



SCOTTISH LAND COMMISSION
COIMISEAN FEARAINN NA H-ALBA

Access to land for small-scale ownership, management, and use

LAND
FOCUS

Introduction

Access to land for small-scale land ownership, management and use may help realise individual aspirations for land use as well as community and public ambitions around local and sustainable food production, woodland creation, or housing. Yet opportunities to access land for individual or community use, or for use by small businesses, are often rare.

The Scottish Land Commission sees significant potential for exploring how such new opportunities could be created. In this regard, while legislative reforms to diversify patterns of landownership are important, there is a lot that is or could already be done in practice to make small-scale land opportunities happen.

This paper is a first step to examine opportunities and barriers to small-scale ownership, management, and use, with a view to developing work around collaborative approaches, public sector leadership, crofting, and public policy and finance.

Small-scale land opportunities and the work of the Scottish Land Commission

Evidence gathered by the Scottish Land Commission shows that Scotland's unusually concentrated pattern of land ownership can act as a block to economic and social development and creates inequalities in power and control over land. Yet Scotland also has a long history of small-scale land management. Crofting, as a model of agricultural land tenure in the Highlands and Islands has received special attention in this regard. Yet, the topic of ownership, management, and use of land at small scales is relevant to the whole of Scotland including (peri-)urban and other rural areas and it may involve a large variety of land uses.

The work of the **Scottish Land Commission** aims to increase involvement of people in decisions about land, to ensure that power and control in land is shared more widely and that the value and benefits of land are shared and used fairly. Increasing opportunities for access to land at small scales holds great potential to deliver across these objectives. Yet our **evidence** also shows that access to land is often restricted due to a lack of availability and high capital costs.

This Land Focus paper discusses the importance of small-scale land ownership, management and use, and potential opportunities for work in this area. When discussing small-scale land opportunities, we recognise that in the diverse Scottish context small is relative, depending on locality and land use. For this paper and for our wider work, we will adopt a flexible and proportionate definition of 'small-scale' on a case-by-case basis.



Smallholdings, small-scale farms and crofts, market and community gardens and small-scale woodland projects hold great potential to deliver public and community benefits.

Why is small-scale land use important?

In 2019, the Scottish Land Commission carried out a thorough **investigation** of the impact of concentrated decision-making power in relation to land. To stimulate greater diversity in private ownership, we recommended policy interventions that would stimulate wider availability of small-scale landholdings. We also found that new mechanisms are required for attracting alternative sources of capital to support rural development, particularly smaller-scale private ownership. Since then, our work has evolved to frame questions of land ownership and land use together, to consider new opportunities for diverse **governance**. It is within this context that our work on small-scale land ownership, management, and use should be placed.

Smallholdings, small-scale farms and crofts, market and community gardens and small-scale woodland projects hold great potential to deliver public and community benefits. In some cases, land use may stretch back generations, offering foundations in support of cooperative work, traditional skills, and cultural heritage. Small-scale land ownership, management, and use may also involve production of local food for households, communities, and, where adequately supported, specific groups like school-aged children in (peri-)urban and rural areas. Such food growing may rely intensely on labour which may bring opportunities for meaningful local employment. Creation and management of small-scale woodlands may contribute to diverse landscapes and reduce timber miles. By increasing the number and diversity of people involved in land management we could encourage a diversity of land uses and therefore support diverse landscapes, habitats, and communities for a more resilient Scotland.

Realisation of these benefits may, however, be frustrated by barriers to access to land for small-scale ownership, management, and use. Such barriers include the **cost of land**, as well as the costs of crofting tenancies which can be marketed at high prices whilst annual rents are usually low. Barriers may also include a lack of opportunities, for example, Housing Needs and Demand Analyses carried out by local authorities are often not sensitive enough to pick up rural housing needs, which inhibits the creation of new opportunities for small-scale housing developments. Lastly, there may be regulatory and financial barriers, for example, in relation to securing planning consent, absence of (public) funding opportunities or eligibility requirements for funding that are not well-adapted to small-scale contexts. Our work will aim to assist with overcoming barriers and help create new small-scale land opportunities.



Opportunities for supporting access to land for small-scale ownership, management and use

Considering the importance of, and barriers to, small-scale land ownership, management, and use, the Commission is looking to explore opportunities for work within this area. We highlight four opportunities for improving access to land for small-scale use on the following pages.

01

Collaborative approaches

Collaborative approaches to land management and use hold significant potential to deliver economic, social, and environmental benefits. Collaboration may allow for sharing of land and assets, financial burdens and diverse skillsets and expertise. We need to better understand what collaborative approaches exist or could be developed, and what barriers need to be broken down to make collaboration happen. Land provides the foundations of many key policy priorities including housing, agriculture and food production, nature conservation and restoration, climate change mitigation and adaptation. Without a well-integrated and planned approach to land management, demands on land may become competitive and lead to trade-offs that undermine the overall delivery of public policy objectives.

Integration of land uses offers opportunities to deliver public policy priorities in a holistic way. For example, integration of small-scale livestock production in larger-scale nature restoration may contribute to food production, rural employment, and conservation objectives. Yet, where for a long time there has been a drive towards land use specialisation, diversification of land use by a single landowner or manager may be frustrated by a lack of capacity, knowhow, and/or equipment. Collaboration leading to access to land for small-scale management and use within larger areas or landscape projects may help overcome such barriers to diversification and may offer benefits for landowners, including reasonable returns, more diverse ecosystems and improved relations with local communities and businesses.

Our work to improve opportunities for small-scale land management and use through collaborative approaches will be developed in parallel with our wider work on **innovative governance**. This allows for learning from diverse governance models such as leases, joint ventures, management agreements and community and cooperative ownership, as well as national and **international case studies**. We will work together with stakeholders to see how different collaborative models could help create new opportunities for small-scale land access.



02

Public sector leadership

Closely related to the opportunity for collaborative approaches, is the opportunity for public sector leadership in support of small-scale land management and use. Collectively, the public sector is the largest single landowner in Scotland, with land owned by Scottish Ministers, Crown Estate Scotland, and Local Authorities. For example, the National Forest Estate, managed by Forestry & Land Scotland, covers **one third of a total 1.4 million hectares** of forest and woodland area in Scotland.

In some instances, the relevance of public land for providing access to land for small-scale land use and management is already apparent. For example, Scottish Ministers own crofting estates covering over **95,000 hectares**, representing nearly 9% of all crofts in Scotland. The great majority of crofts on these public estates are tenanted. Another example is **Common Good assets**, which are assets held by local authorities for the benefit of residents and which must be managed in accordance with statutory and non-statutory duties. Modernising Common Good assets could be a game changer for urban land reform in towns and cities and increase opportunities for access to land for small-scale use. In addition to existing opportunities in law and practice for public sector leadership, there may also be new or underused models for collaborative governance of land which involves the public sector, for example, Council creation and ownership of (small) farms.

Our work will give further insights into these and other innovative models for public sector leadership and, where appropriate, we will make policy recommendations to help realise the full potential of inclusive governance options in relation to public land and assets. Public-sector landowners can play an exemplary role by pioneering collaborative governance and the creation of new opportunities for small-scale land management and use, in support of public policy objectives. When exploring possibilities for the public sector to support small-scale land opportunities, we will be able to rely upon international evidence of **public, state and municipal ownership and leadership** in support of inclusive decision-making in relation to land and inclusive use of land, and **international case studies** that show how public and mixed ownership and governance models can deliver public and community value. Building upon current best practices in Scotland and beyond, we aim to work together with public bodies to get a better understanding of barriers to achieving new small-scale land opportunities on public land and to facilitate conversations with aspiring users.





03 Learning from crofting and supporting crofting's development

Crofting is a uniquely Scottish governance model involving agriculture, horticulture, and/or forestry on small areas of in-by-land (**with an average size of approximately 5 hectares**), combined with shares in common grazings. Over 750,000 hectares of Scotland's land is in crofting tenure, with over 500,000 hectares made up of common grazings.

Nowadays, regulated crofts exist only in the crofting counties and the designated areas including Moray and parts of North Ayrshire. However, between 1911 and 1955, crofting tenure – which was renamed small landholdings tenure – was made available throughout Scotland. From 1955 crofts were restricted again to the crofting counties, with a remnant of small landholdings left across the rest of Scotland. Proposals under the **Land Reform Bill** seek to give the Tenant Farming Commissioner functions in relation to these small landholdings.

Crofting law conveys strong rights to crofters which include security of tenure and fair rents, which are balanced with **crofters' duties** to look after and be resident close to the croft. Duties on crofters can be enforced by the **Crofting Commission** and the landlord, which allows a way to ensure duties are met by the existing crofter. Where the crofter is unable to comply with the duties the Crofting Commission may take action, which may lead to a croft tenancy becoming available for letting. Common grazing rights can offer crofters the opportunity to engage in larger-scale projects with a shared-management approach, such as livestock clubs, renewable energy, woodland creation, and peatland restoration.

In 2022/2023, **510 new entrants came into crofting**, 45% of which were women. Already in 2008, the **Committee of Inquiry on Crofting** looked forward to a sustainable future for crofting and crofting communities, emphasising the national and international importance of crofting. Many positive changes have been made but there are still opportunities to look at crofting with fresh eyes, to support the Crofting Commission with crofting's development and regulation of duties. We will also consider the potential value and learning that the crofting model can offer our wider work on land reform and access to land for small-scale land ownership, management, and use.



Public policy and funding may help to break down some of the barriers to small-scale land access and use, but they may also exacerbate inequities and frustrate access.

04 Public policy and finance

Lastly, public policy and finance are key to supporting small-scale land ownership, management, and use. The previous sections highlighted the cost of land and tenancies and barriers to obtaining finance as obstacles to accessing and using land at small scales. Public policy and funding may help to break down some of the barriers to small-scale land access and use, but they may also exacerbate inequities and frustrate access. For example, **evidence** gathered by the Scottish Land Commission showed that many people are concerned about the potential impacts of area-based agricultural payments on the consolidation of farming operations and the restriction of access to land for use by others, including tenant farmers. Where the current European Union's Common Agricultural Policy has sought to implement a mechanism to **redistribute payments** from larger to smaller and medium-sized farms, a similar measure has not yet been drafted or implemented in the context of a Scottish post-Brexit agricultural policy.

Additionally, a lack of capital grant schemes (see e.g., the closing of the Small Farms Grant Scheme) can make it unfeasible for (potential) users to start-up or sustain small-scale, land-based businesses. Funding criteria also may not be well-suited to small-scale contexts, nor may schemes be sufficiently adaptive to pioneer providing finance for innovative models.

In support of the creation of more small-scale land opportunities there are opportunities to generate a better understanding of the role of public policy and finance in inhibiting and supporting small-scale land use and to learn from international experiences.

Next steps

Diversifying land governance is a key priority for the Scottish Land Commission, which work includes development of new models for increasing availability of small-scale land holdings.

Through our work we aim to promote and support collaborative approaches and public sector leadership in support of small-scale land ownership, management, and use, to draw lessons from the crofting model and contribute to crofting's development, and to identify and help address land- and asset-related public policy and funding barriers.

While continuing to explore key small-scale land opportunities, our next step is to develop policy and practical advice that will contribute to realising these opportunities. We will convene discussions and facilitate new collaborations, publish guidance in support of innovative approaches, further build our evidence base and provide policy recommendations where helpful. To ensure that our resources are used in ways that make the most impact, responding to needs on the ground, we will work together with partners, and we invite land users, land owners and the wider public to get involved and get in touch.



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