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Submitted to Call for Views on the Land Reform (Scotland) Bill
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Name:
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Organisation details

1 Name of organisation

Name of organisation:
Religious Society of Friends (Quakers) General Meeting for Scotland

2 Information about your organisation

Please add information about your organisation in the box below:

Quakers are a faith group committed to working for peace, equality, truth, and simplicity and sustainability. Quakers promote these values across Scotland through practical action and advocacy. As Quakers we recognise that economic systems, including land ownership, profoundly affect the way we relate to one another and the way we relate to the natural world. We believe that humans "do not own the World and its riches are not ours to dispose of at will" (Advices & Queries 42). In Scotland the ownership of land remains highly concentrated and not very transparent. Correspondingly, we fully support the Bill's stated intention of ending this highly concentrated pattern of land ownership, and ensuring that land is used in ways that respond to the climate and ecological crises that we face; and we believe that the proposals within the Bill are of genuine merit. However, they are not, in our view, sufficient in scope and ambition to generate real land reform.

General Purpose in Relation to Large Landholdings

1 Do you agree that there is a need for further land reform to address issues around large landholdings in Scotland?

Yes

Please explain the reasons for your answer.:

Land ownership and land use are fundamental in shaping our relationships with each other and with the natural world. As a religious organisation rooted in but not confined to the Christian tradition, we would draw attention to the Biblical callings for land justice, including but not confined to periodic land redistribution through the provisions of the 50 year Jubilee cycle.

As Quakers we believe that human fulfilment and right relationships are fundamentally embedded in land justice. We believe that "We do not own the world, and its riches are not ours to dispose of at will. [... We should] work to ensure that our increasing power over nature is used responsibly, with reverence for life." (Quaker Advices & Queries, 42).

Historically, these principles have underpinned and legitimised Scottish land reform going back to the passing of the 1886 Crofters' Act – see the work of both Professor Donald Meek (formerly of University of Edinburgh) and Professor James Hunter (formerly of Highlands & Islands Enterprise and UHI).

While our society has become more secular, these ethical values of justice have ongoing relevance today and are an important point of our history as a society. Scotland's land ownership continues to be highly concentrated and opaque in a way which is not conducive to human or nature flourishing. While this remains the case, Scotland will struggle to address certain inequalities within Scottish society as well as the climate and ecological emergencies which we currently face. We therefore urge you to implement robust further land reforms to reshape this model and align it with values of justice and equality. We need to look at this from our children's and grandchildren's perspective: how can we shape a country and planet that they can thrive in? The path forward requires giving local communities a true voice, freeing up land from private ownership, and ensuring land uses uphold the common wealth of all people and reverence for the natural world.

2 Will the proposals in this Bill fulfil the Scottish Government's objectives in relation to land reform?

No

Please explain the reasons for your answer. You may wish to comment on the Scottish Land Commission's analysis of perceived risks in relation to scale and concentration of landownership.:

We believe that the proposals in the Bill focus too narrowly on introducing accountability and transparency measures rather than pursuing the more fundamental reforms needed, for example changes to land taxation and inheritance laws. Such changes have proven effective at dismantling concentrated land ownership patterns historically.

In addition, the obligations are proposed to concentrate on specific local geographic areas. Individuals, or individual organisations, may hold multiple small tracts of land across Scotland which do not meet the criteria for a "composite holding" under S44D(2)(a) of the Bill. Individuals holding multiple disparate pieces of land contribute to the concentration of land ownership within Scotland, but would not be subject to the same obligations as someone owning a large piece of land in one area. The law should be just as concerned with the accumulation of land ownership and the resulting concentration that arises as it is with the impacts at any particular local level. This would result in a more diverse pattern of land ownership with more opportunities for citizens and communities to own land.

In the face of the climate and ecological crises, there is little to be gained by focusing solely on large-scale holdings. We believe that any landholder receiving tax benefit or other forms of public subsidy associated with their land in Scotland should be held accountable to the Scottish public. They must demonstrate they comply with the Land Rights and Responsibility Statement and have an up-to-date Land Management Plan.

Section 1

1 Do you support the proposal that the Scottish Ministers may, by regulations, impose obligations on landowners to promote community engagement in relation to large landholdings?

Yes

Please explain the reasons for your answer.:

We support mandatory measures to increase transparency and accountability for landowners, such as compulsory land management plans and encouragement of Memorandums of Understanding with local communities, as exemplified by estates such as Tayvallich Estate in Argyll. Any such land management plans should be part of wider landscape-scale management plans, to ensure joined-up thinking across wider regions of land. However, we believe these requirements should apply to any landowner receiving public subsidies, not just to large holdings.

If we mandate this community engagement and consultation, it is important to provide training and support to landowners and communities to listen well. The Quaker peace testimony leads us to resolve conflicts through open communication and finding mutually satisfactory solutions. As Quakers we have a long history of consensus-based participatory decision making, and would be pleased to advise the Committee on best practices which could lead to meaningful consultation and engagement with the communities involved. We are experienced in listening deeply; holding differences of opinion; moving forward even when there is difference; and in having meaningful dialogue and actual consultation.

As Quakers we believe that community is critical to human wellbeing. Community is about togetherness as a society; the glue that gives social cohesion. Similar views are found in diverse faith traditions.

Land reform matters because it helps to re-embed people into their communities of place, centring us as a nation. As such, land reform is about more than access to building plots, renewable energy, space for entrepreneurial activity, etc. It is about what it means to become a society in which the potential of its people(s) is more fully realised. For this reason, it is important to encourage these community engagement measures to connect communities with their land.

The Quaker testimony of equality upholds that all people are equal in the eyes of God and deserve to have their voices heard. Requiring large landowners to engage with local communities helps promote this equality and gives communities a say over decisions that impact their lives and environments.

Furthermore, the Quaker testimonies of truth, integrity, simplicity, and sustainability call us to be straightforward, ethical, live simply, and be good stewards of the Earth's resources. Community engagement obligations would increase transparency around landowners' operations and encourage decisions that benefit local communities and the environment over narrow self-interest.

2 In principle, do you agree that owners of large landholdings should have a legal duty to consult on and publish land management plans?

Yes

If yes, do you think the Bill has set an appropriate threshold of landholding size for this duty to apply.:

We agree with this duty in principle. The land management plan should be publicly available and easily accessible, for example on a central website database. It should explicitly state what the landowner is doing to enhance ecosystem restoration and to facilitate responsible public access. However, we believe this should apply to any landowner receiving public subsidies or tax relief, not just to owners of large holdings. This could be proportionate to the size of the landholding but should link with plans for other land around the landholding.

3 Do you support the process for investigating alleged breaches of community engagement requirements for large landowners set out in the Bill? Do you support the proposed level of penalty for contravention?

No

Please explain the reasons for your answer.:

While we believe that we should try to encourage compliance rather than penalise in the first instance, it is important that if there is persistent refusal to comply that there are reasonable penalties. Given the size of the landholdings under discussion, the value of the land, and the environmental and ecological importance of appropriate land management, £5,000 may be seen to be too small relative to the sale value that would be realised. This is particularly in light of the steps which must be taken by the Commissioner before a fine may be imposed, giving opportunities to avoid the penalty.

The penalty should be on a scale commensurate with the size of the landholding, taking into account operational profits and/or recent sale price. For example, a recent 3,500 acre estate in Argyll (Tayvallich) was purchased for around £10.5 million, or £3,000 per acre. For such an estate, the level of fine currently proposed would constitute less than 2 acres, or 0.05 of 1%. In a similar context, £5,000 would simply not be serious enough.

Section 2

1 Do you support in principle strengthening community bodies' opportunity to buy large landholdings?

Yes

Please explain the reasons for your answer.:

No

Please explain the reasons for your answer.:

We believe that if the government is serious about improving levels of community ownership of land, then there is a stronger role for government to play, in overseeing land tenure and being an active owner of land.

In the majority of (international) cases where there have been reforms along these lines, formal approval, whether by a specific public agency or national or local government, is required before large transfers of land are permitted. Aspiring landowners often have to make binding commitments on intended land use and management approaches when seeking approval, and in some cases land can be repossessed where conditions are breached. In many nations, public authorities also possess extensive pre-emptive rights to buy, and regularly make use of them to safeguard the public interest in land. In France, for example, the Société d'aménagement foncier et d'établissement rural (SAFER) possesses the pre-emptive right to buy over most rural property. We recommend that research is undertaken as to whether similar powers for the Scottish Land Commission could lead to improvements in Scotland's land ownership and management.

At the same time, additional resources for Community Land Scotland and Community Woodlands Association should be considered to give greater support to communities who have been able to purchase land. Purchasing land, while empowering, can be a daunting prospect for a community, volunteer-based organisation, and more should be done to assist these communities.

As noted in our response to the previous consultation, to truly address the concentration of land ownership, Scotland would need to reform the law of succession and to reform how land is taxed. Changes here are shown to significantly address the concentration of land ownership. Merely requiring owners of large-scale holdings to give prior notice to community bodies of their intention to sell would risk maintaining existing power imbalances whereby the speed at which land ownership in Scotland is diversified is dictated by existing landowners' wish to sell, and where wealth inequalities are maintained through the transfer of cash for land. Such a dynamic does not reflect the loss that many communities have experienced, nor the huge benefits that such owners have gained, from the centuries and decades of Scotland's common wealth being enclosed and privatised for personal gain.

We feel that there is a strong argument for such transfers of land to communities, or transfers of land to be held in common ownership, not being compensated, although we recognise such a move would be contentious. We therefore see a clear role for a citizens' assembly, led by citizens and informed by expert opinion from across the spectrum, to explore and advise how such transfers can be achieved in an emotionally, spiritually and intellectually robust way.

The introduction of a land value tax (or a similar tax by some other name) could in whole or in part be earmarked to finance the Scottish Land Fund for community buyouts. This would have the double effect of both providing a source of revenue and reducing the market capitalised value of land, thereby knocking a hole in speculative ownership and, while working within market mechanisms, bringing land more with reach of communities.

No

Please explain the reasons for your answer.:

We believe that this is too high. It is also notable that multiple, non-adjacent small holdings adding up to over 1,000 hectares will not breach this threshold.

In one of its research papers, Scotland's Rural College SRUC mentions that the global norm for a "large-scale land acquisition" (LSLA) is just 200 hectares. We understand that the Scottish Government may not have capacity for close oversight, but would suggest that anything over 500 ha would suggest a lack of regulatory seriousness.

We also note that some small pockets of land – for example, to build a community windfarm or to erect flood defences – may have great community benefit. We believe that there should therefore be a system under which local communities can identify land as being of interest to the community, and place a 'marker' on it so that they have a pre-emptive right to buy for the good of the community.

Section 4

1 Do you, in principle, approve of allowing the Scottish Ministers to make a lotting decision in relation to sales of large landholdings?

Yes

Please explain the reasons for your answer.:

Yes, as long as this is in the public interest and is not to the detriment of large-scale land management. These should be material factors in the Scottish Ministers' decision.

Please explain the reasons for your answer.:

As stated above, we believe that this is too high. In one of its research papers, Scotland's Rural College SRUC mentions that the global norm for a "large-scale land acquisition" (LSLA) is just 200 hectares. We understand that the Scottish Government may not have capacity for close oversight, but would suggest that anything over 500 ha would suggest a lack of regulatory seriousness.

2 Is the proposed process for making a lotting decision appropriate and workable?

Not Answered

Please explain the reasons for your answer.:

3 Do the Scottish Government's proposals for a "transfer test" adequately take the public interest into account?

Not Answered

Please explain the reasons for your answer.:

Section 6

1 Do you support the creation of the new role of Land and Communities Commissioner?

Yes

Please explain the reasons for your answer.:

Yes, provided that the said commissioner's remit is to propagate an understanding of what community is – a nexus of soil, soul and society, and not just a byname for society – and can contribute to understanding of community dynamics and empowerment. Historically, much Quaker work has involved conflict resolution arising from the importance of the Quaker peace testimony. The fear of conflict breaking out is one of the main inhibitions on communities stepping in to their power. We would suggest that a commissioner's remit that can get a grip on such matters, and deepen public understanding and good practice, would be an asset.

Please explain the reasons for your answer.:

Section 10

1 Do you agree with repealing Section 99 of the Land Reform (Scotland) Act 2016, and with giving the Scottish Ministers the power to make regulations which modify the requirement for tenants to register their interest in exercising their pre-emptive right to buy?

Not Answered

Please explain the reasons for your answer.:

We do not have expertise in this area, except to say that tenant farmers' right to buy should be an urgent priority, at economic valuation, but limited in size to what makes for a viable size of holding and not the creation of new land monopolies.

Sections 11 to 13

1 Do you agree with the changes to resumption proposed in the Bill?

Not Answered

Please explain the reasons for your answer.:

We are not experts in this, but have been worried to hear of concerns from within the crofting communities that landlords might try to resume the Common Grazings from under their feet, to sell the carbon credits.

Section 14

1 Do you agree with the proposed changes to compensation for improvements for tenant farmers?

Not Answered

Please explain the reasons for your answer.:

2 Do you believe that the provisions will better enable tenant farmers to engage in sustainable and regenerative agriculture?

Not Answered

Please explain the reasons for your answer.:

We consider such agriculture to represent a fitting way forward both for the land and for its communities of place. It augments the welfare of soil, animals and people.

Sections 15 to 19

1 Do you agree with the proposed changes in relation to diversification on tenant farms?

Yes

Please explain the reasons for your answer.:

Yes, we believe that requiring landlords and the Land Court to consider the positive effects of the intended use of the land is a positive step.

2 Do you believe these provisions will better enable tenant farmers to engage in sustainable and regenerative agriculture?

Yes

Please explain the reasons for your answer.:

Sections 26 and 27

1 Do you agree with the proposed changes to the rules of good estate management?

Yes

Please explain the reasons for your answer.:

We agree that the need for production to be "efficient" has to be balanced against the need for the production to also be sustainable and regenerative.

2 Do you agree with the proposed changes to the rules of good husbandry?

Yes

Please explain the reasons for your answer.:

We agree that the need for production to be "efficient" has to be balanced against the need for the production to also be sustainable and regenerative. We also consider animal welfare to be of very high importance. How we treat our farm animals is, and should be, a part of how we are seen as a nation, and is important to many Quakers in line with our testimonies of equality and peace.

Fairness and checks and balances

1 Do you consider the Bill strikes a balance between the competing interests and rights of landowners, local communities, landlords and tenants, alongside the wider public interest?

No

Please explain the reasons for your answer.:

It is a move in the right direction; however, the interests and rights of large landholders are prioritised, with not enough support given to communities and the wider public interest. The Bill lacks boldness in fundamentally shifting the patterns of highly concentrated private landownership in Scotland. A

landowner's power is disproportionate relative to a community of many people, that has little say over its bioregion. We feel there is a strong argument that transfers of land from private to community ownership (whether to a specific organisation or to be transferred back to the 'commons') should not be compensated, given the immense private rewards reaped from enclosing Scotland's common wealth over centuries.

Tackling the Climate and Biodiversity Crises

1 In your view, does the Bill make adequate provision for the role that land might play in delivering a just transition to net zero and tackling the biodiversity crisis?

No

Please explain the reasons for your answer.:

While we welcome the introduction of compulsory land management plans aligned with the Land Rights and Responsibilities Statement, we believe the Bill's focus on only applying this to large landholdings is misguided. To properly steward Scotland's land in a way that helps address climate change and biodiversity loss, changes in land management practices need to occur at all scales of landownership: it is not enough to only focus on large landholdings.

As stated in answer to previous questions, we recommend that any landowner receiving public subsidy or tax relief related to their land should be required to produce a land management plan and legally comply with an updated Land Rights and Responsibilities Statement. The Statement itself needs revising to put greater emphasis on protecting Scotland's natural resources as sacred and finite, with landowners having responsibilities to repair, support and enable healthy ecosystems that sustain all life. This would help us to get to net zero and to tackle the biodiversity crisis.

As well as the right to buy private land, consideration should be given to enhancing communities' right to buy land from councils.

Additionally, the Bill is silent on reforming the law of succession for inheriting land and Scotland's land taxation system. Such reforms, which have proven effective in other nations for dismantling concentrated landownership, are likely necessary to truly reshape how land is owned and stewarded to combat environmental crises.

We share the misgivings expressed by such as Community Land Scotland around the marketing of carbon offsets in Scotland. We note that a strong case has been made, not least by leading climate scientists such as Professor Kevin Anderson, to the effect that offsetting is greenwashing. In addition, as the Scottish Land Commission (SLC) has noted, carbon speculation (and possibly impending biodiversity credit speculation) serves as an uplift driver on land values, driving it further beyond the reach of communities and, perhaps, providing a foil by which speculators can buy Scottish land as a long-term investment but justify not having to do much with it.

In summary, while the Bill makes some positive steps, we do not believe it goes far enough in using land reform as a key lever for enabling a just transition to sustainability and biodiversity revival in Scotland. Greater ambition is needed in the substance of the legislation.