



SCOTTISH LAND COMMISSION
COIMISEAN FEARAINN NA H-ALBA

Minute of the meeting of the Scottish Land Commissioners held on Tuesday 4th March 2025 at An Lochran, Inverness.

Commissioners Present: Michael Russell (Chair) Deb Roberts, Craig Mackenzie, Lucy Beattie, Calum MacLeod (Land Commissioners), Rob Black (Tenant Farming Commissioner)

In Attendance: Hamish Trench, Nikki Nagler, Emma Cooper, Gemma Campbell, Scarlett Macfarlane, James MacKessack-Leitch (Scottish Land Commission); Patrick Kirkham, Sian Ledger, Andy Proudfoot (Scottish Government)

Apologies: None

Declarations of interest: None

Minutes of previous meeting

The minutes from the meeting held on 4 February 2025 were agreed as a true and accurate record with no matters arising.

1. Report from Chair of Audit and Risk Committee

Craig provided a report from the recent ARC meeting, noting in particular the findings of the internal audit governance review. The Chair asked for an update on the actions arising at the next meeting.

Action 04032501	Update on actions arising from governance report to be included in agenda for next meeting
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2. Commissioners Updates

Commissioners provided updates on their key activities and events since the last meeting.

This included an update from the Tenant Farming Commissioner on key issues arising from current cases and ongoing engagement with tenants, landlords and stakeholder bodies.

Other matters raised included:

- Current net zero projections for residual 2045 emissions show the significance of land (60% of expected residual emissions), a key part of the context for the Commission's work on tax;
- The potential relevance of Scottish Government's commitment to LIDAR information, in relation to improving land data, work on tax and land management plans;

- Business continuity – members agreed that Commissioners’ phone numbers should be shared among the board.

Action 04032502	Commissioners’ phone numbers to be shared within board
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The Chair referred to the recent public service reform summit convened by Scottish Government, noting that the board should return to a discussion on public service reform later in the year.

Action 04032503	Discussion on public service reform to be scheduled into board programme
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3. Land Reform Bill

Andy Proudfoot provided the board with an update on behalf of the Scottish Government bill team. He noted the expected timing for the Stage 1 debate and outlined the parliamentary process ahead. He noted that the Cabinet Secretary will be considering the Commission’s advice further once the NZET Committee’s Stage 1 report has been published.

Members discussed other legislative opportunities in relation to the review of Community Right to Buy and other routes for urban land reforms, noting that these will fall into the next Parliament. The Chair noted that the Commission is convening the reference group to support Scottish Government’s review of community rights to buy, the first meeting of the group being 7th March.

4. Programme of Work, 2025/26 Business Plan and Budget

Programme of Work

Hamish introduced the refreshed Programme of Work, noting minor changes following the previous board discussion and feedback from sponsor team.

The board agreed the Programme of Work, noting it will now be submitted to the Cabinet Secretary and then laid in Parliament.

Action 04022504	Programme of Work to be sent to Scottish Government to provide to Cabinet Secretary and to lay in Parliament
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25/26 Business Plan and budget

Hamish introduced the Business Plan and budget, noting the plan sets a full programme that can be delivered within capacity, but that any significant changes or additional in-year work would need to be resourced.

He noted there is a possible ask of the Commission from Scottish Government agriculture team in relation to work on the new form of lease set out in Part 2 of the Land Reform Bill. At this stage it is not clear what the Commission may be asked to do, and resourcing will need to be considered.

The board welcomed the business plan and the focus it provides on priorities. Commissioners noted the need to retain flexibility in responding to progress of the land

reform bill. Commissioners also emphasised the importance of progressing the work on the website, which will underpin our wider communications.

Craig reported that the ARC has considered the 25/26 budget at its recent meeting, highlighting the key area of risk being rising staffing costs. He noted the budget makes provision for staffing costs that takes account of increased national insurance contributions, pay progression and a pay award in line with public pay policy, and that the ARC considers the approach taken appropriate. The board agreed the cost pressure should continue to be managed in line with the levers identified in our medium-term financial planning, reviewing vacancies, seeking efficiencies and value through collaboration.

Hamish flagged further efficiency savings achieved within the spend on core corporate systems. He also noted the impact of increasing reporting requirements on a small NDPB, for example new duties on records retention and other duties such as the new consumer duty that all impact on the core corporate resource the Commission needs to maintain.

The board agreed the 25/26 business plan and budget.

5. Good Practice Protocols Refresh

Gemma introduced the paper, seeking the board's agreement to the proposed approach.

Commissioners agreed with the light-touch approach to refreshing the protocols, given the context of wider change associated with the land reform bill. Commissioners sought more information about some of the expected changes, including the rationale for considering an additional protocol. Gemma explained this is due to the current stewardship protocol covering a wide range of topics that include vacant and derelict land, and there is a case for considering this in a stand-alone protocol.

Commissioners also sought more information on the potential for a crofting protocol. Gemma explained the Crofting Commission has asked that consideration be given to a specific crofting protocol, seeing a way that this could complement their regulatory functions. The review will consider how this is best done, including whether a protocol or guidance is the most appropriate route.

Deb noted her initial discussions to date with members of the Good Practice Advisory Group indicate support for the approach being proposed.

The board agreed the approach as set out in the paper.

6. Land-Reformed Scotland Project

The board discussed key considerations in taking forward the project, identified as a priority area of work within our Programme of Work and Business Plan. The board considered the rationale, intended outcomes, risks and opportunities. In particular Commissioners discussed:

- The value in the Commission being able to draw out where there is consensus in thinking and where there is divergence, and noting that the Commission's advice is not dependent on achieving full consensus;
- What is realistic in relation to increasing certainty in policy direction; the board agreed it is not possible to provide absolute certainty but it should be possible to support

greater clarity of direction, intended outcomes and potentially for land reform policy to move towards a more stable position having made significant changes;

- communications for the project will need careful framing so as not to over-promise the outcome, but to engage people in considering the question;
- the value of the work supporting a co-ordinated programme of different policy instruments, identifying how different mechanisms can be most appropriately deployed and to what end;
- the need for the project to encompass urban land reform considerations as well as rural;
- the importance of taking a fully open and transparent approach to developing this work, so that stakeholders feel fully able to engage.

The board emphasised the desire to engage less heard voices where possible but noted the practical constraints of resource and staff capacity. It was agreed that our engagement will need to seek to work through the networks that other stakeholder organisations are able to connect with.

Finally, the board emphasised the importance of the communications and promotion of the project providing very clear information about how people can engage, how the information will be used, and what the intended purpose is, to provide clarity and transparency in expectations.

With these considerations noted to inform delivery, the board agreed the scope of the project as proposed.

7. Scottish Government Update

Patrick, Sian and Andy provided a brief update on other sponsor team matters. Sian noted that arrangements will be made shortly for the board's annual meeting with the Cabinet Secretary.

8. Monthly budget update

The board noted the current position and welcomed the updated projection for a year-end position within 1% underspend.

9. AOB

None

Date of next meeting:

Thursday 8th May 2025

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