**Land Reform in a Net Zero Nation**

*“True freedom lies in the community in spirit and community in the earthly treasury, and this is Christ ... spread abroad in the creation, restoring all things unto himself.”*

*A Watch-Word to the City of London* (1649), written by Gerard Winstanley

**Quakers in Scotland**

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 Bills 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. Here we highlight some comments on the proposed Bill including areas where we believe further progress could be made.

**Key points**

* Land ownership and land use are fundamental in shaping our relationships with each other and with the natural world.
* Scotland’s land ownership is highly concentrated and opaque, 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.
* To truly address the challenges identified in the consultation we need policies that encourage people to centre their care for the well-being of their human and non-human environment, and realise that our well-being depends on our responsibility and care for the land and each other.
* Such a change can be encouraged through changes to the land tenure system, the fiscal framework surrounding land ownership, and the administrative law around managing land.
* The proposals contained within the consultation seem to focus on introducing more accountability and transparency to the land market rather than enacting structural reform in the areas identified above.
* The consultation focusses on large scale land-holdings. While we can see some utility in this, in terms of land management we believe that change is required at all levels. Rather than focussing on the scale of the land-holding then, we believe that any land holder receiving tax benefit or other forms of public subsidy associated with their land in Scotland should be held accountable to the Scottish public.
* It is notable that there are no proposals within the consultation to reform the law of succession (giving children the legal right to inherit land) or to reform land taxation. These are the two measures that have been proven historically to dismantle concentrated patterns of landownership. We would support the creation of a land tax and or other financial incentives to address the inequality created by land ownership in Scotland and further open up land to community ownership both rural and urban.
* In place of the current, highly concentrated pattern of private land ownership, we would favour the growth of community ownership, and the return of large landholdings to existing communities and to communities that can be brought into being through the availability of community owned lands.
* We feel that there is a strong argument for such transfers of land to communities not being compensated. Such owners have received huge reward over the centuries and decades of their enclosing and owning of Scotland’s common wealth.
* We believe in difficult society wide issues such as land transfers, there is 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.

**Large-scale holdings**

The consultation reserves its most significant proposals for “large-scale holdings” and suggests meeting one of the three proposed criteria might classify a landholding as large-scale:

* A fixed threshold of 3,000 hectares
* Land that accounts for more than a fixed percentage of a data zone (or  adjacent data zones) or local authority ward(s) designated as an Accessible Rural Area or Remote Rural Area, through our six-fold urban/rural classification scheme
* Land that accounts for more than a specified minimum proportion of a permanently inhabited island.

Our first reflection here is that each of the above criteria are tied to a local geographical area. Were then, an individual, or individual organisation, to own multiple small tracts of lands across Scotland, they would not meet the definition of a large-scale landholding, and yet still contribute significantly to the concentration of land ownership within Scotland. If (as the Scottish Government states) it wishes to see a more diverse pattern of landownership with more opportunities for citizens and communities to own land then it needs to be just as concerned with the accumulation of landownership and the resulting concentration that arises as it is with the impacts at any particular local level.

In addition, we feel that particularly around land management and attempts to ensure that land is used in ways that respond to the climate and ecological crises that we face, there is little to be gained by focussing solely on large-scale holdings. We believe that any land holder receiving tax benefit or other forms of public subsidy associated with their land in Scotland should be held accountable to the Scottish public and must demonstrate they comply with the Land Rights and Responsibility Statement and have an up to date Land Management Plan.

**Land Tenure**

While the introduction of a public interest test is to be welcomed, that this will only be a requirement for the transfer of large-scale landholdings is undoubtedly a weakness. As noted above, land concentration could equally come in the form of the sale of multiple smaller plots of land to any one individual or individual organisation across a wide geographical area.

It is notable that there are no proposals within the consultation to reform the law of succession (giving children the legal right to inherit land). Changes here, alongside changes to how land is taxed, are shown to significantly address the concentration of land ownership. While the consultation does suggest a requirement on owners of large-scale holdings to give prior notice to community bodies of their intention to sell, there is a risk that this maintains existing power imbalances whereby the speed at which land ownership in Scotland is diversified is dictated by existing land-owners’ 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 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.

Lastly, if the government is serious about improving levels of community ownership of land then we believe there is a stronger role for government to play, in overseeing land tenure and it being an active owner of land. In the majority of (international) cases, formal approval, whether by a specific public agency or national or local government, is required before 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.

**Fiscal framework**

The absence of any proposals within the consultation to reform the fiscal framework around land ownership is striking. Indeed in its 2021 paper to the Scottish government, which provided most of the proposals contained within the consultation, the Scottish Land Commission stated that the measures proposed “*will not, on their own, deliver the longer term systemic change in patterns of land ownership that are required to realise the full benefits of Scotland’s land resource. Achieving this will require more fundamental policy reform, probably including changes to the taxation system.”*

Reforming land taxation is a significant means by which government can encourage the sale of land and dismantle concentrated patterns of land ownership. Even a relatively modest tax on land transfers would both be a nudge away from the maintenance or accumulation of large land holdings, and a signal that the Scottish government recognises that the land resources of Scotland are of great value to the wider community, not just landowners. Similarly, if the proceeds of any land taxation were to go to the local authority or local community to be spent on community benefit then significant steps could be made towards place making, community wealth building and supporting the long-term flourishing of communities. A further suggestion would be that such proceeds could contribute directly to the Land Fund, ensuring that land reform would be to a greater or lesser extent self-financing which would create a driver for reform. We would support the creation of a land tax and or other financial incentives to address the inequality created by land ownership in Scotland and further open up land to community ownership both rural and urban.

**Land Management**

The consultation’s proposals for strengthening the Land Rights and Responsibilities Statement and introducing Compulsory Land Management Plans are to be welcomed. However, as previously stated we believe that only applying these to large-scale holdings is both counterproductive and unnecessary. To tackle the environmental and social challenges that Scotland faces, we need changes in how land is managed at varying levels. Our recommendation would be that any land owner receiving public subsidy or tax relief should be producing a land management plan and have a legal duty to comply with the Land Rights and Responsibilities Statement (LRRS).

Similarly, as we have previously said in the recent review of the LRRS, we do not believe that the statement is fit for purpose in addressing the current climate and ecological emergency which we face. In particular we believe the vision of the LRRS should be sufficiently broadened to recognise that the natural resources of Scotland are sacred, have intrinsic value and are finite. The vision should also commit to protecting these vital natural resources, from one generation to the next, acknowledging that this requires significant cultural change. The vision goes some way towards this approach by acknowledging a dynamic relationship between Scotland’s land and its people, but it could go further still by recognising the responsibilities we all have to repair, support and enable healthy ecosystems that in turn support and sustain life on earth for future generations. Each generation should protect and enhance the health of the land, for the next. Such a reframing is vital in shaping how we understand and therefore interact with the natural world, moving us away from an extractive model to a vision where we recognise that, rather than masters, we are but part of the natural world, with a role to play. Such a reframing is not unprecedented, being widely recognised by traditional communities across the world, while parallels from another modern democratic state can be found in New Zealand where the Whanganui River was granted legal personhood, with associated rights in 2017

The proposals place a great emphasis on the role of local communities as agents in land reform while remaining relatively silent on the potential for local and national government to take an active role. A further actor that should be recognised are environmental bodies. If we want land reform to help transition to net-zero then there is a strong argument that environmental bodies should be given new rights and powers as well as community bodies. At present, there already exists a procedure for the public to complain to relevant bodies about environmental damage (SEPA), or land access (Regional Access Forum / Officer) and we think a similar procedure and structure needs to be in place for high level breaches of the LRRS.

**Final thoughts**

Writing in 1693, the Quaker William Penn, put it like this:

*“It were happy if we studied nature more in natural things ... the creation would not be longer a riddle to us; the heavens, earth and waters, with their respective, various and numerous inhabitants; their productions, natures, seasons, sympathies and antipathies; their use, benefit and pleasure, would be better understood by us: and an eternal wisdom, power, majesty, and goodness, very conspicuous to us ... the world wearing the mark of its Maker, whose stamp is everywhere visible, and the characters very legible to the children of wisdom.”*

Such vision is not tangential to the politics, policy and legislation that surrounds land reform. We consider it central. Indeed, Penn himself founded the American province of Pennsylvania (so-named after his father, by Charles II) as initially a Quaker province marked by its charter of liberties that included trial by jury, freedom of religion, freedom from unjust imprisonment, free elections and a pioneering land treaty with Native Americans. Modern Scottish land reform also connects people with place and we believe that the Land Reform Bill could play a significant part in laying the foundations for creating a more equal, just and sustainable Scotland, but for that to be achieved greater ambition is required in the substance of the Bill. We therefore, urge the government to be bold in its response and reflect this greater ambition.