



Commissioners Board Meeting

Friday 5th September 2025 9-11am

Norseman Hotel, Wick

Agenda

Item no.	Item	Paper no.	Action	Lead
	Welcome/Apologies	-		Chair
	Declarations of Interest	-		All
1	Minutes of the previous meeting	1	For Agreement	Chair
2	Commissioners Updates	-	For Information	Commissioners
3	CEO Update	-	For information	Hamish
4	Good Practice Protocols Refresh	2	For Agreement	Gemma & Emma
5	Review of Community Rights to Buy – consultation response	3	For Agreement	Gemma
6	Community Land Ownership Advice – scoping	4	For Discussion	James
7	Land Reform Bill update and implementation planning	5	For Discussion	Hamish and Emma
8	Budget Update	6	For Information	Nikki
9	AOB	-	For Discussion	All

Short Break followed by: Remuneration meeting.

Travel back to Inverness.



Minute of the meeting of the Scottish Land Commissioners held on Thursday 3 July at An Lochran, Inverness

- **Commissioners Present:** Michael Russell (Chair), Lucy Beattie, Deb Roberts, Craig MacKenzie, Calum MacLeod (Online) (Land Commissioners), Rob Black (Tenant Farming Commissioner)
- **In Attendance:** Hamish Trench, Nikki Nagler, Emma Cooper, Scarlett MacFarlane, Kayleigh Watson, Andrew Megson, James MacKessack-Leitch, Gemma Campbell, Uwe Stoneman (Land Commission)
- **Apologies:** None
- **Declarations of interest:** None

1. Minutes of previous meeting

The minutes from the meeting held on 5 June 2025 were agreed as a true and accurate record with no matters arising.

2. Commissioners Updates

Commissioners began the meeting by providing updates on key activities and recent events they had attended. This included participation in the Royal Highland Show, where the Commission hosted two successful panel discussions. Other commissioners reflected on their attendance at different sector events since the last Board meeting. The Chair noted a recent meeting with the Minister for Public Finance, which focused on public sector reform and included discussions with officials around housing, particularly in rural areas.

3. Quarterly Report

Hamish provided an update on progress from Quarter 1 (April to June 2025). He confirmed that the Commission remains on track and is entering Quarter 2 from a strong position, with delivery on track at this stage.

3.1 Delivery

Hamish highlighted the successful launch of the ScotLand Futures campaign, publication of the community benefit route map, the completion of Phase 1 engagement on the tax workstream, and panel discussions held at the Royal Highland Show. He also noted the appointment of a new contractor to deliver a new website for the Commission. The board was also updated on discussions in the tenant farming advisory forum. The board asked for more information on the items noted as red. Hamish confirmed the CES collaboration has ended early and focus now needs to shift

to using that learning with others, and that the planned work on land agent training and LRRS protocols has been rescheduled due to reduced staff capacity.

Action 25070301	Emma to bring paper to September Board meeting focussed on Land Rights and Responsibilities protocols.
------------------------	--------------------------------------------------------------------------------------------------------

3.2 Finance

Andrew reported that delivery progress remains strong, with no concerns noted at this stage in the financial year. While some cost pressures are anticipated in Q2, including those relating to recruitment and travel costs, the forecast remains on track.

Commissioners welcomed the format and clarity of the finance report.

3.3 Risk

The board noted that there were no significant changes to the strategic risk register.

The ongoing implications of the Land Reform Bill and constrained public finances continue to represent the most material risks.

3.4 Communications

Scarlett gave an update on communications activity, noting positive engagement with the ScotLand Futures campaign and recent events. The campaign survey remains open until 8 September. The board welcomed the increased impact from panels at the Royal Highland Show compared to previous years and noted that the most effective channels continue to be reports and blogs. Work is underway with the newly appointed website agency. Future video content is planned to support upcoming work.

3.5 Casework

Gemma reported that 25 cases were received in Q1, with 15 ongoing. Most casework remains focused on landowners in the Highlands. The board welcomed the continued steady level of activity and noted the need to continue reviewing options to strengthen the Good Practice programme given staff capacity.

4. Good Practice Programme

Emma introduced a paper exploring options to expand the impact of the Good Practice programme. The board discussed the proposal in the context of resource constraints and wider opportunities to support greater reach and resilience across Scotland. It was agreed that while the potential expansion would be beneficial, further clarity on the direction of the Land Reform Bill and available resources is needed.

In considering possible approaches, the board supported the benefits of having regionally based advisers as a way to widen accessibility and impact. The board also noted public sector leadership as a key opportunity for future development of the programme.

The board noted and discussed the need for careful integration with expected functions of a new Land and Communities Commissioner, including the degree to which separation is required between statutory and good practice functions.

The importance of establishing the Land and Communities Commissioner role and ensuring that all necessary structures and arrangements were in place before the formal commencement of the work of the Commissioner was strongly emphasised which would necessitate, inter alia, early financial provision from Government. That necessity would also apply to other aspects of the Bill when it was finally enacted.

Discussion also touched on the importance of continuing to support urban-focused work and whether collaboration with other organisations might assist with resourcing, though it was agreed the Commission must maintain its independence and clear identity. Commissioners highlighted that the ScotLand Futures campaign will help to identify the priorities the public wishes to see progressed. Emma concluded by noting that good practice support will be vital regardless of the Bill's final content and that additional support will be needed both before and after the transition period.

The board asked staff to continue to develop the strategic case for expanding the impact of the programme, incorporating:

- The potential for regionally based advisers;
- Integration with wider planning for Land Reform Bill implementation;
- Focus on the impact and outcomes.

This should inform future business planning and engagement with sponsor team on future priorities.

5. ScotLand Futures Updates

Scarlett provided an update on the ongoing campaign. The survey has so far generated thoughtful and detailed responses, and events are planned across Scotland during September and October to broaden engagement. The board was asked to continue promoting the campaign through networks. James will publish a blog summarising key themes later this month. From September, phase 2 will use the emerging themes to develop the policy direction and there will be further board and staff engagement to develop this.

6. AOB

The Chair confirmed that post-board staff feedback session is scheduled for 8 July and that another Commissioner will attend. A meeting with the Cabinet Secretary is also being arranged. The October board meeting may begin later in the day due to an event scheduled the previous evening.

Date of next meeting: 4 September 2025, Thurso

Actions from Board Meetings - Update of actions to date							
Action number	Date Raised	Context	Action Detail	Responsible	Date Required	Date Closed	Comments
25050801	08/05/2025	Communications	Nikki to keep presence on X under review for discussion at next quarter	Nikki Nagler			In hand , for review next quarter
25070301	03/07/2025	Good Practice	Emma to bring paper to September Board meeting focussed on Land Rights and Responsibilities protocols	Emma Cooper			On agenda



Commissioners Meeting 5th September 2025

Wick

Paper No. 2

Good Practice Protocols Update

Purpose	To agree key changes for our protocol refresh
Previous board papers	Good Practice Programme Refresh and Focus, December 2024 Good Practice Protocols Update, March 2025
Action required	For discussion

1. Background

Our nine Land Rights and Responsibilities protocols were published between 2019 and 2022, and set out reasonable expectations for landowners, land managers and communities across a range of areas. We are reviewing and updating the protocols to ensure that they continue to reflect the messages that we share with stakeholders on the Land Rights and Responsibilities Statement principles, that they are practicable and action-focussed, and that they are easy to use and understand. Protocols apply to all landholdings, regardless of size.

We are restructuring and rebranding the protocols to make them clearer and easier to use, and to bring them in-line with more recent design changes across the Commission. This is a relatively light-touch update and this paper sets out the key proposed changes for the protocols for the Commissioners to approve.

2. Overarching changes to protocols

We have reviewed the content and wording of the protocols to ensure they are up to date and that messaging is consistent with what we say to stakeholders and what we consider to be good practice. We have improved the consistency of language use across the protocols and amended the formatting for clarity.

2.1 Reducing the number of protocols

The most significant change we have made is to rationalise the protocols, reducing the number we have from nine to five:

- the protocols for private trusts and charities will be converted to guidance;

- the ‘diversification of ownership and tenure’ and ‘negotiated transfer to communities’ protocols have been merged; and
- the expectations in the protocol on ‘natural capital and carbon management’ have been absorbed into other protocols.

We chose to combine protocols due to overlap in the content of the protocols. This will make the expectations we set out clearer and easier to follow for those using the protocols.

2.2 Key messages

Changes to the wording in protocols are primarily for clarity, but they also ensure consistency across protocols and reflect the updates to the Land Rights and Responsibilities Statement and how our consequent messaging has evolved. Strengthened key messages across protocols that have impacted on wording are:

- Engagement with communities should be an ongoing, long-term process that builds strong relationships between landowners and communities.
- Collaboration across landholdings, with other stakeholders, and with communities is important.
- Landholdings should be delivering a wide range of social, economic, environmental and cultural benefits, in the public interest.

3. Changes to expectations

The other significant proposed changes for the protocols are:

3.1 Community Engagement Protocol

We have added a new expectation to the protocol:

“Build relationships through ongoing communication

You should keep channels of communication open and maintain ongoing contact with communities to build strong relationships and to foster stronger engagement and collaboration.”

3.2 Diversification of Ownership and Tenure and Negotiated Transfer to Communities Protocols

These protocols have been combined and given a new title – Protocol on Opportunities for Lease, Use and Ownership of Land, which better reflects the combined content of the protocols.

- a. We have added one new expectation to the protocol for all landowners:

“Create a disposals policy

It is recommended that landowners create and follow a policy on how leases, sales and other agreements relating to land will be handled. This policy should

include reasonable expectations for all parties, be informed by community engagement, and be shared publicly. When communicating a decision about the use, sale, or lease of land or buildings, landowners should provide clear reasons for decisions and let applicants know about any appeals processes or alternative opportunities.”

This expectation reflects the guidance we published in 2024 on ‘Diversification of Land Ownership and Tenure: Practical guidance for Rural Land & Property Managers’.

- b. We have added three new expectations for public bodies only. These expectations reflect requirements on public bodies relating to the Community Empowerment (Scotland) Act 2015 and encourage public sector leadership in supporting community ownership. The summary expectations are:
 - Publish a register of assets
 - Follow Community Asset Transfer process
 - Support opportunities for community ownership of assets

3.2 Good Stewardship Protocol

The expectations in the Good Stewardship Protocol have required the most editing. This protocol has absorbed more of the expectations from the Natural Capital Protocol than any other protocol.

- a. We added a new expectation on climate adaptation: “Landowners should plan and take action to adapt to climate change impacts, including extreme weather.”
- b. We have added a new expectation on high-integrity nature restoration: “It is recommended that landowners consider opportunities to reduce carbon emissions and sequester carbon through high-integrity nature restoration.”
- c. We changed a ‘should’ to a ‘must’ to reflect the legal status of the Scottish Outdoor Access Code: “Landowners must manage land in a way which respects the public's statutory access rights. All parties must follow the Scottish Outdoor Access Code in accessing land.”
- d. We added “social, economic, cultural” and not just “environmental” when we moved this expectation from the natural capital protocol into the good stewardship protocol: “Landowners should collaborate with others to deliver a coherent approach to social, economic, cultural and environmental benefits, including across landholdings where applicable.”

4. Stakeholder Engagement

Draft protocols on community engagement, transparency, opportunities for ownership, lease and use, and good stewardship and natural capital were shared with members of the Good Practice Advisory Group for feedback. The Common Good protocol was sent to 28 contacts from various local authorities and the opportunity to provide feedback was highlighted in an Improvement Service newsletter sent to members of their Community Wealth Building Network.

Overall, stakeholders were happy with the approach being taken to refreshing the protocols and were positive about the protocols providing clear and easy to understand information about expectations. They supported reducing the number of protocols and simplifying the format.

We had a feedback meeting with Scottish Land and Estates who had some concerns and questions about the timing of the refresh and connections to Land Reform Bill. This meeting was helpful in clarifying our intentions. However, there has been a subsequent delay in detailed feedback from this stakeholder, and we are awaiting their final comments.

Specific feedback raised by stakeholders and our responses to the feedback included:

- The need to consider additional detail on different methods of communication in community engagement - we will reflect these in the FAQs.
- The importance of being clear about limitations on sharing information about land, particularly if there are tenants on the land – we have considered this in drafting and will expand on this in FAQs.
- A concern about the expectation to create a disposals policy in the Opportunities for Ownership, Lease and Use protocol, particularly the mention of community engagement. We changed this to a recommended action instead of a 'should' and we have kept the expectation but removed the mention of community engagement. The expectation to engage is reflected elsewhere.
- A concern about the mention of community engagement in an expectation relating to considering wider impacts and benefits in decisions about land and buildings in the Opportunities for Ownership, Lease and Use protocol. This was an existing expectation, but the mention of community engagement was new. We acknowledge this was beyond scope of this process and have removed it.

4 Next steps

- Final refinement of protocols.
- Design work.
- Updates to supporting documents to reflect protocol content.
- Publication – we intend to stagger the publication of the new protocols, considering the time required of our designer and the Commission's timetable of Communications activities.

Gemma Campbell and Emma Cooper



Commissioners Meeting 5th September 2025
Wick, Norseman Hotel
Paper No. 3
Community Right to Buy Review Consultation Response

Purpose	To agree key messages for the Commission's response to the Scottish Government Consultation on Community Rights to Buy
Previous board papers	N/A
Action required	For agreement

1. Background

The Land Reform (Scotland) Act 2003 introduced two rights to buy – the Part 2 Community Right to Buy, which allowed community bodies in rural areas to apply for a right to register an interest in assets they may wish to acquire, and the Part 3 Crofting Community Right to Buy, which is a compulsory purchase right for crofting communities who can apply to Scottish Government to require a landowner to sell crofting land to the community at market value.

These rights were amended by the Community Empowerment (Scotland) Act 2015 (CEA) to open them up to the whole of Scotland. The CEA also introduced an additional compulsory purchase right – the Part 3A Community Right to Buy Abandoned, Neglected or Detrimental Land, giving communities the right to apply to acquire land that has been causing harm to the community. A further compulsory right to buy was introduced by the Land Reform (Scotland) Act 2016 – the Part 5 Community Right to Buy Land to Further Sustainable Development gives communities the opportunity to acquire land if they can demonstrate that they could use assets in a more sustainable and beneficial way.

These rights are administered by the Scottish Government's Community Land Team, who provide advice to communities, assess applications and make recommendations to Scottish Ministers on whether applications meet the threshold for approval.

In practice, there have been limited attempts to use the compulsory rights to buy and communities have identified issues with Part 2 rights, particularly in relation to late applications.

Scottish Government committed to a public consultation on Community Rights to Buy in the Programme for Government 2024 to 2025. Through this consultation, they want to understand how these rights can best be improved to facilitate community

ownership. The review is being carried out by the Community Land Team and has been split into phases:

- Phase 1 – initial gathering of evidence and views.
- Phase 2 – collation and analysis of feedback to identify improvement proposals.
- Phase 3 – formal consultation (the current phase).
- Phase 4 – analysis of responses and recommendations to Scottish Ministers.

Members of our Community Land Leadership Group were keen to ensure appropriate scrutiny and challenge of the review process. With agreement from Scottish Government, we established the Community Right to Buy Review Reference Group. The group is made up of CLLG members with additional membership to reflect private landowning interests, crofting, legal interests, and Registers of Scotland. The group is chaired by Michael Russell. The group has provided feedback during phases 1 and 2 of the process to shape the proposals that form part of the formal consultation.

2. Consultation response

The consultation asks questions that cover:

- Merging the compulsory rights to buy.
- Eligibility requirements, including proportion of local members required.
- Ballot requirements.
- Late applications.
- Third party purchasers.
- Options agreements.
- Appeal and registration periods.

Our response draws on our research report, [Review of effectiveness of current community ownership mechanisms](#), and our subsequent [Community ownership and CRtB – Recommendations to Ministers](#). It is also informed by our understanding of the Land Rights and Responsibilities Statement principles and how they apply to community rights to buy situations.

Our key messages in our response are:

- Support for simplification and consolidation of statutory rights to buy, acknowledging the need to retain a crofting specific route.
- The need to ensure the rights to buy remain an effective and viable route for communities to buy land when negotiated transfers are not possible.
- The need to consider the alignment between CRtB eligibility requirements and Scottish Land Fund eligibility requirements.
- The potential for public land owners to support aspiring communities as interim owners of land.
- The need to consider a simplified registration stage for Part 2 applications.

- The need to address the disparity in support available to communities in different parts of Scotland.

3. Next steps

- Promote consultation and encourage responses through ScotLand Futures events.
- Finalise and submit response before closing date of 5th October.

4. Discussion

- Commissioners are asked to consider and agree the key messages in our response.

Gemma Campbell

Land Rights and Responsibilities Manager



Commissioners' Meeting

Wick

Paper No. 4

Community Ownership – Scoping Options for Public Sector Leadership and the Scottish Land Fund

Purpose	For consideration of the scope of the work to be undertaken to support changes to the Scottish Land Fund and support Community Ownership
Previous board papers	N/A
Action required	For discussion

1. Background

Alongside our response to the current Community Rights to Buy consultation (see Paper X), we are scoping a broader package of work on reforms to community ownership to bring fresh momentum and new opportunities. Our Business Plan includes planned advice to government on community ownership, scheduled for Quarters 3 and 4. This will likely include refreshed policy and legislative recommendations building on our existing work to date and the outcomes of the CRtB consultation, as well as new innovations drawing on related areas of work around governance and natural capital community benefits.

As a first substantive step we intend to explore options for greater public sector leadership and support in facilitating community ownership, including reforms to the Scottish Land Fund.

2. Scoping Options

There are four areas that have been identified as potential routes to providing greater public sector leadership and funding:

Public Bodies as Third-Party Enablers

We continue to see value in public bodies as enablers of community ownership, through various routes. This would explore potential changes to land acquisition and disposals policies, public bodies as anchors in innovative governance models, and deliberate acquisition in support of community ownership.

This potential work would build on our work on the Community Land Accelerator, learning the lessons arising from the pilot project. While the pilot project with Crown Estate Scotland has not continued to phase 2, there is still stakeholder support for the

concept. In addition, some of the barriers that prevented CES from progressing with the pilot are not present in other public bodies, and the lessons learned from the CLA pilot can be shared with others to help them consider similar schemes.

Public Land Acquisition arising from the forthcoming Transfer Test

In our advice on the Transfer Test in the Land Reform Bill, we made the case for using lotting, where appropriate, as a tool to facilitate interim public ownership of land with the view to future community ownership. The role of the Land and Communities Commissioner would be key to exploring such opportunities, and we should continue to develop this option.

Changes to the Scottish Land Fund

The current Scottish Land Fund has now closed for this Parliament. There is a window in which to consider potential changes that would inform the operation of a new fund, should it be confirmed in the next parliament. Working closely with Government and Stakeholders, this work will carefully consider possible changes to the operation of the fund, including the scale of funding that can be made available and on what basis. Further detailed considerations would include:

- Whether a cap on awards continues to be necessary (and if so, at what level)
- The balance of Capital vs Revenue funding available
- The need for additional support for large scale / high value acquisitions
- Significant reform of eligibility requirements to support alternative governance models, joint ventures, and profit distribution where appropriate
- Potential for attracting matching funding

Relationship to public body finance

This option would explore two linked areas of community acquisition of public land. The first step is to understand why some Public Bodies and Local Authorities are comfortable and/or able to transfer land below market value, while others are/do not, and then developing policy solutions to overcome barriers.

3. Next Steps

Immediate next steps focus on better understanding current issues and barriers, which will involve developing case studies where acquisitions were difficult or unsuccessful, analysis of Land Fund data, and supporting a possible SEFARI Fellowship.

We have existing stakeholder engagement in place through the Community Land Leadership Group and its next two meetings will provide an opportunity to engage specifically on this work.

4. Discussion

Commissioners are asked to discuss the scope for delivering advice on community ownership and the proposed focus on public sector leadership and the Scottish Land Fund.

James MacKessack-Leitch

Policy & Practice Lead