

# An opportunity to turn warm words into action



**CALUM MACLEOD**

newsdesk@whfp.com

Last week the Scottish Parliament debated a motion tabled by Mercedes Villalba, a Labour MSP for north east Scotland, on 'deconcentrating land ownership' following publication of her proposals for a Member's Bill on 'Land Ownership and the Public Interest'.

The debate served as a useful primer for issues likely to be raised as the Land Reform Bill that the Scottish Government has promised to introduce by the end of this year makes its way through parliament's legislative stages. The government's proposals for its

forthcoming bill focus on addressing Scotland's unusually concentrated pattern of private rural land ownership, of which 67 per cent has been calculated as being owned by 0.025 per cent of the population.

There's long been a cross-party consensus in parliament that the underlying structural power relationship between concentrated land ownership and land use acts as a barrier to the sustainable development of local communities and promotion of the wider public interest.

In March 2019, shortly after the Scottish Land Commission published a report highlighting how that dysfunctional power relationship plays out in practice, parliament passed a wide-ranging Scottish Government motion on land reform.

Part of that motion stated that, "[the parliament] urges the Scottish Government to support the recommendations of the Scottish Land Commission on how to deliver interventions in the operation of Scotland's land markets and ownerships that will provide disincentives to the future accrual of large privately owned land holdings and help deliver a more equitable distribution in the ownership of Scotland's land assets in the public interest."

The time is fast approaching to turn these warm words into action that finally shifts the dial towards significantly more diversified land ownership that serves the public interest, rather than further entrenching the narrowly framed private interests of wealthy elites.

The government's forthcoming Land Reform Bill is an opportunity to begin to do exactly that. It is likely to include a Public Interest Test on transfers of large-scale landholdings; a duty to provide prior notification of an intention to sell and a linked pre-emptive right to buy for communities; compulsory compliance with aspects of the currently voluntary Land Rights and Responsibilities Statement; and compulsory Land Management Plans.

These are all laudably progressive proposals. The problem is that one of the Scottish Government's three proposed definitional criteria of 'large-scale' landholdings to trigger them into action is a minimum threshold of 3,000 hectares; a figure so ludicrously high that it threatens to turn the parliament's fine words on land reform to dust before the new bill has even left the legislative starting blocks.

Respondents to the Scottish Government's consultation are alive to that risk. Tellingly, they include some of the government's own agencies. Highlands and Islands Enterprise, the body at the forefront of successive governments' efforts to diversify land ownership since the creation of its Community Land Unit in 1997, recommends a minimum threshold of 1,000 hectares. NatureScot also considers the government's proposed 3,000 hectares threshold to be too high.

Mercedes Villalba's proposal for her own Member's Bill sets a minimum 'trigger' threshold of 500 hectares, including aggregate landholdings that meet that threshold, for a Public Interest

Test and associated measures that closely mirror the Scottish Government's own proposals. It's probably safe to assume that her proposed 500 hectares threshold reflects the wider Labour position on the issue too.

It's equally safe to assume that the prospect of a new Land Reform Bill doesn't fill the well-resourced and formidably networked defenders of Scotland's land ownership status quo with much joy.

You don't have to listen too hard to hear the same tired old tunes blaring out on repeat from Scotland's landed elite every time the prospect of land reform legislation threatens their interests. The playlist goes something like this: 'It's land use, not land ownership that matters'; 'The public aren't interested in diversifying land ownership'; 'This will threaten rural jobs and investment'; and (a relatively new entry) 'Scotland needs large-scale private ownership to tackle the climate and nature emergencies'.

None of these assertions stand up to scrutiny.

The Scottish Government-appointed Land Reform Review Group, the Scottish Land Commission, and the Just Transition Commission have all documented the clear relationship between land ownership and sustainable land use in successive reports. Some aspects of that relationship are positive, and others are negative.

Research published by the Scottish Government in November 2020 on public attitudes to land reform shows that 71 per cent of survey respondents supported widening ownership of both

rural and urban land to include more public, community and third sector ownership, while only seven per cent opposed that aim.

There is little, if any, evidence that land reform has threatened rural jobs and investment; quite the opposite if the track-record of large-scale community-owned estates such as those in West Harris and Galson in the Outer Hebrides are anything to go by.

Meanwhile, countries in the European Union and elsewhere seem perfectly capable of implementing effective climate and nature policies without feeling the need to scale-up the size of landholdings within their borders to do so.

Against that background, the Scottish Government and parliament face a clear political choice.

They can ensure the forthcoming Land Reform Bill is genuinely bold and progressive legislation that tackles the structural blight of concentrated rural land ownership on Scotland's people, places and prospects in ways that serve the public interest. Or they can produce a Bill so timid in aspiration and limited in scope that it tacitly accepts such concentration of ownership, along with the attendant benefits that affords to a privileged few, as Scotland's default land setting.

It really shouldn't be a difficult choice to make.

**Dr Calum MacLeod is an independent sustainable development consultant and land reform policy advisor.**

@CalumMacLeod07