



SCOTTISH LAND COMMISSION
COIMISEAN FEARAINN NA H-ALBA

Minutes of the meeting of the Scottish Land Commissioners held on Tuesday 7th March 2023 at An Lochran

Commissioners Present: Andrew Thin (Chair), Sally Reynolds, Lorne MacLeod, Megan MacInnes, David Adams (Land Commissioners), Bob McIntosh (Tenant Farming Commissioner)

In Attendance: Hamish Trench, Emma Cooper, Nikki Nagler, Gemma Campbell, James MacKessack-Leitch, Hanna Wheatley, Gillian Brown (Scottish Land Commission),

Apologies: No apologies.

Declarations of interest: No declaration of interest.

1. Minutes of previous meeting 14th February 2023

The minutes were agreed as a true and accurate reflection of the discussion, subject to the following amendment.

- Page 2, bullet point 3 focus of group clarified to include, “not excluding advice on statutory framework”

Matters Arising

Strategic Plan development – Hamish to circulate milestones which will include further discussion opportunity.

2. 2023/24 Business Plan

Hamish presented the business plan, with the key points being:

Delivery

- continuation of delivery against the current Programme of Work with a shift of emphasis to a) increasing visibility of work on land governance and b) in supporting non-legislative change in relation to land assembly approaches.

Finance

- Rising costs and flat grant-in-aid mean a tighter budget meaning less in-year flexibility;
- We are spending more on direct delivery through staffing and therefore less on commissioned work in the coming year;
- In line with our medium term financial strategy we are making savings in our accommodation costs compared to previous years and will seek further savings when retendering for some corporate service functions.

The board queried the reduction of spend on communications, particularly in a year including our planned online conference. Nikki confirmed that this reflects a shift towards less reliance on external communications support, in place of which we intend to recruit a Modern Apprentice post for digital communications, to enhance our in-house skills and capacity.

The board noted the business plan reflects the published Programme of Work and welcomed the proposed increased focus on land governance work. A desire for the Commission to return in future years to opportunities for reforms in land assembly and development was raised and it was noted this would be a matter for consideration in a new strategic plan.

The board queried the planned budget of £1.55M given the published grant-in-aid of £1.526M. Hamish confirmed the business plan includes a small degree of over-programming. Discussions with sponsor team have indicated that they intend to make additional funds available to take grant-in-aid to £1.55M during the year, subject to agreement on the business case. He confirmed if additional funding is not received, savings will be identified in-year to match grant-in-aid.

The board confirmed agreement to the business plan as set out.

3. Community Engagement Survey Feedback

Gemma presented the results of the survey, noting that the paper is to be published next month alongside a blog.

The board welcomed the survey, noting the value in repeating this after the previous survey in 2019 and discussed the key messages as well as data limitations:

- Overall the discussion highlighted that there has been a welcome shift to engagement being accepted as an expected part of business practice, though the gap in perceptions between communities and land owners responding is worth considering further.
- The board encouraged staff to make the most of the communications opportunity in publishing the survey results and identify clear messages.
- In considering data limitations it was noted that no inference can be made about whether communities and land owners responding are from the same places.
- Key messages should reflect the progress made, apparent differences in perceptions and that there continues to be more to do. Feedback on the value of engagement is also seen to be particularly valuable.

4. Rural Land Market Insights

James presented the paper and Hanna provided an update on the findings from the SRUC report. The report will be published in April with a summary and a briefing from the Commission. James noted work on data from Registers of Scotland is to follow.

The board strongly welcomed the report and our continued focus on this, noting the value of our work on this and the need to communicate it simply and effectively. Discussion considered the following:

- What the findings mean for our work, government policy, the land reform bill and responsible practice. In particular the board considered the implications for concentration of ownership and community acquisition, the importance of developing further the Commission's work on governance, and the underlying importance of the Commission's core focus on responsible land ownership.

- The emerging findings underscore the rationale already set out for the proposed measures in the land reform bill.
- The implications for concentration of ownership need particular thought, acknowledging the challenge of apparent trends to the ambition to diversify ownership, as well as the opportunity to develop more mixed governance models.
- It was agreed the report should be launched with a clear focus on key messages and that there is an opportunity to follow up with a focus on more specific aspects.

Overall the board noted the relevance of the findings to shaping our future work programme and as context for developing our next strategic plan.

5. Crown Estate Scotland Community Ownership Collaboration

Hamish presented the paper which provided an update on the collaborative initiative with Crown Estate and sought approval for the financial commitment over two years.

The board strongly endorsed the initiative. It noted the opportunity and value in creating this route to support community ownership, and the board emphasised the strategic value of this work that will help influence the way the role of other public land owners can develop. The board asked that sufficient consideration is given to the wider strategic learning from the initiative as well as its short-term delivery.

The potential of other public land owners to act in similar or complementary ways was explored, noting the wide range of bodies. The board sought clarity on the respective roles of Crown Estate Scotland and the Commission and the basis on which the Commission's financial commitment is made. Hamish confirmed the respective roles, which will be set out in an MoU and the value of the Commission's direct involvement. The board agreed this is appropriate for the proposed two year pilot.

The board agreed the financial commitment as set out.

6. AOB

NatureScot MoU

The board discussed the recent announcement by NatureScot of the MoU with financial partners and sought clarity from the Chief Executive about the role of the Commission. Hamish confirmed the Commission has agreed to provide advice, in line with our remit, particularly focused on land rights and responsibilities, community engagement and benefit. He noted our advice will be set in the context of the Scottish Government's interim principles for responsible investment in natural capital.

Hamish noted the MoU as published wrongly identifies SLC as being part of the project board and having a decision-making role. He confirmed the agreed role is to provide advice on these specific aspects to the project.

The board recognised the significance of the initiative to the Scottish Government's ambition to attract responsible private finance. The board affirmed that the Commission's role should be advisory and asked Hamish to write to NatureScot to seek amendments to the MoU and to the information published on their website to reflect our correct role.

The board noted the wider relevance beyond this initiative of the need for the Commission to continue to articulate clearly its advisory role, on the basis that we do not generally have the resource or remit to be a delivery partner in initiatives.

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| Action 23030701 | Hamish to write to NatureScot to amend the MoU and supporting documents |
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National Infrastructure Bank

The board noted that the Commission had recently been approached by the UK Infrastructure Bank seeking advice on good practice in relation to community involvement and benefit when considering natural capital investments. The board welcomed indications that the principles and guidance on responsible investment are being used.

Annual Audit Fee

Hamish confirmed that the query on the Commission's annual external audit fee remains outstanding.

Date of Next Meeting: 9th May 2023

**Scottish Land Commission
March 2023**