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

1 Name of organisation

Name of organisation:
Scottish Crofting Federation

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The Scottish Crofting Federation (SCF) is the only membership organisation dedicated to promoting the interests of crofters and crofting. Established and run by crofters themselves, SCF is dedicated to campaigning for crofters and fighting for the future of crofting by actively engaging with agencies and government at local, national and international levels, we influence policy on rural, agricultural, social, environmental issues.

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.:

There is an urgent need for further land reform. As of today, Scotland has the most concentrated landownership pattern in Europe. At the same time, projections on the likely impacts of climate change see large parts of Scotland as one of the areas least prone to the most catastrophic impacts of the climate crisis. This will further accelerate land rush dynamics and exacerbate existing problems resulting from competing demands over rural land.

Already, tensions arise between the imperatives of low-carbon food production and the Scottish government's push for 'green' outside investment aimed at achieving net-zero targets. It seems cynical, that a government which is constantly pushing for national sovereignty, at the same time allows for the selling-off of the central element of our said national sovereignty, land, at the expense of the very subject of that national sovereignty, that is, Scotland's people. Without far-reaching land reform, the current government will continue to be complicit in the irreversible privatisation and enclosure of the most precious resource we hold.

We cannot afford to hand over power and control over large swathes of this country's land to speculative investment companies engaging in greenwashing practices, and high net-worth individuals who consider the Scottish rural landscape as their personal recreational playground, alternatively for shooting and killing, or for allegedly environmentally beneficial 'rewilding' experiments.

People in the crofting counties have been subjected to various forms of displacement time and time again. Without decisive legislative and policy intervention, the depopulation of Scottish rural areas will again progress at an ever-increasing pace, and at the time we'll see the full extent of the damage done, it will be too late to anything against it.

Unfortunately, the current proposal is characterised by a blatant lack of ambition and even falls behind what has been consulted on in the first place. We do understand that this comes down to concerns about proposals being struck down by courts in London or Strasbourg, which may be seen as compromising this Government's ability to exercise the leadership a sovereign country would require. But without the zest to even try to do everything possible to achieve a fairer distribution of land, on which the distribution of wealth and power will again increasingly rest, it may not be worth striving for sovereignty at all in the first place.

Therefore, we strongly urge the Scottish Government to introduce significant improvements to this bill and to outline proposals for laying further land reform legislation immediately.

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.:

The bill is extremely disappointing and we concur with Community Land Scotland's (CLS) accurate finding that this is not actually a land reform bill but a 'land management amendment bill', ill-suited to tackle existing land injustices or to strengthening rural communities. The Bill generally lacks ambition and does very little to promote the diversification of landownership or to facilitate community ownership. As such, it is unfit to meet the objectives set out in the policy memorandum.

The bill makes no substantive mention of crofting at all, albeit issues arising from the concentration of land are extremely prevalent all across the crofting counties. Despite crofting being a direct consequence of early land reform, it seems entirely bracketed in the current proposal. This is reflective of a wider trend we also witness in other policy areas, especially agricultural policy. Crofting seems to be thought of as being exhaustively dealt under crofting law and tends to be sidelined in all other legislative proposals. The Bill unhelpfully introduces a vast amount of expensive legislation around a small number of agricultural smallholdings which could be very easily converted into crofts and regulated under crofting law.

There are no mechanisms within the Bill which will be capable of significantly impacting the scale and concentration of existing ownership. The proposed Land Management Plans (LMP) provide no means of changing ownership and are enforced by such limited regulatory functions that they can simply be ignored.

Questions of addressing the public interest in the ownership of land have been avoided and the bill is considerably weakened by not considering the public interest in the sale and ownership of land. SCF members can give ample evidence of crofting estates being sold under their feet with scant regard given to the public interest. The urgent need for improvements in this regard is evident as further detailed below.

Even for the minimalistic interventions outlined in the Bill, the thresholds above which they are set to apply are too large. The current proposals of compulsory LMP for landholdings over 3000ha and a 'transfer test' for land 'transfers' over 1000ha fail to significantly address many examples of concentrated landed power. This means that the new provisions within the Bill will have no meaningful impact upon landownership patterns and will blunt any attempt to have public interest considerations shape land management or ownership.

Further, the bill does nothing to reduce the incentives in terms of tax exemptions and subsidies, making it attractive for large landowners to keep holding on to their land. Review and reform of existing taxes, such as non-domestic rates, capital gains tax, inheritance tax, and/or the introduction of land value tax is required. While we acknowledge that this may be out with the scope of the proposed Bill, we urge that action is undertaken to tackle these issues immediately.

We do support CLS's ask to adjust the threshold criteria defining 'significant landholdings' to which both, LMP and 'transfer tests' should apply:

- A fixed threshold of 500 hectares
- Land that accounts for more than 25% of a permanently inhabited island
- Site of community significance - Land that a designated public body (potentially the Scottish Land Commission or planning authorities) can agree is of significance to any applying community

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 do support the proposal to introduce obligations on promoting community engagement in principle, however, the proposal does not go far enough. It is unclear what community engagement is expected to be and there needs to be further clarification to that end in the primary legislation. Very often, there is no established good practice in terms of community engagement and consultations are no more than a mere tick-box exercise that is deemed to be fulfilled by posting a message in a local facebook group or a leaflet in the local shop. The primary legislation should set clear guidance on the minimum level of engagement required, alongside a wider range of criteria for LMPs on which communities' views are sought.

As outlined in question 2, the criteria for landholdings which must produce a compulsory LMP need to be specified and broadened so that a meaningful number of landholdings and communities can be included. As detailed above, we would opt for inclusion of sites of over 500 ha, 25% of any inhabited islands as well as sites of community significance.

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.:

However, the current proposals relating to LMPs are too vague. LMP requirements must be included within the Bill itself.

Mandatory elements of any LMP should be that consideration is given to the creation of new tenanted crofts, and if croft creation is not considered the explanation why it is not. Further, LMPs for crofting estates should outline how the breaches of duties (residency and cultivation duties) under crofting law will be policed and enforced.

Any LMPs in crofting estates should have to take into account, and be formed in partnership with, any crofting tenancies. Crofting tenure covers a significant proportion of land in Scotland, including areas of Scotland's peatlands. The legislation should facilitate realisation of the potential benefit that good management of that resource will produce.

LMPs should also indicate any plans towards land-use changes including those in connection with carbon or other ecosystem service markets, carbon capture and storage or renewable energy developments.

Further, LMPs should provide for information on any intended development including the creation and/or sale of plots for residential property development. Where such development is intended, LMPs should have to outline how the plans will contribute to the creation of affordable housing for local families and keyworkers and, if they do not, why the creation of residential property is nonetheless deemed to be justified.

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.:

Robust processes for reporting breaches and meaningful penalties for landowners who do not comply with legislation are essential. However, the proposed penalties are mere slap-on-the-shoulder charges with no effect whatsoever on those who do not want to comply with the duties to produce LMPs.

There should be escalating penalties with the ultimate recourse of changing the landownership through forced sales. Fines should be paid into the Scottish Land Fund as a means of circulating the money within the land reform agenda.

While SCF welcomes the ability for groups to report breaches, in fact any citizen should have the right to report a breach. By widening this, it allows communities to more freely report breaches of the LMP by their landowner without it being obvious who has reported the breach and potentially jeopardising an unstable relationship. Appropriate procedures can be put in place to deal with spurious or vexatious complainers.

The crofting context gives ample evidence on how having an overly narrow range of people eligible to report breaches can lead to situations where no breaches will be reported at all out of fears of repercussions. If crofters are already wary of the consequences ensuing when reporting their neighbours for the breach of crofting duties, they will be even less likely to take on their landlord who will be capable of making their lives even more difficult.

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.:

The provisions will not effectively strengthen the communities' rights to buy.

Crofters have recently witnessed various instances where crofting estates have been sold under their feet before they would have been able to register their interest in the land. Questions about soaring land prices and insufficient funding options aside, the current situation presumes that community bodies are already established and ready whenever a piece of land hits the market. It is, however, unrealistic to expect all communities to preventively establish themselves as community bodies just in case some piece of land will be put up for sale in the future.

Given the fact that a majority of large-scale land transactions happen off-market, prior notification of sale is to be welcomed. The lack of transparency of the Scottish land market has been repeatedly exposed. The estate agents dealing with large-scale land transactions more or less openly admit that they

have a list of potential clients they will phone before putting properties potentially of interest for those clients on the open market.

However, prior notification will not give communities enough time to register their interest in the land and submit an application through CRTB legislation. The timeframes included within the draft Bill for this mechanism need to be considerably increased to have any effect whatsoever.

Further, standard submission forms must be made available to make the initial application as straightforward as possible, and capacity building as to the constitution of communities as bodies able to exercise the CRTB and the submission of applications should take place all across Scotland.

Eligible community bodies who can be put on the 'prior notification' register should be as broadly and inclusively defined as possible and the requirements for evidence to prove the establishment of an eligible community body should be kept modest. It should be considered for inclusion that communities should be able to mandate a third party (such as existing community landowners) to submit the initial application.

Existing crofting estates coming up for sale should be acquired by the Scottish Government as a default position.

The problem of escalating land prices can be addressed by introducing a land value tax or a cap on prices for agricultural land which does exist in other countries.

No

Please explain the reasons for your answer.:

The threshold for the transfer test is too high and should be reduced to 500 ha which still is an enormous amount of land. The argument about 'family farms' being unduly affected by a threshold of 500ha for LMP or the 'transfer test' is not credible as 96.4% of agricultural holdings in Scotland are under 500 hectares in size.

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.:

Lotting is a potentially impactful mechanism if used to secure land which works in the public interest, can be used by local people and effectively breaks up monopoly landholdings. However, the lotting process needs further clarification and there needs to be more oversight over who buys lots once the process is complete. Priority should be given to community bodies in any case.

As outlined above, for existing crofting estates the default position should be that the Scottish Government acquires the entire parcel of land. The government already holds significant areas of land in Skye and Barra, among others, and is best placed to manage the land in the public interest.

In places where no crofts exist, lotting decisions should consider the creation of new tenanted crofts without a right to buy which is perfectly possible. Crofting legislation will have to ensure that rents remain affordable.

Please explain the reasons for your answer.:

No, as noted above, the threshold of 1000 hectares is too high and should be reduced to 500.

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

No

Please explain the reasons for your answer.:

The lotting process needs further clarification and there needs to be further oversight over who buys lots once the process is complete. The lotting process needs to be much more prescriptive and the Land and Communities Commissioner needs to have clear oversight over the lotting, sale and management of land under this process. Otherwise there is a risk that the lotting process could exacerbate Scotland's concentrated landownership as other significant landowners could purchase the lots, or use holding companies or associates to purchase the lots.

There needs to be a robust Public Interest Test underpinning any lotting decision (see question 9) and Fit and Proper Person (FPP) or Appropriate Person test as a means of assessing prospective buyers of landholdings of significance. This would allow for meaningful public scrutiny of who owns significant landholdings and how they will be used.

Section 67L needs to be clarified as it appears to suggest that it is possible for landowners (including Ministers) to request that Ministers do not make a lotting decision.

Specific regulations must be put in place to ensure any land allocated for housing is used for keyworkers, local people and businesses, and not kept undeveloped or used for more second or holiday homes.

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

No

Please explain the reasons for your answer.:

We concur with CLS's finding that the introduction of a 'transfer test' is a disappointing watering down of a meaningful Public Interest Test, as was initially consulted on. The transfer test should be designed to specifically address a range of public interest considerations and to inform lotting decisions.

The public interest issues at 44B (d) should be extended to increase the range of considerations, above all the increase in access to land for sustainable small-scale food production through the creation of new crofts.

Crofting and agroecological practices are ideally positioned on delivering policy objectives across the board: local food production, biodiversity net gains through the creation of high nature value and agroecological systems providing for mosaic habitats as well as climate benefits through short supply chains and low-input agricultural practices.

We think that the creation of new crofts is a means of addressing a fundamental principle of land reform, that more land should be used by more people. The size of crofts could be

appropriate to the relevant land management in the area and the number of crofts would depend on size with the total amount of land requiring to be put into crofts being a proportion of the estate deemed acceptable to satisfy the 'transfer test'.

Large-scale green investment other than that initiated by local communities and to the exclusive benefit of local communities for the purposes of carbon insetting (rather than offsetting) should not be considered as being in the public interest.

In looking to the public interest in land transfers and lotting in considering whether a prospective purchaser is appropriate they should embrace consideration of whether the envisaged ownership will advance:

- the reduction of large-scale private landownership
- the increase of access to land for sustainable small-scale food production
- the creation of new tenanted crofts including woodland crofts
- improved use and management of agricultural land including common grazings
- repopulation
- maintaining and improving mosaic habitats
- the provision of affordable housing for keyworkers
- the creation of workspaces for employment, especially in the local food sector
- the promotion of short supply chains through local infrastructure for food processing and distribution
- the delivery of a just transition
- the building of community wealth and a more inclusive economy

67N5 – other significant public interest issues must be considered – such as excessive power in landholdings of significance, not just scale.

'Community sustainability' is too narrow a test - there should be a wider conception of the public interest and mechanisms for establishing what the public interest in landownership may be.

Transfer tests only assess the physical landholding itself - there is no oversight over who the landowner is and what their plans are for the land. Furthermore the transfer test only occurs at the point of transfer, but there should be mechanisms to assess whether landownership is working in the public interest at any point during ownership.

The transfer test does not apply to aggregate landholdings - only contiguous land, meaning the actions of many significant, aggregate landowners go under the radar. These landholdings need to be included in the Bill to ensure that Scotland's land is being used in the public interest.

Transfer tests do not apply when land is being inherited (as is often the case) or sold to a partner organisation under the same company, excluding many landholdings which maintain excessive power from being assessed.

Further, the seller has to have a responsibility for what they are selling and any 'burdens' attached to the property. We have seen numerous cases of croft land being sold with no mention of the fact that it is regulated. So saying, we consider the transfer test should predominantly rest with the purchaser who will assume responsibility for the land.

The transfer test should involve community consultation on potential future land uses and the option for communities to express their objections to future developments such as renewables, natural capital projects or housing developments other than the creation of affordable housing for families and keyworkers. In the case of affordable housing development, it must be ensured that any such development will be kept affordable in the future.

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.:

While we have previously argued that we will not support the creation of a new role and that the respective responsibilities should sit within the Land Commission, we do acknowledge that the introduction of a new Land and Communities Commissioner (LCC) is potentially beneficial. For this, however,

amendments would need to be made to the role. There are additional powers which should be named in this section of the legislation to further empower the Land and Communities Commissioner (LCC) to actively regulate LMPs and intervene in cases of irresponsible landownership.

Please explain the reasons for your answer.:

To ensure greater coherence of action between the LCC and the Commission and to ensure corporate accountability the following strengthening and codification of the of the new Commissioners role is required:

- The LCC must consult with the Commission before making recommendations or in drafting Codes of Practice or Guidance
- The LCC must have regard to the Commission's policies in undertaking their work and act in ways consistent with the Commission's policies
- In the conduct of their work the LCC must have regard to any considerations the Commission itself must have regard to
- LCC should be able to issue Codes of Practice, promote any such codes; and issue Guidance in relation to LMPs

The regulatory function of the Scottish Land Commission (SLC) is expanding under the draft Bill and this should be recognised in an updating of their functions, with the addition of:

- the contribution of land to the production of local food
- the contribution of land to the achievement of a just transition
- the relationship between scale of land holdings to the building of community wealth
- the desirability of progressively achieving a more diverse pattern of landownership comprising more landowners
- measures to support the repopulation of land and the sustainability of communities

Section 7

1 Are you satisfied with the broad duty Section 7 of the Bill places on the Scottish Ministers to develop a model lease for environmental purposes, including the definition of "environmental purposes" set out in Section 7?

No

Please explain the reasons for your answer.:

We are not satisfied that the duty under section 7 will ensure fair and equitable benefit sharing arrangements for environmental leases. The Government's uncompromising push for outside green investment to achieve net-zero goals leaves rural communities in a very unfortunate position with no bargaining power on their side.

For many crofting as well as other rural communities engaging in natural capital projects is a Hobson's choice, i.e. no choice at all. However, the option to object any such development is an important lever for communities when entering into negotiations over potential benefit sharing arrangements. Otherwise, benefit sharing will remain a sham with the putative 'benefits' for communities being no more than a few crumbs left to pick.

Environmental leases lock in long-term land-use changes, potentially not in the interest of future generations. We do not see the rights of those future generations sufficiently protected though the current proposal of designing a model lease.

Sections 8 and 9

1 Do you agree with the provisions in the Bill extending certain rights to small landholders?

No

Please explain the reasons for your answer.:

It is difficult to see how a whole raft of legislation should be designed to deal with a handful of existing smallholders when the objectives sought to achieve could be very easily achieved just by turning these entities into crofts. Under crofting law, they would enjoy corresponding benefits. In the meantime, setting up an entire legal regime and the accompanying costs could be avoided.

The current reform of legislation relevant to small landholding tenancies should not reinvent the wheel and add layers of complexity by combining different tenancy models. Instead, this is an opportunity to give all small landholders across Scotland the same protection under crofting law and to provide access to existing channels of support.

Small landholdings are regulated under the Crofters Holdings (Scotland) Act 1886 and the Small Landholders (Scotland) Acts 1911 to 1931. The 1911 Act extended the protection given to crofters across Scotland, referring to all relevant small-scale managers of land as small landholders. This means that the rights of security of tenure, fair rent, and payment of compensation for improvements at the end of a tenancy apply to crofters and small landholders alike. Equality was not restricted until 1955 when crofting tenure was limited to the crofting areas in the Highlands and Islands. This means that rights introduced under a modernised crofting framework and subsequent reforms no longer apply to those working the land under small landholders' tenancies.

It is completely unclear why the Scottish Government insists on reform of the small landholders' system by introducing elements of agricultural tenancies, when a trialled and tested framework for protection of small-scale tenants already exists in Scotland in the form of crofting law. Crofting law is to be reformed within this Parliamentary session which brings opportunities to fix issues and make crofting law fit for a wide rollout.

Scottish Government's analysis of the last consultation identified diminishing numbers of small landholdings as a key concern following introduction of a

right-to-buy outside of crofting law and the duties thereunder to cultivate and maintain, and not to misuse or neglect. Contrarily, we advocate for increasing numbers of small agricultural holdings within and outside the crofting counties, starting with the creation of new crofts on public land.

With a significant number of small landholdings in the designated crofting areas, the largest being between 15-18 on Arran, bringing small landholdings within the crofting framework is not only a logical step. With systems and experienced organisations already in place to support (Crofting Commission, SCF), it would be the most efficient and best use of public funds. Scottish Government should focus its efforts and resources on bringing forward a new Crofting Bill.

Andrew Thin, former Chair of the Land Commission, recently said: "for a country the size of Scotland, it would be sensible to have a single set of rules governing small holding tenure as opposed to running two systems". This is a great opportunity to give small landholders adequate rights and protection under crofting law, whilst also protecting Scottish land for food and agriculture and maximising the great potential of small-scale systems of land use for climate and nature.

2 Do you agree that the Tenant Farming Commissioner's functions should be extended to include small landholders?

No

Please explain the reasons for your answer.:

As per the above.

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?

No

Please explain the reasons for your answer.:

We see issues arising from rights to buy in the crofting context where the introduction of a right to buy has led to unintended outcomes creating an increasingly overheated market in crofting tenancies. If smallholdings are brought under crofting legislation as we suggest, a one-off opportunity for existing tenants to buy their crofts can be offered if needed at 15 times the annual rent as per crofting law. Any newly created crofts should exclude the right to buy which is perfectly feasible. The sale of tenancies should be prohibited.

In any case, the right to buy should only be considered within the crofting framework as this provides safeguards to ensure good agricultural use of the land with responsibilities on the owner-occupier to cultivate and maintain and not misuse or neglect, or on the owner of a vacant croft to put in place letting plans. Without these statutory requirements that exist under the unique system of crofting law, a right-to-buy could see small agricultural landholdings outside of the crofting counties disappear, which could lead to neglect of land or repurposing for development, with significant impacts on local food production and biodiversity and climate in these rural and potentially High Nature Value areas.

Links to the Agriculture and Rural Communities (Scotland) Bill

1 Are the changes proposed in the Land Reform (Scotland) Bill sufficient to enable tenant farmers to engage in sustainable and regenerative agriculture, and to allow them to take part in schemes and programmes under any new agricultural policy?

No

Please explain the reasons for your answer.:

We are disappointed to see that the links between the Agriculture and Rural Communities Bill and Land Reform are established in the tenant farming context while crofters are left out. While land reform pertaining to tenant farmer concerns is obviously undertaken with a view to enable more policy coherence with a view to the future agricultural support framework, the same cannot be said for crofting.

We would ask the Scottish Government to clarify how the partaking of crofting tenants under the new agricultural support schemes will be ensured in the same way as it is envisioned for tenant farmers.

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.:

While it seems impractical to outrightly reject the Bill and send it back to the drawing board, we do urge that the drafting of a further land reform Bill has to start right now. We are aware of the concerns about legal challenges faced around potential infringements of the right to property allegedly arising with a more ambitious reform. However, we see those concerns to be largely unfounded. We do not see any substantial evidence and feel that fears about legal challenges are being used as a lazy excuse.

As professor and Scottish Law Commissioner Frankie McCarthy highlights, political and media positioning of the right to property enshrined in A1P1 of the ECHR as a barrier to land reform is a mischaracterisation. She writes: 'A1P1 may have been cast in this role partly because of successful legal challenges to earlier land reform legislation under its auspices, but doctrinal analysis of the limited available case law demonstrates little support for construction of A1P1 as a landowner's right.'¹

Many European countries set quite extensive limits to private property, and the Blackstonian conception of property as 'sole and despotic dominion' is quite unique to the Anglosphere. Switzerland, for example, which, much like the UK is a party to the ECHR but not the EU, poses strict limits on property acquisition by non-residents. It requires an agricultural education / professional experience for people to acquire agricultural land, sets price limits on excessive selling prices for agricultural land and includes a duty for the proprietor to cultivate the land themselves. Similar provisions exist in France, which has traditional historical links to Scotland. These examples demonstrate that way more would be possible and makes us wonder what exactly is the rationale behind not doing so other than being intimidated by the threats of landed interests – which makes the need for land reform even more important.

Looking at the example of crofting law with all (rightly existing) duties to residency and cultivation, it seems somewhat cynical that all these duties exist for tenants or owners of relatively small parcels of land while for large private landowners no corresponding duties exist.

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.:

We have repeatedly pointed to the dangers arising from the Government's uncompromising push for 'green' outside investments and the reverberations it may have on land markets and patterns of landownership and control. The concerns voiced have been ignored at best and met with patronising statements insinuating that crofters 'just do not sufficiently understand' the whole thing at worst.

Many crofters do very well understand the workings of and the rationale behind natural capital investment and are nonetheless against it: Not because they would not see the need for climate mitigation, peatland restoration and so forth, and not because they are anxious about not receiving a fair share of monetary benefits – but because of the deeper structural implications, the role natural capital markets play in distracting from the wider transformations needed and the risk of renewed land grabbing dynamics set in motion by the natural capital boom.

We urgently need to tackle the twin-crises of biodiversity loss and climate change. However, this needs to happen in a fair and equitable manner involving more access to land for more people and more democracy in decision-making over land. The Bill does far too little to achieve all this.