

13 February 2025

Net Zero, Energy and Transport Committee
The Scottish Parliament
Edinburgh
EH99 1SP

Tower House
Station Road
Pitlochry
PH16 5AN
01796 470080

Dear Convener,

LAND REFORM BILL STAGE ONE – JOHN MUIR TRUST POSITION AND LANDHOLDINGS

Thank you for the opportunity to give evidence to the committee on 4 February on the general principles of the Land Reform Bill at Stage One. The Bill is critical to our ability to make the changes needed in how land is managed in Scotland to respond to the climate and nature crises. However, to achieve this aim it must be amended during its passage through parliament. I set out in committee some of the improvements that members should be considering.

In providing evidence to the committee, I noted that I wanted to follow-up to give you a precise statistic for the landholdings of the John Muir Trust. We own and manage 24,458 hectares of land in Scotland. You can find details of each of our holdings, including individual totals for each site, on our website at the following link www.johnmuirtrust.org/land-in-our-care

We have land management plans in place for each alongside regular community engagement using a variety of tools. As a charity, we comply with obligations to publish details of our landholdings, but we note that there is no universal obligation to do so. Indeed, a number of your other witnesses who own land do not provide similar clarity on their holdings. In our view, there should be a legal obligation for all large landowners to publish their names, the boundaries of the land they own, any public subsidies received for activities on that land, as well as any land management plans.

The Bill is crucial to the future of both Scotland's natural environment, and to the future sustainability of communities, particularly in rural Scotland. There are problems with the way some land is managed in rural Scotland, much of which fails to deliver for nature, climate and communities. Our biodiversity intactness ranks 28th lowest in the world, 1 in 9 species are at risk of extinction and 80% of our peatlands are degraded.^{1,2}

It is critical that this bill aligns how land is owned and managed with the priorities of the people of Scotland, including our response to the nature and climate emergencies.

¹ [Fostering Connection between Parliament and Nature - Scotlink](#)

² [Securing a green recovery on a path to net zero: climate change plan 2018–2032 ScotGov](#)

The responsibility for much of the current situation lies – by their own assessment – with some of the country's largest landowners. Scottish Land and Estates recently published a study on the impact of large landholdings that found that:³

- 54% of estates don't restore rivers, flood plains or riparian habitats
- 57% don't plant and maintain hedges for wildlife or implement natural solutions to manage floodwater
- 66% aren't involved in managing or creating woodland
- 70% aren't involved in restoring grassland, wetland, heathland and/or coastal habitats
- And 71% aren't engaged in peatland restoration.

I am not suggesting that all large landowners are failing in their duties. There are examples of good practice. However, these numbers from Scottish Land and Estates clearly show that a large majority are not addressing the priorities which matter to the people of Scotland. The Land Reform Bill needs to fix this.

However, in its draft form, it will not do so. The John Muir Trust strongly advises the committee to consider the following improvements to the Bill:

1. Reinstate the Public Interest Test throughout⁴
2. Ensure Land Development Plans deliver in the public interest and are backed by meaningful penalties if not executed
3. Align the thresholds to qualify as large landholding at 1,000 hectares

Additionally, we urge committee members to enquire about the Scottish Government's decision to dismiss taxation, like the Trust's proposals for a Carbon Emissions Land Tax, as a means to address some of the issues identified above. Our proposal is backed by an incredibly diverse coalition of over 50 community groups, environmental charities, trade unions, churches and businesses representing over a million people in Scotland. It should be implemented urgently to strengthen the Land Reform Bill's impact.

This parliament has the power to fundamentally transform land use in Scotland. It can amend the draft Bill to ensure Scotland's nature has a chance to rebound and contribute to the national effort to tackle the climate crisis.

And just as importantly, this parliament has the power to ensure Scotland's people have a meaningful say in how their land is being used. Because only when we have a stake in our land can we truly care for it.

Yours sincerely

David Fleetwood
Director of Policy
John Muir Trust
t: 07341262111 e: david.fleetwood@johnmuirtrust.org
johnmuirtrust.org

³ [The Contribution of Scotland's rural estates to building a wellbeing economy - SLE - 2023](#)

⁴ For clarity, we have included in Annex A an example of how the Public Interest should be defined on the face of the Bill.

Annex A: reinstating the Public Interest Test as the default test throughout the Bill

We strongly disagree with the Scottish Government's decision to not use a Public Interest Test as the default test throughout the Bill.

Instead, the current draft Bill makes provision for a 'transfer test'. The transfer test will determine whether the land coming up for sale should be split into smaller areas. It will not strengthen the Land Management Plans or future land uses after transfer and is therefore a missed opportunity for ensuring more land delivers public benefits such as carbon sequestration and nature restoration.

We advocate for the implementation of a Public Interest Test automatically triggered across three areas of the bill:

1. When creating a Land Management Plan
2. When transferring land to a new owner
3. When lotting land

To that effect, we propose a new Part before Part 1:

Part A1: The public interest in Land Reform

- (1) The Scottish Ministers must, in exercising functions under this Act and all other relevant provisions, have regard to the public interest in land reform.
- (2) The public interest in land reform includes the desirability of:
 - (a) Maintaining or restoring biodiversity and natural processes;
 - (b) Ensuring adherence to the terms of the Land Rights and Responsibilities Statement (published under the Land Reform (Scotland) Act 2016);
 - (c) Achieving a more diverse ownership of land, including more community ownership of land;
 - (d) Protecting and enhancing relevant human rights;
 - (e) Furthering sustainable development;
 - (f) Securing a just transition to net zero that benefits in the primarily the community, including a greater proportion of community-owned energy;
 - (g) Advancing community wealth building;
- (3) If a conflict between different elements of the public interest arises, Ministers must engage with representatives of the different public interests in conflict to resolve it in a manner acceptable to all parties.
 - (a) If the engagement process cannot resolve the conflict, Ministers must publicly consult to determine the order of priority between the conflicting public interests.
 - (b) Ministers must have due regard to the outcome of the consultation process when deciding the order of priority between the conflicting public interests.