

Land Reform Project 2024 and beyond

Foreword

There is rarely such a thing as a quiet year in rural Scotland.' These are the opening words of our recently launched Policy Prospectus, a document that creates a really strong platform from which we can continue to influence and direct the narrative around Scottish rural affairs, helping us to reflect the views of our members to politicians and other decision makers.

Rural areas make up 98% of Scotland's total land mass and almost one third of the UK as a whole. Our rural estates alone produce 57% of Scotland's renewable energy; our farmers produce over a quarter of the UK's food for exports; our countryside custodians are leading the world in restoring peatland, creating woodland and helping nature fight back against biodiversity loss.

Our sector prides itself on its ability to deliver for people, jobs and nature, and we will always do our utmost to work with politicians and policy makers in the interests of rural Scotland. But there is no getting around the fact that this ability is under threat and that rural interests have frequently either been sidelined or have suffered as a result of what are often unintended consequences – outcomes that, had appropriate checks been in place, could have been avoided.

The vast majority of the work that we do to lobby for positive changes to allow your businesses to flourish and to robustly protect your property and business interests is funded through membership subscriptions. However, for some key areas of work it is necessary for us to raise additional funds for additional essential activity. We have seen the value of this from our recent grouse moor management work and the land reform bill preparation work steered by our Land Reform Taskforce– and we are extremely grateful for those who have contributed to date. We are also very grateful to those who have already committed to making voluntary donations to support our ongoing work in these areas, but we do need to raise more to fund essential work over the next few years. In total, we are looking to raise at least £250,000 to fund our land reform work up to 2030.

This document sets out what we are trying to achieve through our land reform work, what has been accomplished to date and the specific activity that we plan to carry out if we have adequate funding.

There is strong political pressure on the Scottish Government to go even further with the land reform legislation, we should be in no doubt about the scale of challenge that faces us.

If you are able to make a contribution to this work then please email admin@scottishlandandestates.co.uk and we will provide payment details and a donation payment form for your records. If you would like further information on anything contained within this paper, then please do not hesitate to contact us.

Thank you for your continued support!



Dee Ward
Chairman



Patrick Colquhoun
Vice Chair, Policy



Sarah-Jane Laing
Chief Executive

Land Reform Project 2024 and beyond

Strategic Objectives:

- SLE members demonstrating exemplary leadership in delivering the economic, social and environmental ambitions of Scotland and their contribution recognised politically and publicly.
- Lobby for positive fiscal and regulatory climate for land-based businesses and robustly protect private property rights.
- Change the rhetoric and narrative around land reform and related policies.

Specific Aims:

1. Change basis of policy and legislative change to one which is evidence based and reflective of the current situation not based on correcting perceived historical wrongs;
2. Position private landowners as part of the solution rather than default cause of problem thus, changing political and public perception,
3. Successfully challenge the negative views of certain groups/types of landowners,
4. Successfully challenge the 'big is bad' policy rationale and have the importance of scale in land management supported by politicians and decision makers.
5. Promote and increase good practice in community engagement and locality planning,
6. Minimise negative consequences of the Land Reform Bill as far as reasonably practicable,
7. Base any legislative changes to agricultural tenancies on evidence rather than political pressure and ensure landlords' rights are protected.

Background and Timelines

The Scottish Land Commission (SLC) published a paper on scale and concentration of land ownership in 2019. Despite a forensic critique and rebuttal by SLE, this paper was used by the Scottish Government to justify plans to bring in punitive and interventionist measures for 'large' landholdings.

In the lead up to the Holyrood Election, SNP, Labour and Scottish Greens' manifestos all featured a land reform bill. The Bute House Agreement post-election included a commitment to deliver legal mechanisms to tackle scale and concentration of land ownership. The Bute House Agreement committed to a Land Reform Bill that will include a public interest test to "apply to transfers of particularly large-scale land holdings which will include a right of pre-emption in favour of community buy out where the public interest test applies."

Work by SLE ramped up in 2021 to prepare for the introduction of the next Land Reform Bill during the current Parliamentary session.

Preparatory research on the [contribution of estates to the wellbeing economy](#) and the [benefits of scale](#) was carried out and published in 2022 and 2023 to influence policy development and political positioning. Both these research reports were launched by SNP MSPs (Tom Arthur as Minister for Planning and Community Wealth and Kate Forbes MSP respectively).

Kate Forbes MSP said: “There is no doubt that land-based businesses can make significant contributions to achieving Scotland's public policy objectives, including woodland creation, peatland restoration and renewable energy.

“The delivery of these projects at scale is going to be absolutely critical if we are to achieve these targets at the required pace and quality of delivery.”

The Scottish Government consulted on a wide range of potential land reform measures in 2022, attempting to frame land reform within a net zero narrative. SLE mounted a [robust campaign](#) in response and was successful in challenging a number of policy areas. However, the Scottish Government continued with its baseless policy rationales that large scale landholdings are intrinsically bad and that forced fragmentation of ownership will provide better societal outcomes

Legal opinion was sought in 2022, 2023 and 2024 as the Scottish Government and others, such as Labour’s Mercedes Villalba, started to share their proposals for legislative change. This helped frame the SLE consultation responses, written evidence and political briefings but was also behind closed doors in meetings with politicians, civil servants, SLC and others to take some proposals off the table. These included restriction of size of landholding, restriction on non-Scottish based individuals owning landed, Scottish Land Commission audit of land management and ownership approach, and Scottish Government intervention at point of inheritance or interfamily transfer or change of trustees.

The Land Reform (Scotland) Bill was introduced in March 2024. The accompanying press release stated:

Rural Affairs Secretary Mairi Gougeon said:

“We do not think it is right that ownership and control of much of Scotland’s land is still in the hands of relatively few people. We want Scotland to have a strong and dynamic relationship between its land and people.

“We want to be a nation where rights and responsibilities in relation to land and its natural capital are fully recognised and fulfilled. That was our aim in 2016, and it remains our aim today.

“So, this Bill sets out ambitious proposals to allow the benefits and opportunities of Scotland’s land to be more widely shared.

“Too often, people and communities feel powerless when the land they live on is sold with no prior warning – this Bill will help to change that. We will introduce measures so that more communities are being given information and the opportunity to take on ownership before sales from landholdings over 1,000 hectares.

“Crucially, when one of these landholdings is being sold, we want government to have the power to step in and require that it be sold in smaller parcels to different people if that will help to make local populations and communities more sustainable.”

Stage 1 scrutiny by the Net Zero Energy and Transport Committee began in April 2024 with a call for written evidence. SLE’s response can be found [here](#). Due to the complexity of the Bill and the packed workplan of the Committee, Stage 1 is not expected to complete until February or March 2025. With Stages 2 and 3 expected to last until Autumn 2025 due to the scale of expected amendments, including a large number from Scottish Government resulting from rushed and poor drafting.

The legislation is a framework Bill with substantive detail being left to secondary legislation, regulations and statutory guidance. Scottish Government anticipates a 5-year timeline for the development and commencement of these, taking us well beyond the 2026 Holyrood election. Labour is acutely aware that it may well be the party of government charged with the implementation of the Act.

Outside of the Bill, the timescales for other pieces of work include:

- Full review of all routes to community right to buy to be completed by end 2025. Any changes to provisions such as definition of community or triggers for exercising of rights would require a further Bill.
- Exploration of introduction carbon land tax as per Scottish Government Programme for Government commitment. No fixed timescale but initial discussions commencing Autumn 2024.
- Land Reform research funded by Scottish Government being carried out by consortium led by James Hutton Institute (JHI) – in year 2 of 5-year programme. SLE sits on the advisory group.
- SLC work on good practice and delivery of their workplan - ongoing.
- New Tenant Farming Commissioner appointment late 2024

Specific Areas of Work

In addition to the core work that SLE does to represent members' interests, lobby for positive change, promote good practice and sectoral leadership and provide direct support and advice, we have identified several areas where additional resources could be utilised. This would maximise the effectiveness of our land reform work and increase the chances of success in terms of delivery of our strategic objectives.

Our land reform activity is under constant review as new threats and opportunities emerge. The following provides an overview of the main strands of work that are currently identified.



Political Representation

Positive Political Positioning

We will continue to influence political thinking and position on the positive contribution of estates by engaging directly with elected MSPs and SPADs regarding land reform, citing our Wellbeing Economy Report alongside other evidence including case studies of what members are delivering for people, jobs and nature.

We will follow up meetings already held with the First Minister and other Cabinet Ministers to cement the position of SLE members as delivery partners of the Scottish Government and its agencies.

We will also increase activity focused on changing the perception of SLE members as simply landowners, with the aim of reinforcing the business, social enterprise and environmental

aspects of member activities. Put simply, we want to be at the business table, the environment table, the energy table, the rural community table and others, not simply the farming or landowner ones. Whilst significant progress has been made on this front, there is still work to do.

We will support SLE members in increased direct regional political engagement as well as arranging awareness raising visits for politicians and their advisers to see sustainable land management in practice. We aim to create MSP & MP advocates and champions to, at the very least, increase understanding of the realities of land management and land-based businesses so that political viewpoints are based on fact rather than perception and ideology.

Specific activity in this area includes exhibitions and events at Holyrood, focused round tables with key politicians from all parties, and Committee visits.

Robust Representation

We will continue to make robust representation on harmful legislative provisions and prepare positions to counter potential amendments resulting from political and activist group pressure.

We will remain focused on influencing Civil Servants' thinking and understanding of potential risks and unintended consequences of harmful provisions. We will increase activity focused on influencing the work of the Scottish Land Commission (SLC) including good practice guides, protocols and positions. We're persevering with merits of land via discussing Scale report with MSPs alongside influencing and participating in land reform research ensuring that land managers/landowners voices are present in the development of research proposals and in the production of research reports and case studies.

Preparing for Political Change

We will utilise both internal and external expertise to increase our reach and influence ahead of Holyrood elections in 2026. We will also increase our collaboration with allies, including providing evidence and legal opinion to other organisations such as NFUS and Confor to bolster their land reform positions.

We will seek to find common ground with those who may not have been natural allies or partners in the past and build on the business community relationships and position that have been established.



Legal Opinion

We will continue to instruct legal opinions to counter proposals and add weight to policy interventions and communications. We will leverage wider legal expertise, and the legal community as further details emerge on European Convention of Human Rights (ECHR) implications and routes for challenge. We will continue to use legal opinion behind the scenes with Scottish Government officials and politicians from across the political spectrum as well as openly challenging the legislation and preparing for future formal legal challenge.

We will horizon scan to prepare legal arguments for emerging thinking as well as providing solutions where possible.



Research

We will continue to increase the value of our Wellbeing Economy work alongside further promotion of scale research. We will also identify other research and data gaps. This will allow us to have the research underpin all discussions about estates' roles and merits, use the research to underpin any discussions mentioning scale and demonstrate the impact of fragmentation. We will carry out and commission research to address any information gaps or counter damaging claims by others.



Toolkit

We will complete our next phase of work on the Wellbeing economy toolkit which will allow estates and businesses to measure and demonstrate the contribution they make at an individual level. The outputs will allow members to showcase their significant role in providing benefits for people, jobs and nature such as stewards of the Natural Environment, or an anchor of Thriving Rural Communities to help recognise the outstanding work already being undertaken by members. The final phase of the toolkit work would be to create a signposting resource to relevant guidance and advice on further activity that could be undertaken. The brief for the toolkit work is attached as an appendix.



Publications

Over the years SLE has produced several papers and reports which support our land reform positions. We will put these on a more formal basis allowing them to be quoted and referenced in a more effective way. We will increase the production of reports and papers and also commission publications and thought pieces from think tanks and individual voices of authority.



Public Relations

It is imperative that we dispel the political viewpoint that land reform is a 'vote winner' and a public priority. Our main PR objectives are to create positive brand association through raising awareness of the positive contribution of SLE members; raise awareness of what is at risk from land reform; counter false narratives and detrimental coverage and ultimately demonstrate

increased public support for rural landowners and land based businesses, which correlates to a decrease in political pressure for further land reform.

To influence political and public thinking about the role of estates in rural Scotland we plan to increase the PR we do in relation to the positive contribution of our members, and also to increase the work we do to counter opposing views.

We will enhance the reputation of members by orchestrating favorable coverage and delivering high profile campaigns. We will vigorously challenge and correct disinformation as it arises or ideally before it is published.

We will use a variety of routes for the audience including social media and paid for media content in broadsheet and broadcast. We will invest in growing our audiences and continuing to improve our content. We will strengthen our relationships with journalists, including using our place on the BBC Rural Affairs Advisory Group, and we will counter harmful articles and social media content swiftly and effectively.

We will build on the success of Helping It Happen to spread the stories of rural success and positive contribution. We will create a 10 Years of Helping It Happen showcase in 2026.

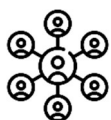
We will increase preparation for emerging threats such as the introduction of land value tax or carbon land tax.



Regional

We will increase support to members on regional activity, including local media and political engagement. We will also increase support to members on community engagement good practice, and communication of their positive contribution to the wellbeing economy.

We will increase our highly successful regional walk and talk events programme to maximise opportunities to showcase members' leadership in delivering benefits to rural Scotland.



Sectoral Leadership

SLE will be at the forefront of the land reform work in Scotland. We will gain support from, and influence, other stakeholders and organisations to build alliances and increase political pressure. We will highlight good practice and will drive key areas of work that will provide positive outcomes for Scotland. This includes increasing the number of Wildlife Estates Scotland members through securing formal status as environmental designation and gateway accreditation scheme for enhanced support. We aim to cement SLE's place as the voice of rural business as well as the foremost industry expert in key areas such as rural housing, access, wildlife management and biodiversity.

We will increase our influence on the work of the SLC, including good practice guides, protocols and research.

Summary

This is not an exhaustive list and our land reform workplan will be constantly reviewed to assess the impact of activity undertaken, and to address emerging threats and opportunities.

We will share a regular update on progress on our land reform project with funders, providing details on the impact of our work as well as the progress of the bill. We will also provide you with information that may not be in the public domain, allowing you to make informed business decisions and personal political representation.

Making a Contribution

If you are able to make a contribution to our land reform work then please email admin@scottishlandandestates.co.uk with details of the donation amount. We will then provide you with a donation request form with relevant bank details for payment and for your records.

If you have any questions on our land reform work then please contact our CEO Sarah-Jane Laing (sarahjane.laing@scottishlandandestates.co.uk) or Director of Policy Stephen Young (stephen.young@scottishlandandestates.co.uk).

What is the Wellbeing Economy and why does it matter for land owners and businesses?

The Wellbeing Economy can be defined as *“creating positive social outcomes on a healthy planet, with economic growth as a means to this end rather than an end in itself.”* People, jobs and nature.

Many of our members are already delivering for people, jobs and nature. This was quantified in our ground breaking 2022 report *Rural Estates Contributions to Scotland’s Wellbeing Economy*. The report found that estates and rural land-based businesses are Stewards of the Natural Environment, Place Makers, Rural Economic Engines, Providers of Renewable Energy and Community Anchors. By delivering against these pillars of the Wellbeing Economy, they also deliver against seven of the 11 National Outcomes - the Scottish Government’s metrics of ‘success’.



Speaking the Scottish Government’s ‘language’ about how we are delivering what they want to see is vital if the sector is to remain valued, relevant and supported.

What next?

Scottish Land & Estates is developing a toolkit for members to assess their own contribution to wider environmental and community wellbeing. We hope this will:

- Drive up good practice in the sector, signposting members to additional resources and guidance that may inspire them to do even more
- Give members and the sector profile in its contribution to Scottish Government aims and ambitions
- Allow SLE to build up a stronger picture of our member’s activities and role in solving the climate and nature crises while delivering for communities. This will support our policy positions and advocacy

Project Outline



A short online questionnaire on the members' section of the SLE website asking members for information relating to their renewable energy activities, community activities, employment and environmental efforts. Information is stored securely and the questionnaire answers will determine the members' level of contribution to a particular pillar of the Wellbeing Economy.



Signposting to relevant guidance where members may be able to do more in certain areas. For example if they score particularly low on community engagement, the landing page will point them to recognised guidance and case studies to inspire them to do more.



Recognition for the outstanding work already being undertaken by members. We encourage members to share the graphics and information provided at the end of the questionnaire. We want them to tell their community and local politicians that they are Stewards of the Natural Environment, or an Anchor of Thriving Rural Communities!

We have tested the questions and format with members to ensure we achieve a balance of collecting accurate information, true to the methodology of the original report, but not being too onerous for people to engage with.

Contact Us

Get in touch if you would like to know more about the work and learn how this can benefit your business or clients.

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