



Commissioners Board Meeting

Thursday 6th November 09:30 Online

Agenda

Item no.	Item	Paper no.	Action	Lead
1	Welcome/Apologies	-	-	Michael Russell
2	Declarations of Interest	-	-	All
3	Minutes of the previous meeting	1	For Agreement	Michael Russell
4	Commissioners Updates	-	For Information	All
5	Land Reform Bill	-	For Discussion	All
6	Strategic Plan	2	For Agreement	Hamish
7	Strategic Risk Review Annex A- Strategic Risk Register	3	For Discussion	Hamish
8	Tax Workstream Update	4	For Agreement	Kathie
9	Monthly Budget Update	5	For Information	Nikki
10	AOB	-	-	All



Minute of the meeting of the Scottish Land Commissioners held on Thursday 2nd October at An Lochran, Inverness

- **Commissioners present:** Michael Russell (Chair), Calum MacLeod, Deb Roberts, Lucy Beattie (Land Commissioners)
- **In attendance:** Hamish Trench, Nikki Nagler, Emma Cooper, Kathie Pollard, Kayleigh Wilson (Scottish Land Commission)
- **Apologies:** Craig MacKenzie and Rob Black
- **Declarations of interest:** None

1. Minutes of Previous Meeting

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

2. Commissioner Updates

Commissioners provided updates on key activities and recent events they had attended. Hamish flagged Rob's attendance at the land agents' event at An Lochran and the TFAF meeting in Edinburgh. Other updates also included Michael and Hamish's meeting with the Scottish Government sponsor team, Lucy's involvement in the podcast with Highland Reimagined, Calum's involvement in Dumfries public meeting and Deb's involvement with audit and finance and her attendance at the Macaulay lecture in Edinburgh. Deb also confirmed that James Hutton Institute can provide a larger space for the Aberdeen public meeting at the end of October.

3. Quarterly Report

Hamish provided an update on progress from Quarter 2 (July to September 2025). He confirmed that delivery remains largely on track and the Commission is entering Quarter 3 in a good position.

3.1 Delivery

Reflecting on quarter 2, 84% of the planned outputs in the annual business plan are on track to be delivered. The board noted the previously agreed red status of the collaboration with Crown Estate Scotland which has now ended, seeking an update on when the lessons learned report will be available. Hamish confirmed this has been drafted and once internal Crown Estate Scotland discussions are completed, it should be available shortly.

3.2 Finance

Nikki reported that financial performance remains on track, with no concerns noted at this stage in the financial year. Currently in a similar position to last month's update. Spend on track for the rest of the year, forecasting 98% overall spend of GIA.

3.3 Risk

The board noted that there were no significant changes to the strategic risk register and noted the two risks identified as increasing. These reflect the ongoing implications of the Land Reform Bill and constrained public finances.

Deb reported on discussion at the recent ARC meeting which included interrogation of risk 3 (constrained public finances). She noted the ARC asked staff to prepare a paper to help explore the balance between fixed and flexible funds, what the Commission should aim to retain as a basic flexible resource, and key factors that will shape decisions in the event that we need to reduce staffing levels. It was agreed that this paper would be brought to the board as well as ARC for discussion.

3.4 Communications

Nikki mentioned that the quarterly report update did not include a full quarters worth of data, with 4 weeks of social media analytics missing. Nikki mentioned there has been slightly less press coverage compared to last year, however socials are going well. 50-60% engagement in emails and newsletter uptake increasing. Website development going well and on track for Q4, the website agency will come to board meeting in December with updates on progress. The tax report (research on international practice) will be published this month, with refreshed protocols being published now in January.

Michael asked for an update on the use of X. The comms team are continuing to monitor and SLC will follow same guidance as Scottish Government.

3.5 Casework

Emma highlighted the increase in casework with 57 cases currently in at around halfway through the year. Usually there has been approx 88 per year. However, the good practice team are managing at current capacity. This report shows a continued increase in casework associated with the stewardship protocol.

4. Annual Report and Accounts 2024/25

Nikki introduced the paper seeking the board's approval of the annual report and accounts. Nikki flagged a discrepancy in the figures received from the pension provider in which one figure for the previous year differs from that provided last year. Deloitte are seeking clarity on this in order to understand the reason or identify it as an error on CSP part. Deloitte have confirmed this is an issue for other organisations as well. Until that is resolved we are unable to sign the annual report and accounts, but we expect it to be addressed by means of a short note to the relevant section within the next week.

The board welcomed the external auditors report, noting the assurance it provides and the two observations. Nikki confirmed these will be addressed through updated procedures.

The board reviewed the annual report and accounts and confirmed approval, subject to satisfactory resolution of the outstanding pension query. Some members noted minor typo amendments, to be sent directly to Nikki.

Action 251002.01	Commissioners to send any minor amendments noted directly to Nikki
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5. ScotLand Futures Next Steps

It was agreed there will be a November publication on ScotLand Futures based on what we heard, with the final output planned for February. Members agreed a further board discussion in December and an additional online meeting to agree the final output in January. It was agreed that the staff team should be involved in the December discussion, as a follow-up to the workshop held prior to this meeting.

Commissioners welcomed the level and quality of feedback received from the public survey. It was agreed that the final output should aim to provide a concise overview of the Commission's thinking on key elements for the forward land reform programme.

AOB

No other business was discussed at this meeting.

Date of next meeting:

Thursday 6th November

Online



Commissioners Meeting 6 November 2025

Online Paper No.2 Developing our Next Strategic Plan

Purpose	To consider and agree the process for developing our 2026-29 Strategic Plan
Previous board papers	N/A
Action required	For agreement

1. Background and Context

1.1 Statutory Requirement

Our current Strategic Plan was approved by Ministers on 4th September 2023. The Act requires us to submit a revised plan to Ministers within three years, by September 2026.

The strategic plan is the Commission's corporate plan and is required to set out the objectives and priorities of the Commission and Commissioners; and estimates of the cost of exercising our functions. We must also prepare an accompanying programme of work setting out information on the proposed delivery and timing.

1.2 Context

As well as the normal considerations to take into account in preparing a new strategic plan there are particular factors this time which will influence how we approach it:

Land Reform Bill

The Land Reform Bill sets out new obligations for the Commission that include:

- The functions of a new Land and Communities Commissioner;
- Additional responsibilities for the Tenant Farming Commissioner;
- Additional monitoring and reporting responsibilities for the Commission.

While the headline expectations are clear from the bill, the implementation of these is expected to span the period of our next strategic plan. At present there remain many unknowns in terms of the timetable, specific delivery expectations and resource planning implications for the Commission.

ScotLand Futures

Our ScotLand Futures initiative provides a sound basis for informing the policy and practice priorities for our next strategic plan. In February we expect to publish the Commission's output from ScotLand Futures setting out the key building blocks for the next phase of Scotland's land reform programme. This provides a logical framework, underpinned by engagement, to inform priorities for the Commission's own work for the 2026-29 period, combined with our wider experience to date.

Resource and Capacity

We will need to remain able to adapt to resource and capacity constraints that anticipate tight public finances and the unknown resource allocations associated with new obligations in the land reform bill. The draft Scottish budget for 2026/27 will be introduced to Parliament in January. Scottish Government has recognised that additional resource will be required for the Commission to implement new obligations, but we will also be expected to reprioritise existing resource. The indication is currently that resource associated with bill implementation for Part 1 measures is unlikely to start before the 2027/28 financial year.

Scottish Election

The Scottish election in May 2026 means that it will be a new government that approves our strategic plan and we should ensure that we are able to take into account a new government's priorities post-election.

2. How we approach our next Strategic Plan

The considerations above mean that we will want to develop a strategic plan that:

- Anticipates a phased implementation of the land reform bill measures that will likely span the duration of the plan period, and addresses what this means for the Commission;
- Sets a clear agenda for our work beyond the current bill that reflects the ambitions emerging from our ScotLand Futures work and builds on our delivery to date;
- Recognises this will be a period of significant organisational evolution for the Commission and helps us manage a period of change in governance, delivery and resourcing.

We will engage early with sponsor team to discuss government context and expectations, including on land reform bill implementation. The bulk of drafting will take place post-election.

During the drafting phase we will undertake targeted engagement with stakeholders, using the existing groups we convene and bilateral discussions. We will also draw on the engagement undertaken through ScotLand Futures, including the public and

stakeholder engagement undertaken in 2025 and the planned stakeholder event in February 2026 in which we can look ahead to the next strategic plan.

3. Process and Timescale

The key stages proposed are set out below:

Strategic Plan Development - outline			
Timescale	Activity	Staff milestones	Board milestones
Jan/Feb	Preparatory work and project planning	Project plan and responsibilities agreed	February stakeholder engagement on ScotLand Futures with link to next strategic plan
March/April	Scoping context, structure and key building blocks	Scoping – drawing on: Current delivery experience; ScotLand Futures priorities; Land Reform Bill functions.	March board meeting: scope and context
May/June	Drafting and stakeholder engagement	Team discussions to inform drafting	May board meeting: consideration of outline structure & key building blocks
		Statutory Assessments	
		Targeted stakeholder engagement	June board meeting: consideration of draft plan
July/August	Refining plan content for agreement	Team discussions to refine drafting	August board meeting: agreement of final plan
	Design	Design contract	
September	Submission to Ministers and publication	Communications outputs	Publication

4. Recommendation

The board is asked to:

- a) Consider the context and approach for our next strategic plan; and
- b) Agree the process and timetable for developing our next strategic plan.

Hamish Trench

Chief Executive



Commissioners Meeting 6 November 2025

Online Paper No.3 Annual Review of Strategic Risks

Purpose	To review strategic risks
Previous board papers	N/A
Action required	For Discussion

1. Background

It is good practice for the board to review annually the key strategic risks facing the organisation. The strategic risk register is reviewed regularly at each Audit and Risk Committee meeting, which also undertakes more in-depth risk interrogation of individual risks; the board also receives a quarterly update on changes in the strategic risk register.

The annual review provides an opportunity for the board to look beyond the immediate context and reflect on changes and/or emerging risks that are not currently sufficiently captured.

The current strategic risk register is attached at Annex A.

2. Key Questions

The Board is asked to consider:

- Are there significant new or changed risks that are not captured in the current risk register?
- Are there risks that no longer need to be on the strategic risk register?
- Do the recorded risk appetites remain appropriate?

2.1 Discussion

Through this year there are two risks that have been assessed consistently as high:

Risk 2: that the Land Reform Bill creates increased obligations without sufficient resource leading to adverse impacts on delivery;

Risk 3: that public finance constraints mean the Commission is unable to deliver planned work and/or is unable to react quickly to changes in priorities, reducing its effectiveness.

The Board and ARC have kept these under regular scrutiny and specific mitigation action has been taken within the year.

In reviewing risk appetite, the descriptor key used in our strategic risk register is provided below. When looking at individual risks, the board is asked to consider the appropriate balance between being risk averse where necessary and being risk aware in embracing opportunities and innovation.

Risk Appetite Descriptors	
Averse	Avoidance of risk and uncertainty in achievement of key deliverables or initiatives is paramount. Activities undertaken will only be those considered to carry virtually no inherent risk.
Minimalist	Predilection to undertake activities considered to be very safe in the achievement of key deliverables or initiatives. Activities will only be taken where they have a low degree of inherent risk. The associated potential for reward / pursuit of opportunity is not a key driver in selecting activities
Cautious	Willing to accept / tolerate a degree of risk in selecting which activities to undertake to achieve key deliverables or initiatives, where we have identified scope to achieve significant reward and/or realise an opportunity. Activities undertaken may carry a high degree of inherent risk that is deemed controllable to a large extent.
Open	Undertake activities by seeking to achieve a balance between a high likelihood of successful delivery and a high degree of reward and value for money. Activities themselves may potentially hold a high degree of residual risk.
Hungry	Eager to be innovative and choose activities that focus on maximising opportunities and offer potentially very high reward, even if these activities carry a very high residual risk.

Hamish Trench

Chief Executive



Commissioners Meeting 6 November 2025

Online Paper No.4 Tax workstream update – Phase 2

Purpose	To provide an update and seek agreement to amended Phase 2 outputs
Previous board papers	<i>Tax Phase 1 05/06/25</i>
Action required	For agreement

1. Background

From December 2024 until spring 2026 the SLC and SG are identifying and assessing options for the role tax can play in supporting land reform and the reduction of greenhouse gas emissions from land. The SLC's role is to support engagement and research and provide recommendations on the strategic approach to Ministers. This is set out in the 2024-25 budget and Scottish Government tax strategy.

The work is divided into two phases. In September 2025, we published the findings from phase 1 and our [interim advice](#). We also presented this at the Scottish Government's inaugural tax conference. Our conclusions at this point were that:

- Further work is needed to understand the potential for a carbon land tax;
- A strategic approach is needed to ensure that land is more actively considered in the tax system and supports wider SG outcomes.

2. Phase 2

We are now undertaking phase 2 in which we intend to complete the task and build on the interim findings. Scottish Government is taking a lead on research to identify measures for calculating carbon emissions from peatland and understanding the tax base and the potential distributional impacts.

The SLC is leading on advising on the role of tax in supporting land reform and wider land policy. In October 2025, the SLC published a report by [WPI Economics](#) which reviewed how other countries undertake land valuation for tax purposes. This report shows that there is some way to go for Scotland to modernise its approach to land and property valuation for tax purposes and bring it in line with good practice from the case study countries. The report includes practical considerations that the SLC needs to consider as part of its advice to Ministers. Conclusions from this work suggest that to fully use devolved taxation, government needs to begin a programme of work to

modernise and develop the necessary ‘tax infrastructure’. This is the focus of our current, second phase of work.

Building on the WPI Economics report, the SLC is commissioning the following research to help develop a pathway and advice:

- Data mapping exercise to support better land use data integration (a first step informing the case for a cadastral system);
- Reviewing the experience of changes to the valuation roll to remove the exemption for shooting rates (to review whether it achieved the policy objectives and whether unintended consequences were observed);
- Using case studies, understand how long-term derelict land is treated in the tax system, as an example land use sector scenario.

We also intend to further engage with a range of interests and stakeholders in this phase.

3. Changes to Phase 2 approach

As a result of some delays in government engagement on research outputs and bearing in mind the election period in spring 2026, we have discussed with Scottish Government some changes to the planned timeline for outputs.

The main change is to split our phase 2 outputs as follows, pre- and post-election:

SLC Advice (by March 2026)	Building a land taxation route-map (May 2026)
<ul style="list-style-type: none">• Stakeholder engagement• Research complete or near completion• SLC provide advice to Ministers on a carbon land tax and strategic approach for tax to support land policy	<ul style="list-style-type: none">• All research complete• SLC publish full research outputs• SLC provide advice on practical next steps to support implementation and proposal for future joint work on tax

We plan to publish our advice in response to the original 2025-26 budget commitment in March 2026. That will help inform direction in relation to the carbon land tax proposal and set out the strategic approach we believe is needed. Through the pre-election period, the SLC will continue to develop an impactful and practical proposal for implementation (key steps in a ‘route-map’) to inform a new government. This will be informed by the full research and engagement and be published in May 2026.

By staggering the outputs this way, we will be able to ensure our advice on the strategic direction is published in March while having greater capacity to develop a delivery programme that could inform a next phase of implementation.

Recommendation: The board is asked to agree the proposed approach to publishing Phase 2 outputs.

Kathie Pollard

Head of Policy