

Land Reform Bill 2024

Significant landholdings and the criteria for a Public Interest Test and Land Management Plans

Community Land Scotland (CLS) believe that the focus on ‘large landholdings’ within the Land Reform Bill will severely restrict the ability of the legislation to impact the scale and concentration of existing ownership.

CLS propose that the term ‘significant landholdings’ should replace ‘large landholdings’ within the Bill to capture the multiplicity of landholding types that contribute to the concentration of power. This follows the Scottish Land Commission’s (SLC) usage of the term to denote not just the physical size of the landholding but the impact it has on the wider area.¹

The criteria for landholdings to which Land Management Plans (LMP) (44D) and lotting provisions (67H) apply should be aligned and modified to the following to make both mechanisms proportionate and predictable:

- a) **A fixed threshold of 500 hectares**
- b) **Land that accounts for more than 25% of a permanently inhabited island**
- c) **Sites of community significance** – A discretionary criteria which communities can proactively register with a designated public body (potentially SLC or planning authorities)

The removal of ‘contiguous’ in reference to any criteria so that aggregate landholdings are included

These criteria should be applied equally to LMP and the transfer test/public interest test

Aligned thresholds

An aligned threshold for LMP and lotting processes/transfer test at 500ha would mean 2,025 landholdings rather than c.420 will be under a requirement to produce LMPs and 17 rather than 8 transactions for a transfer test – or preferably Public Interest Test. 500ha still protects the vast majority of family farms as 96.4% of agricultural holdings in Scotland are under 500 hectares in size.²

If the same public interest criteria are used to shape LMPs and the transfer test there will be greater proportionality and predictability to these processes, as well as helping shape landownership and management in the public interest.

Furthermore, as it stands landowners over 3,000ha who would have to produce Land Management Plans would be at an advantage for engaging with the transfer test as they will already be assessing and understanding community sustainability and need in the local area. Aligning the thresholds ensures that any transfer or public interest test would be applied fairly and run more efficiently.

¹ [Legislative proposals to address impact of Scotland’s concentration of land ownership - News - News & Events - Scottish Land Commission](#)

² [Written question and answer: s6w-10506 | Scottish Parliament Website](#)

Scotland's villages, town and cities - sites of community significance

There is a longstanding and unambiguous policy recognition by the Scottish Government and Parliament that land reform encompasses both the urban and rural contexts. The current draft Bill will exclude urban Scotland and other settlement types – unless situated on a ‘large landholding’. It will not provide any mechanisms to ensure that the public interest is considered in urban land management or urban land sales. This is a pressing issue in urban and peri-urban areas which are often blighted by vacant and derelict land, absentee and corporate landowners and widespread land banking and speculation. **67% of respondents in the Bill consultation were in favour of the inclusion of urban Scotland.**

SRUC have recently published research on how sites of community significance could be included in the Bill – to enable communities to proactively identify land of significance which would warrant the scrutiny of the bill measures - land management plans, a transfer test, or the other provisions.³ There are existing examples of how such a discretionary measure could work, for example the proactive elements of ‘**Sites of Community Significance**’ in **Local Place Plans which would create a designation to which the measures in this Land Reform Bill could apply**. Examples of sites which may be taken in by discretionary criteria could be a long-term derelict site, a monopoly business, or a key part of a larger landholding for delivering housing. This would focus on the impacts of power concentration, not just on scale as proposed.⁴

This criterion would be supported by guidance required by the provisions of the Bill – as with the Outdoor Access Code. This would set out the issues that should be considered when using the discretion to bring a piece of land within consideration for the mechanisms within the Bill, in order to protect against “the creation or continuation of a situation in which excessive power acts against the public interest”.

The need to include aggregate landholdings

Sections 44D and 46K make clear that the criteria apply to single, composite or contiguous holdings, this ignores the considerable issue of aggregate holdings which exceed these criteria and contribute significantly to the concentration of landownership. **In both these sections, “contiguous” should be removed, so that aggregate landholdings are included within LMP requirements and the transfer test.** For example, funds managed by Gresham House Ltd partnerships own a significant amount of Scottish land (53,775 ha).⁵ Yet due to their fragmented landholdings, none are over 3,000ha.⁶ These kinds of aggregated, corporate landholdings need to be included in the Bill.

CLS would welcome the Net Zero Committee:

- **scrutinising the removal of urban Scotland from the Bill and focus on a limited criterion of ‘large landholdings’**
- **recommending in their Stage 1 Report that Sites of Community Significance, aligned thresholds of 500ha and the removal of contiguous landholdings be included through amendment.**

³ [Sites of Community Significance: Proactive Communities and the Land Reform Bill](#)

⁴ [Sites of Community Significance: Proactive Communities and the Land Reform Bill](#)

⁵ [Who Owns Scotland 2024 \(a preliminary analysis\) - Land Matters \(andywightman.scot\)](#)

⁶ [Large-scale Rural Land Sales 2020 – 2022 - Land Matters \(andywightman.scot\)](#)