hasn’t been a blade of grass purchased under the crofting community right-to-buy, and the community right-to-buy has been used but in the grand scheme of things, it hasn’t been used to a great extent”*.

“positive outcomes at an economic and a social level”. They pointed to the changes witnessed in the Galson community, in the north of the Isle of Lewis, where at the time of the community buyout there, there was one employee, a part-time legal representative. As a community-owned trust, Galson now has 16 employees, albeit not all full-time. But they noted that the flexible employment policy they operate has allowed highly skilled people, and particularly women, to get the kind of work they are qualified to do whilst remaining within their communities and close to their families. Galson has developed a renewable energy project that has helped the Trust gain the independence and confidence that comes with having its own revenue stream; it has also enabled them to speak to and for the community, as well as outside of it, through engagement with government and public bodies; *“you can engage at any level, independently to represent your community and to take things forward”*.

- ***New potential unlocked***

One stakeholder (an academic specialising in land reform) pointed out that land reform has unlocked *“a degree of potential”* that might not otherwise have been available: for example, there is a greater diversity of land assets that are now more available for communities to lease and own. They did also note, however, that taking advantage of these opportunities relies on considerable social and financial capital.

- ***Responsible Access***

Some stakeholders pointed to the formalisation and normalisation of responsible access rights and the right to roam as a key success story, especially when compared with the situation south of the border. Although there continue to be many access *“blockages”* there has been a move away from an understanding of property as somebody’s *“sole dominion”* (academic specialising in land reform).

- ***Land reform as an urban issue***

Finally, a few stakeholders felt that there was a growing understanding of land reform as being as important in the urban realm as it is in the rural realm. Whilst there was initially a focus on rural estate buy-outs, more recently *“there has been a recognition that smaller assets in urban areas are almost as valuable, or just as valuable as a rural estate is to the people that live there”* (stakeholder from a public body working on land issues).

A3. Negative dimensions of land reform

- ***Legislation and regulation***

Some stakeholders noted that whilst legislation and regulation are and have been crucial to pushing forward land reform, they also tended to overtake other ways of approaching the complex issues surrounding the scale and concentration of land ownership. One noted that *“The legislation drives everything so you get very focused on something being right or wrong by the legislation, and sometimes common sense can fall out of that”* (stakeholder from Scottish development agency). They gave the example of Pairc, on the Isle of Lewis, where the community attempted to use the Crofting Community Right-to-Buy legislation⁸, which has

⁸ The Land Reform (Scotland) Act 2003 gives crofting communities the right to acquire and control the croft land where they live and work, and to acquire the interest of the tenant in tenanted land.

not yet been successfully deployed. They said that “*years of time and effort*” were expended in trying to progress through that legislative route, which is particularly onerous. In the process, the reasons they were doing it got somewhat lost as they invested their energies in trying to fulfil the requirements of that legislation (“*the legislation requires x, y and z, and if you don’t do x, y and z, nothing progresses*”). They pointed to the importance of balance: an action needs to be “*competent within the legislation or it doesn’t work, but that degree of...compliance can be to the detriment of developing really strong community projects*”. At the same time, they emphasised that “*no legislation is perfect, just by its nature; it has to be very binary*”.

A number of stakeholders pointed out that although it was good that land reform was underway, the speed of change was much slower than many people would like it to be. In particular, there were concerns that regulation was not keeping up with the rate of change. They pointed to the “*unregulated land market that is just sweeping throughout Scotland*” (stakeholder from organisation supporting rural areas), whereby land is being sold without ever going on the market, with “*questionable outcomes*”, such as the boom in land being deployed for the purposes of generating carbon credits. Communities are then forced to navigate such changes at speed.

Others also pointed to obstacles that decreased the momentum of change, with one stakeholder (from a crofting campaign organisation) pointing to the aftermath of the Land Reform Review Group’s (2014) report, which, in the stakeholder’s view, had advised the government with high quality research and recommendations in the run-up to the formulation of the 2016 Act. However, the stakeholder said that high hopes for the resulting legislation had been dashed after it went out to consultation, with various actors going out to lobby against it, with the resulting Act being a very much more watered-down version of what had been discussed.

• **Funding and support**

Some stakeholders pointed to the need for more flexibility with respect to the Scottish Land Fund so as to enable communities to access “*bigger chunks of money when it’s needed*” (development consultant).

Others pointed more broadly to the “*pretty bureaucratic*” nature of the ‘right-to-buy’ legislation; “*you’ve got to go [through] various hoops*” (academic specialising in land reform) and while the Community Empowerment (Scotland) Act 2015 made things somewhat easier, the hoops remain. These bureaucratic stages, they said, could also strain relationships between communities and existing landowners, as expectations built around what they should be doing.

A number of stakeholders pointed out that land reform faced capacity issues in that it is effectively being subcontracted to people – especially communities – with limited time and resources to push through change. None of the regulatory and legislative tools are necessarily easy to use; “*they can be quite complicated, quite complex, quite involved*”. As a result, they “*require a lot of time and effort and energy, and those aren’t available to every individual in every community*” (stakeholder from public body working on land issues). Limits on capacity are difficult to overcome, they said, without significant investment in both human and financial resources. They noted that people needed to be trained to use tools (such as land reform powers) properly, and to receive follow-through support in deploying them.

Another member pointed out that this support was especially important for those communities that have taken on assets.

Other stakeholders pointed out that other sectors, such as farming, can struggle with the changes required by land reform, in particular the right to responsible public access enshrined by the 2003 Act. Similarly, the codes of practice produced by the Scottish Land Commission have generated a lot of work for the farming sector, which was already stretched.

- ***Siloed policy-making***

One stakeholder (from an organisation supporting rural issues) noted the unhelpful inconsistencies between policy narratives around land reform as a result of siloed approaches to policymaking. They said that land reform is constituted differently according to the policy context in which it appears; for example, land reform narratives manifest differently in the climate change policy context from when they appear in relation to policies around (de)population. Meanwhile, at grassroots level, there appears to be less inconsistency. Thus, local rural communities, whose understanding is more holistic, arising as it does from the *“interconnected whole”* of local people and the land they use and relate to, will have a more nuanced view. Yet, in applying for funding they will need to focus their attention on the policy area that the funds are coming from: *“So if they get funding through the enterprise and economy division via Highlands and Islands Enterprise, then you need to be using your land for financial profit to be creating jobs. If you get it through climate change and NatureScot and all of those, it really needs to be about the number of trees that you plant. And it’s this silo-ed mentality that is...desperately problematic”*.

- ***Lack of clarity from government around land reform outcomes***

One stakeholder (from an organisation that represents landowners) believed that the Scottish Government had not been clear about what they were trying to achieve with land reform, what success looks like and what the outcomes should be. This has led to shifting goalposts and a lack of clarity, which was confusing for different sectors, as they are *“never quite sure what it is the government’s asking us to do because when we do what they ask, it doesn’t seem to be the right thing, or it’s never enough”*. Another stakeholder, from an organisation representing farmers, said this might be related to a sense that *“the Scottish Government has created this beast that it now cannot control...they struggle internally to service this beast that they have created”*, which sometimes meant that the Scottish Land Commission *“can kind of run away with stuff”*.

The stakeholder from an organisation representing landowners said that that the Scottish Government’s (now historic) goal of a million acres in community ownership was not especially helpful, since an *“empowered community can be one that decides that the ownership option isn’t for them”* or *“they’ve looked at options, they’ve spoken to the estate...and they might decide to do a very small joint project that doesn’t involve ownership”*. Yet, by the goal of a million acres, *“they’ve been deemed to be a failure because it hasn’t increased the number [of acres in] community ownership”*.

They also noted that for them the tendency to tie land reform in with history was highly problematic: *“I think as long as we continue to root land reform in terms of...perceived historical injustices – rather than framing changing land use and land policy as a way to help deliver shared ambition, we’ll never really get to where we need to be... When I saw the land*

reform consultation, we saw the draft, and the title was, 'land reform to deliver net zero', I was like, 'Great! Forward looking', but how can we make changes, what's all this going to do? And the ministers launched it by saying, 'this is a way to correct historical injustices and rebalances land distribution after the Highland Clearances – and Lowland Clearances'...So straight away, you know, you're looking back rather than thinking, 'how can our future land policy and land ownership play a part in delivering Scotland's goals?'"

- **Polarisation and antagonism**

Some stakeholders said that the politics and polemical dimensions of land reform prevented certain, and more moderate, voices from being heard. One stakeholder, from an organisation representing landowners, pointed to the “*angst*” that has been directed towards large landowners (“*some of which is due and some of which it isn't due*”) through land reform. They commented that framing land reform in terms of the Highland Clearances or around the “*bashed laird*” or in terms of community ownership, may be problematic, as the majority of people living in the countryside are not interested in any of those themes. However, while they may not care “*whether the Duke of Roxburgh owned a hundred thousand acres or ten, they do care about having access to [the land], they do care about the houses he builds*”. In this sense, they said, what matters is framing land reform in terms that matter to people, and less in terms of political arguments. They noted the contrast between “*public polemic[s]*” and the collaboration and compromise that's often happening behind the scenes. Others pointed to the polarisation around key issues, such as deer management, but noted also that there are processes underway around that, such as ‘Finding the Common Ground’, a joint project between the Association of Deer Management Groups and Scottish Environment LINK (as noted by a stakeholder from a national conservation organisation).⁹ The stakeholder from an organisation representing landowners also noted that it was important to consider how to get people involved in dialogue, since “*otherwise you end up with landowners on one side and the radical land reformers on the other, and a huge gap [in the middle]*”.

- **Expectation management**

One stakeholder (from an organisation representing community landowners) noted that one flipside of the positive economic and social outcomes of community buyouts in the Highlands and Islands, and the “*necessary bit of hype*” that accompanies community ownership, has been the heavy weight of expectation. They said that “*there's raised expectations that community landowners can deliver more than they can, as it really does depend on where you are and what resources you have available to you*”.

- **Governance**

The same stakeholder spoke of the governance challenges facing a community that takes over ownership of an estate. They noted the difficulties entailed in recruiting managers, a role that requires a broad range of experience and skillsets that are unlikely to be available in any one person. Succession planning for community-owned estates is also considered challenging; the same stakeholder noted that community landownership is built on

⁹ This project is aimed at developing better relations across the deer sector in upland Scotland to find shared solutions that will support the implementation of the Scottish Government's action in the light of their response to the Deer Working Group recommendations.

democratic principles that require that *“you engage people, you engage members, you renew your membership, and you renew your board because your board is the voice of the community”*. They added: *“If all you are doing is replacing a private landlord with a community structure that is working in some kind of silo, it’s not an improvement”*.

B. What needs to be prioritised

- ***Land use and management in the context of biodiversity loss, net zero targets, and climate change***

Responding to climate change, biodiversity loss, net zero targets, and the related rise in buying land for carbon offsetting emerged as the key priorities for stakeholders, especially with respect to land use and management.

One (from a public body working on land issues) reflected that climate change will and is already driving a *“massive land use change”*. This land use change will come *“either because we take action or because we don’t; there’s no realistic prospect of the status-quo being maintained”*.

There was a widespread sense amongst stakeholders that irrespective of who owns land, it is crucial that it is managed effectively and responsibly with respect to biodiversity, carbon sequestration and climate change. However, many noted the multiple tensions between land uses, pointing to the big questions to be addressed around how a balance can be struck between establishing sustainable food production and the need to regenerate natural ecosystems, through – for example – tree planting. One stakeholder, from a development agency, for example, pondered how appropriate it was that productive land be replanted with trees, given that *“as a country we can’t feed ourselves”*. As another stakeholder, from a public body working on land issues, put it:

“And so it’s a question of how that land-use change is managed and who benefits and to what end, as well... We have a finite amount of land, there are multiple competing interests, the climate and biodiversity crisis put even more pressure on particular parts of land, particular uses and management practices. But at the same time there are things that we need to function as a society, not least something as basic as food. But all the other stuff that we rely on for land. And so that’s going to become a much bigger pressure on Scotland’s land... those competing priorities and what gets used for what and who benefits and who the potential losers are from that”.

Another stakeholder, an academic specialising in land reform, mentioned a programme on BBC Alba that was broadcast in 2021, which investigated a situation that has arisen for tenant farmers in Wales, *“who are basically being told ‘Bye, that’s the end of your arrangement’, and what was a farm is now being planted”*. They said that they’d heard similar stories of tenants being told to leave in Scotland, so that *“decent arable land”* could be planted with trees. However, they also noted that, of course, *“most of the Scottish grain crop goes straight to whisky...so it’s not just food security, it’s more than that; it’s land use as a whole”*. Nonetheless, they observed that there are challenges in terms of good supply, and that the emergence of so-called ‘green lairds’ is informing land values and people’s decision-making.

A few stakeholders pointed out that these sorts of questions are connected with the just transition, as the *“framework through which this big land-use change could and probably should happen”* (stakeholder from public body working on land issues). That would mean ensuring that no policies designed to manage such changes are developed *“without thinking how they impact people and communities, islands, and allow people who are impacted by climate change, nature loss, nature restoration...to develop the skills that are required for the future, for example, and be a part of the solution”* (stakeholder from a conservation agency). There was some scepticism as to whether government and society would *“move fast enough to make that a reality”* (stakeholder from public body working on land issues).

Others pointed out that the tensions between land uses are a feature of the current land market in Scotland. Ambitious peatland restoration and tree-planting targets are perhaps the two biggest drivers of land ownership and management change, one stakeholder noted. But they also create enormous conflict, because *“wholesale change like that has an impact both on the underlying capital value of land, [and] the whole land market itself”* (stakeholder from organisation representing landowners). The same stakeholder commented that government did not necessarily recognise its role in propelling these land market changes, through setting targets and developing new planting and peatland restoration schemes, which in turn are encouraging carbon trading: *“When you give a value to a product that comes from land, then that has an impact on the capital value and the revenue”*. They were concerned that energies were being directed towards managing the effects of a land market (by, for example, legislating for land reform and setting up bureaucratic arrangements to regulate how land decisions are made) that has in fact been shaped and artificially propped up by public policy.

One stakeholder, an academic specialising in land reform, pointed to the way that issues such as climate change would open up questions around the need for the *“increasing socialisation of property”*, i.e. the notion that property can only be justified as an institution when it has a wider social function. *“Sole decision-making”* over property can have impacts; for example, *“decisions to grow a certain crop... affect more than just the property owner”*. In the context of climate change, *“if people are going to be having to change their way of life, in places that are now increasingly flooded, for example, like you need to move away, we need to be able to react to that. And it might be that we’ll react to it in ways we already do, in terms of we’ve got compulsory purchase powers, it might be that we make new towns somewhere”* (academic specialising in land reform). The question of how to *“balance the rights of the individual and rights of the public”* (stakeholder from public body representing farmers) in the context of the large-scale land-use change that will be needed to respond effectively to the climate crisis will come to the fore.

Some noted that net zero targets and carbon offsetting open up opportunities for local communities and others to gain income from land in different ways, but there was concern that private sector interest has pushed up land prices to a degree that renders the carbon market inaccessible for most.

One stakeholder (from a public body representing farmers) observed that farmers feel that they are under a great deal of pressure in relation to the climate change agenda, whilst also feeling frustrated around being vilified. There is also a sense that the things that they are contributing to communities and to support biodiversity and species management, often everyday practices they have always done, go unrecognised and that they need to get better at publicising what they do.

- **Green land investments and land values**

Closely related to the concerns about land use in the context of climate change is the issue of so-called ‘green lairds’ and natural capital investments, including carbon offsetting and rewilding projects. One stakeholder described green land investments as a means of *“encouraging landowners to use their land as a kind of...pawn [to satisfy] the needs of...the climate crisis”* (stakeholder from an organisation representing community landowners). Many stakeholders expressed concerns over the impact of such investments on land values, particularly given the relatively unregulated land market and planning changes; one noted that the natural capital movement was making pieces of land that were *“worthless before into potentially being worth a lot”* (stakeholder from an organisation representing community landowners). Another stakeholder noted that whilst private investment into natural capital to regenerate peatlands would be needed, nonetheless, mixing commercial finance with the future of public goods constituted an uneasy combination. Land, they said, was becoming a tradeable asset; it is being bought by purchasers that were never before seeking to buy land. There was concern that the process would go *“horribly wrong”* (stakeholder from a development agency) and that communities would be disadvantaged; some expressed consternation that land should be becoming so commodified without due consideration for localities¹⁰. At the moment, the same stakeholder noted, there are few controls over these rapidly changing land values; one stakeholder noted that the market is in charge, and *“I’m not trusting market forces to do the right thing”*. Another expressed concerns about the numbers of land sales currently taking place *“below the radar”* and in an *“unhindered”* fashion (stakeholder from an organisation representing community landowners), and were troubled by the fact that land that perhaps could have been sold to community groups in different areas, was not, because the communities concerned were unaware of the potential land sale.

One stakeholder (from a public body working on land issues) noted that several years ago no one really foresaw the current boom in natural capital investments. They suggested that given that climate change was not a new concern, perhaps events related to the pandemic might have precipitated the upsurge in green land investments. As a result of the sudden change, there was a lack of readiness, which has meant that policy has not yet caught up with the situation; for example, whilst the cost of land is changing dramatically year-on-year, the process by which the Scottish Government is consulting on land policy is slow. However, this stakeholder also noted that the ‘green laird’ headlines are not reflective of the reality, since *“the biggest driver of increasing land values is actually commercial forestry, the same types of people and businesses that have been operating for a long time”*. They also pointed out that the structural changes currently being promoted by organisations such as the Scottish Land Commission are valuable, since *“in terms of things like the public interest test or land rights and responsibilities, they are land-use agnostic; it doesn’t matter what the landowner is doing, if they are planting trees or grazing cattle or growing crops, it’s about the governance, the management, the transparency and accountability and those apply equally to new landowners who are coming in looking for carbon credits or whatever, as they do to landowners pursuing traditional agriculture, forestry, sporting activities that they may have done for decades or centuries”*. This stakeholder observed that whilst *“half the policy landscape is there and is probably fairly robust”*, there were some policy gaps around land-use planning. They also pointed towards some potential solutions, such as the empowerment

¹⁰ The term ‘rewilding’, one stakeholder observed, seems to presuppose the idea that people had never lived in some of the areas concerned – when in fact, they had. They questioned, therefore, how people, and especially enabling people to stay in some of the communities concerned and to return to them, fitted in with the rewilding agenda.

and upscaling of Regional Land Use Partnerships so that they could take a lead both with respect to planning and to the distribution of public funding.

Beyond the specific impacts of green land investments, stakeholders expressed concerns about the general commodification of land and housing in Scotland. One stakeholder, from a development agency, noted that *“every inch”* of their grandfather’s croft was used when he lived on it, that the land was valued differently at that time: *“He never for a moment thought his croft or even his house had a value, like a financial value. It wasn’t something he worried about in terms of inheritance tax, whereas the person who has now got the house will have an inheritance tax issue because of that house. So, in two generations, the whole way the land was used and how it was valued is very (different); we’re valuing it now as a monetary asset, and – other people, not me – are doing wealth management because of the value of these assets. And that croft brought up a family”*. Another stakeholder, from an organisation that represents landowners, observed that former croft houses that previously could be bought for £50,000 or £60,000 are now changing hands for three hundred to four hundred thousand pounds. They noted that the government does not seem inclined to intervene in the market too much, by – for example – bringing in planning restrictions and reducing the number of second homes. A number of stakeholders said they wanted to see a situation where land was not a commodity, where people were not buying *“heritable assets as investments as a way to manage wealth”*, and where instead *“more people owned smaller bits of land, which are used more locally for local benefits”* (stakeholder from a development agency). This latter stakeholder noted that the increase in land values is unhelpful at a time when there’s a need for different kinds of land uses. They said there was a need for *“sensible land values tied in with public benefits and productive use”*.

Finally, some stakeholders expressed concerns about a lack of understanding around the changing drivers of land values. This was particularly the case given the new dimensions of land valuation – not only in financial terms, but also in a wider environmental sense as well – coming in the form of natural capital, carbon, and biodiversity. They said that valuation experts, whose guidance does not cover these emerging issues, are engaging in guesswork:

“A lot of the new buyers who are coming in to buy land, they don’t necessarily have a handle on what land value is but they have...a sense that they are going to buy an asset, so that’s what they do. And it doesn’t necessarily match up with valuation methodology in its more traditional sense... There’s blocks of forestry going for nearly forty grand per hectare and you think, well obviously someone is happy to pay that price, but on what basis are they paying that?...That sort of thing is happening relatively frequently and no-one really understands what the motivations are, what the thinking is behind that, but it’s obviously a worry for people who are in the sector who would never dream or let alone potentially be able to match that kind of bidding” (stakeholder from a public body working on land issues)

Stakeholders also noted that whilst the land market is changing, especially in relation to carbon and biodiversity net gain, land values are uneven: *“If you only look at land or certain upland estates then it gives you one figure, but what about lowland farms? What about city centre development sites? So, it’s important to look at Scotland’s overall land market, not just the natural capital land market”* (stakeholder from organisation representing landowners).

- ***Land use in relation to other societal needs***

Stakeholders noted the need for land use changes that were responsive to current and changing societal needs, especially around housing, tourism, recreation, food production, in addition to climate change and biodiversity loss. One stakeholder, from an organisation representing landowners, noted that there are questions to be explored here around *“how we plan, how we develop, how we own and how we manage”*. However, this stakeholder (and others) observed that these needs can be in conflict with one another, noting for example that members of their organisation were *“being asked to deliver multiple things on the same area of land: food and drink production, climate change, address nature challenge, deliver housing, deliver tourism – so the biggest challenge, I think, at the moment, is the need for Scotland’s land to deliver this multitude of benefits, of statutory targets and goals which at times can be conflicting”*.

It was also noted that these domains are all closely tied up with other factors, such as land values. Thus, for example, making land available to support appropriate housing development becomes much more challenging as land values rise.

Another stakeholder said that there was too much of a fixation on *“how many acres of land communities have control over”*. They said that instead, *“we should be fixating on how the land is used, rather than how it’s actually owned”*. They noted that *“there may be land ownership as a by-product but...when I think about a land imaginary, it’s very much about how we’re using our land to deliver the best possible outcomes both locally and nationally and globally, and everything else kind of flows from that – rather than thinking, ‘how do we artificially change the pattern of land ownership?’”* (stakeholder from organisation representing farmers).

- **Regulation**

Stakeholders also gave considerable attention to how regulations needed to change to respond to many of the issues described above.

Carbon markets

They noted the need for the carbon market itself to be regulated, since *“the unregulated carbon market is one of the issues that’s still causing this real volatility and what I’d call ‘hope value’ in some of the prices being paid on the assumption that they’ll be trading carbon at a hundred and seventy, a hundred and eighty pounds a tonne in the future”* (stakeholder from organisation representing landowners). This stakeholder felt that governmental regulation of the carbon market would be an appropriate and necessary response to this speculation and the related impacts.

Landownership

One stakeholder, from a public body working on land issues, mentioned the ongoing need for structural changes in ownership and control, which the Scottish Land Commission had been *“chipping away at over the last few years”*, and which they hoped would be addressed through the forthcoming land reform bill.

Crofting regulation

One stakeholder, an academic specialising in land reform, expressed concerns that there are aspects of Scottish land regulation that: *“probably aren’t fit for purpose anymore, notably crofting. Because the market has been subverted, people are paying silly money just for an assignation of a croft, never mind an owner-occupied croft. It’s...the erosion of the land that is under crofting tenure is a challenge. And I know people like Jim Hunter, have spoken about ripping it up and starting again, that’s obviously problematic because everyone has got rights there already...[so] I think we need to look at that set-up. But it’s complicated and it doesn’t cover the whole of Scotland so people tend not to give it the attention it needs”*.

Some stakeholders also mentioned that there was a need for more crofts to be created, across Scotland, including in areas where they do not currently exist because *“small is beautiful and small is more sustainable”* and that in terms of land ownership you need a *“carpet of...many small things working together and that kind of diversity flexes in times...of challenges... Anything enormously big...tends to stifle that kind of carpet of resilience – it’s less resilient, less sustainable”* (stakeholder from organisation representing rural issues).

Environmental regulation

The need for strengthened regulations on environmental obligations was raised. In particular, it was felt that there might be some opportunities to do this through the Land Rights and Responsibilities measures and also through the public interest test, as proposed in the Scottish Government’s consultation on ‘Land Reform in a Net Zero Nation’. They also mentioned considerations around how natural capital tools or other biodiversity assessments and metrics could be used to secure benefits for biodiversity and nature, in the public interest.

Fiscal measures

One stakeholder, from a development agency, observed that it would not be possible to do land reform properly without establishing fiscal measures – though they recognised that a lot of this would be beyond the powers of the Scottish Parliament. They noted that there are hints at fiscal measures in some of the legislation but observed that such measures are *“the big difficult one, the big nut to crack”*, in part because they bring *“huge consequences in terms of pensions and mortgages and everything else”*. Nonetheless, they said that *“we are where we are...because of many fiscal measures, which haven’t...supported a very diverse land ownership pattern and...[helped to create] large land holdings”*. At present, they noted, *“anybody can buy just about anything. The only deciding factor is if you can afford it and obviously that’s very limiting”*.

• ***Role of government in setting out a shared vision***

A number of stakeholders noted that there was a need for more support from government, as well as more clarity around the land reform vision it is seeking to implement. One stakeholder pointed out that there was a need for a shared vision, and then there needed to be a discussion about how to achieve it.

• ***Better funding and resources***

As above, some stakeholders pointed to the need for more financial support for those taking on assets, and for greater flexibility within the Scottish Land Fund to enable communities to access larger chunks of money when needed. Some noted that land reform was moving

extremely slowly, and compared how much money goes into agricultural basic payments by comparison with the Scottish Land Fund. They said that taking even a few percent off the agricultural basic payments could considerably increase the resources of the Scottish Land Fund and help to speed up the land reform process.

Conclusions and next steps

This report points to the diverse, and at times divergent, views on land reform held by different representatives of the Scottish land sector. These different perspectives make a valuable contribution to the Scotland's Land Reform Futures Stakeholder Advisory Group. The baseline interviews were conducted with the intention of feeding into the next stages of the research project; specifically, they will serve to shape ongoing discussions in the Stakeholder Advisory Group and orient the direction of our on-the-ground research. As such, they are designed to be internal to the research process, and are not intended to form the basis for policy recommendations. The issues discussed in the Stakeholder Advisory Group meetings will be reported on an annual basis, and the baseline interviews will be repeated in the fifth year of the Scotland Land Reform Futures project in order to understand how stakeholders' perspectives may have changed over time and to assess whether social learning has occurred through participation in the Group.

Contact and feedback

For any questions about this report please contact Dr Annabel Pinker at annabel.pinker@hutton.ac.uk



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