

Land Reform (Scotland) Bill

Islands Community Impact Assessment

March 2024

Island Communities Impact Assessment

Introduction

The Islands (Scotland) Act 2018 places a duty on the Scottish Ministers and other relevant authorities, including a number of public authorities, to have regard to island communities in exercising their functions, and for the Scottish Ministers this also includes the development of legislation.

Testing a policy for how it could impact on island communities should be an ongoing process. This has been the case for the Land Reform (Scotland) Bill.

This Island Communities Impact Assessment sets out the findings of this testing in respect of any significant difference between the Bill's effect on an island community and its effect on other communities.

The Island Communities Impact Assessment on the Land Reform (Scotland) Bill has been split into two parts:

1. the Land Reform proposals in the Bill; and
2. the Land Management Tenancy, Agricultural Holdings, and Small Landholdings proposals in the Bill

Each part will be covered in turn.

Part 1

Name of Policy, Strategy or Service

Land Reform (Scotland) Bill: Land Reform proposals

Step One – Develop a Clear Understanding of Your Objectives

Summary of the land reform measures in the Bill

The Bill introduces four measures which would apply to landowners of large-scale landholdings. These are:

- to further improve the transparency of land ownership and management in Scotland;
- to strengthen the rights of communities in rural areas by giving them greater involvement in decisions about the land on which they live and work;
- to improve the sustainable development of communities by increasing opportunities for community bodies to purchase land when it comes up for sale; and
- to allow Scottish Ministers to consider (before a planned sale) if land being sold in lots could increase the supply of more varied plots of land in a way that might be expected to have a positive impact on the ongoing sustainability of communities in the area.

The Bill also aims to improve the rights of tenant farmers and small landholders so they are not disadvantaged compared to farmers who own their land, and are able to actively participate in climate change mitigation and adaptation. It provides small landholders with similar rights to other forms of land tenure.

A separate Island Communities Impact Assessment has been produced for the Land Management Tenancy, Agricultural Holdings and Small Landholdings provisions in the Bill.

Objective

The policy objective of the Bill is to further improve transparency of land ownership, help ensure large scale land holdings deliver in the public interest, and empower communities by providing more opportunities to own land and have more say in how land in their area is used.

The proposals seek to balance the interests of the general public and local communities with the interests and rights of individual property owners.

[The Scottish Government's consultation on the Bill](#) highlighted the need for appropriate criteria to define landholdings which are subject to the proposals. The consultation said that:

There are a number of issues associated with defining 'large-scale' landholdings. It is not as simple as only applying the proposals to landholdings over a certain size. Taking this approach may exclude situations where there is a concentration of landownership, such as a landowner who owns the majority of land on an island.

The criteria for the proposals need to ensure that the particular dynamics of islands, including their ownership and communities, are appropriately and proportionately reflected in the Bill.

Background

The Scottish Government defines land reform as "...the ongoing process by which the ownership of land, its distribution and the law which governs it is modified, reformed and modernised."

Land reform has been a continuing legislative priority since devolution and has seen the following Acts of the Scottish Parliament since 1999:

- The Abolition of Feudal Tenure etc. (Scotland) Act 2000 abolished the feudal system of land tenure and saw land previously held feudally converted into simple ownership.
- The Land Reform (Scotland) Act 2003 introduced a right of responsible access to the countryside, a community right to buy land when it comes on the market, and an absolute crofting community right to buy land.
- The Community Empowerment (Scotland) Act 2015 included extensions to the rights to buy given to urban areas, the introduction of additional rights for communities to buy land that was abandoned, neglected and detrimental to

the environmental wellbeing of the community and a requirement for those responsible for taking decisions about public services to take account of community needs and views.

- The Land Reform (Scotland) Act 2016 included requirement for Ministers to develop a Scottish Land Rights and Responsibilities Statement (LRRS) to improve the relationship between the land and people of Scotland, the establishment of the Scottish Land Commission to review the effectiveness and impact of current and potential future laws and policies relating to land, and a new community right to buy land to further sustainable development.

In 2019, a [report](#) by then established Scottish Land Commission found that Scotland had an exceptionally high concentration of landownership by international standards. Following a subsequent request from Scottish Ministers to develop some of its recommendations further, the Scottish Land Commission published a [discussion paper 'Legislative proposals to address the impact of Scotland's concentration of land ownership'](#)

The discussion paper put forward three key recommendations for changes in legislation:

- the requirement for significant land holdings to engage on, and publish, a Management Plan;
- a Land Rights and Responsibilities Review process, to take effect where there is evidence of adverse impacts; and
- a new Public Interest Test that would determine whether significant land transfers or acquisitions are in the public interest.

In relation to a possible public interest test on land acquisition, it said:

“While not a direct risk factor in and of itself, the scale of a landholding is often a good indicator of where risks of harm to the public interest may arise...There are however significant challenges in determining a scale threshold, as this is particularly dependent on the location of the landholding, and potential land uses.”

In terms of the possible scale of a significant land holding, the SLC said that it did not have a firm view and suggested further consultation but that:

“It is suggested that the aim should be to establish a threshold that would ensure that family farms and small businesses would not fall in scope, but that modest estates that could pose risks would. It may be reasonable to expect that, for example, holdings over 10,000ha would always be in scope, while those under 1,000ha would always be exempt.”

The SLC also proposed that the rurality of the landholding is a “significant risk factor” and said:

“A specified minimum proportion of land area is suggested as a criterion to help overcome the challenge of areas, such as islands, where geography means the absolute size of a landholding is not particularly significant but

experience suggests the concentration of power may be an issue. The Land Commission does not have a fixed view as to what this proportion should be but considers that a threshold of between 30% and 50% may be appropriate.”

Step Two – Gather Your Data and Identify Your Stakeholders

The Scottish Government’s consultation on the Land Reform Bill in 2022 contained several proposals for inclusion in the Bill and also invited respondents to give their views on other ideas and proposals. The consultation documents are available on the [Scottish Government’s consultation hub](#).

Six consultation events were also held (five in-person and one online event). The feedback from these events, including comments and questions from those attending, were included in the [consultation analysis report](#) which was published in June 2023.

Of the in person consultation events, four were held on the Scottish mainland (Langholm, Invermoriston, Helmsdale and Ballater) while the fifth was held in Stornoway on 27 July 2022. The online event was held on 22 July, which was open to all and which attracted participants from across Scotland.

Step Three – Consultation

In the consultation, the Scottish Government suggested the following criteria to classify landholdings as ‘large-scale’:

- a) A fixed threshold of 3,000 hectares
- b) Land that accounts for more than a fixed percentage of a data zone (or adjacent data zones) or local authority ward(s) designated as an Accessible Rural Area or Remote Rural Area, through our [six-fold urban/rural classification scheme](#)
- c) Land that accounts for more than a specified minimum proportion of a permanently inhabited island.

In total 537 standard responses were received, of which 162 were from groups or organisations and 375 from individual members of the public. Where consent has been given to publish the response, it may be found on the on the [Land Reform in a Net Zero Nation published responses page](#) of the Scottish Government website.

Consultation responses

465 responses specifically answered the question about whether there should be a specific islands criteria for the proposals.

Q1(c) Do you agree or disagree with the criteria proposed for classifying landholdings as ‘large-scale’: Land that accounts for more than a specified minimum proportion of a permanently inhabited island

Table 1: responses to Q1(c) by respondent type

	Agree	Disagree	Don't know	Total
Organisations:				
Academic group or think tank	3	0	1	4
Community or local organisations	14	1	1	16
Government and NDPBs	4	0	8	12
Landowner	4	22	8	34
Private sector organisations	2	3	8	13
Representative bodies, associations or unions	8	7	8	23
Third sector or campaign group	16	2	5	23
Total organisations				
	51	35	39	125
% of organisations	41%	28%	31%	
Individuals				
	212	77	48	337
% of individuals	63%	23%	14%	
All respondents				
	263	112	87	462
% of all respondents	57%	24%	19%	

As the table above shows, a majority of respondents (57% of those answering the question) supported using a criterion of land that accounts for more than a specified minimum proportion of a permanently inhabited island. The proportion of individual of respondents who agreed was higher than for organisations (63% and 41% respectively).

Issues highlighted in support of the approach included that the ownership of a large proportion of the land on an island, and especially a small island, can lead to a disproportionate influence on the development of the island and the operation of the community.

The importance of what threshold was set was also highlighted, including because the difference in scale of islands would have an impact on the effectiveness of the approach. A number of respondents suggested a possible threshold, including:

- 20% of the land area. Further comments included that this threshold would support no landowner being able to monopolise land base resources and restrict access for other residents.
- 25% of the land area covered.

There were some calls for local communities to be involved in setting appropriate thresholds for their area.

In addition to comments relating to the level of any threshold, there were also a number of other suggestions relating to how any criterion should be framed. These included that:

- It should apply to all inhabited islands, no matter how small they are. However, it was also suggested that it may be worth considering defining qualifications around scale as some inhabited islands are very small and the proposals could apply to sole occupants of such islands. It was suggested that the question of minimum regional area needs to be considered and then how islands can be grouped as needed.
- It should also apply to uninhabited islands. A connection to the repopulation agenda was made, and it was noted that most Scottish islands were previously inhabited even if currently not.
- It could also consider the key economic assets on an island (such as a shop, transport hub, housing or potential for development and how the ownership and operation of these is affected by land ownership).
- Peninsulas and other geographically isolated communities should be included.

It was also suggested that detailed guidance would support open and transparent discussions between landowners and communities. There was also a suggestion that, if the majority of permanent inhabitants agree, the landowner should be exempt from increased duties on their land and that other exemptions could include the landowner meeting environmental guidelines.

Those who did not agree, and some of those who did not know, often noted that no information on the fixed threshold has been given. Other concerns included that there does not seem to be any rationale for treating an island differently to the mainland, and that the approach appears unjustified and discriminatory. It was also suggested that, given the difference in the size and location of Scotland's islands, any arbitrary percentage that was applied could have serious negative consequences for the landowners and communities involved.

A selection of organisational and individual responses to the question are included below:

- Highland Council (who agreed in principle with there being a specified minimum proportion of a permanently inhabited island, but said that more detail is needed on what this minimum would be).
- Highlands and Islands Enterprise (who welcomed an island specific classification given islands present specific and heightened considerations regarding land ownership. HIE also suggested that the legislation should apply to all islands whether inhabited or not).
- The Scottish Crofting Federation (who agreed that that it made sense to define a holding size as a proportion of a defined area such as an island and suggested that this should also apply to peninsulas and other geographically isolated communities).
- Andy Wightman (who did not agree and considered that the inclusion of such a criterion was an admission that other circumstances than scale can lead to concentrations of power adding that the Scottish Land Commission had argued that monopoly ownership of strategic infrastructure such as slipways, petrol stations as well as important cultural facilities and housing land supply

can also be characteristics of concentrated landownership that could create a structural risk of excessive power).

- Colonsay Estate (who did not agree as it believes that it is not the amount of land that is owned in small communities like islands. It is instead key sites such as schools, public buildings and key infrastructure such as roads and harbours/airports that effect the way a community develops. Added that plurality of ownership of housing stock is key too and there should be a free market for all sorts of housing from small to large).

Data – number and size of landholdings

The following data was provided by Registers of Scotland in October 2023. This includes the total area in hectares (ha) represented by mainland and island landholdings at different size thresholds and the percentage of Scotland’s total land mass represented by these holdings.

Table 2: Number and area of landholdings by size, RoS data, October 2023

Threshold (ha)	Mainland titles	Mainland (ha)	Island titles	Island (ha)	Total titles	Total (ha)	% of total landmass
>3,000	528	2,671,548	95	413,781	623	3,085,329	39%
>2,000	759	3,090,951	127	481,987	886	3,572,939	45%
>1,000	1582	3,777,385	228	615,048	1810	4,392,435	56%

Step 4 - Assessment

A full Islands Community Impact Assessment is NOT required

In preparing the ICIA, I have reached the conclusion that our policy is not likely to have an effect on an island community which is significantly different from its effect on other communities (including other island communities). The reason for this is detailed below.

It has been recognised since the start of the development of the Bill that specific threshold criteria would be needed for islands, given that the concentration of land ownership may be significant even if the absolute size of an island landholding is not as large as those elsewhere in Scotland.

The threshold criteria set out in the Bill are intended to ensure that the effect on an island community will not be significantly different from its effect on other communities.

Specifically, for the new obligations on owners to produce Land Management Plans and engage with local communities to support compliance with the principles of the Land Rights and Responsibilities Statement (LRRS), landholdings will be in scope of these requirements if they are:

- more than 3,000 hectares; or
- land that accounts for more than 25% of a permanently inhabited island, with a minimum area of 1000 hectares.

The lower area threshold for islands reflects the potential disproportionate influence on an island community of a landholding below 3000 hectares if this is a significant proportion of an island.

This threshold will ensure that significant island landowners produce Land Management Plans and engage with local communities, to support compliance with the principles of the Land Rights and Responsibilities Statement (LRRS).

For the pre-notification and transfer test proposals in the Bill, there is no specific islands criteria. The threshold of more than 1,000 hectares is considered appropriate for both the mainland and islands.

This part of the ICIA was completed by: Andrew Proudfoot
Position: Land Reform Bill Team Leader
Signature: Andrew Proudfoot
Date completed: March 2024

This part of the ICIA was approved by: Fiona Harrison
Position: Deputy Director, Land Reform, Rural and Islands Policy
Signature: Fiona Harrison, March 2024

Part 2

Name of Policy, Strategy or Service

Land Reform (Scotland) Bill: Land Management Tenancy, Agricultural Holdings, and Small Landholdings

Introduction

The Islands (Scotland) Act 2018 places a duty on the Scottish Ministers and other relevant authorities, including a number of public authorities, to have regard to island communities in exercising their functions, and for the Scottish Ministers, this will also include the development of legislation.

Testing a policy for how well it could impact on island communities should be an ongoing process. This is the case for the Land Management Tenancy, Agricultural Holdings, and Small Landholdings proposals in the Land Reform (Scotland) Bill. The purpose of this Island Communities Impact Assessment is to highlight this testing in relation to the proposals' effects on island communities which might be significantly different from the effect on other communities.

Step One – Develop a Clear Understanding of Your Objectives

The legislative proposals aim to deliver the Programme for Government commitments 2021-22 including:

- modernising tenant farming legislation – a key part of the rural economy (for some people this is the only route to enter agriculture);
- modernising small landholding legislation;
- ensuring that tenant farmers and smallholders have access to climate change adaptation and mitigation measures;
- bringing forward a revised approach to rent reviews; and assessing the valuation for resumption.

In conjunction with these, the Bute House agreement committed to ensuring that tenant farmers and smallholders were not disadvantaged from participating in climate change adaptation and mitigation.

The objective of these changes are to ensure that tenant farmers and small landholders are able to contribute to delivering our [Vision for Agriculture](#) outlining our ambition to become a global leader in sustainable and regenerative agriculture.

[The Agricultural Reform Route Map](#), underlines the commitment to ensuring that tenant farmers, smallholders and land managers are given equality of opportunity to allow them to play a key role in making our Vision for Agriculture a reality.

The policy objectives of each of the individual proposals are set out in detail in the Policy Memorandum accompanying the Bill. The aims of the provisions are summarised below:

Land Management Tenancy – this provision will seek to ensure that the model lease is developed in a way to enable individuals to undertake a range of land use activities in a way that supports sustainable and regenerative agriculture, the achievement of net zero targets, adaption to climate change, and increasing or sustaining biodiversity.

Modernising small landholdings legislation

Provisions include:

- Pre-emptive right to buy – providing small landholders with the opportunity to purchase the land comprised in their small landholding should the landlord (or a creditor with a right to sell) decide to transfer the land,
- Diversification – providing small landholders with greater opportunity to diversify their business, to support profitability and enable them to take action to help address the twin crises of climate change and biodiversity loss,
- Succession and assignation – ensuring that small landholders can bequeath and assign their tenancy to broadly the same classes of people as tenant farmers with secure 1991 Act tenancies,
- Guidance – extending the functions of the Tenant Farming Commissioner (TFC) to include small landholdings,

- Rent and compensation – modernising the law to ensure there is a fair balance between the interests of small landholders and their landlords.

Modernising Agricultural Holdings legislation.

Provisions include:

- Diversification – providing tenant farmers with greater opportunity to diversify their business, and in that way to improve farm incomes and help address the twin crises of climate change and biodiversity loss,
- Agricultural improvements – providing tenant farmers with greater scope to improve their holdings, and participate in sustainable and regenerative agriculture,
- Good husbandry and estate management rules – ensuring that tenant farmers can undertake sustainable and regenerative agricultural practices in accordance with these rules,
- Waygo – enabling tenants and landlords to settle their waygo claims in good time, and so move forward with the next stage of their life,
- Rent review – improving the 2016 Act changes, drawing on the work of the Tenant Farming Commissioner, to create a flexible ‘hybrid’ system of rent review meeting the needs of the industry,
- Resumption – ensuring that tenant farmers receive fair compensation where the landlord takes back any part of the leased land,
- Compensation for game damage – modernising the compensation for game damage provisions by making good a wider range of losses, and
- Pre-emptive right to buy – improving the registration process, to ensure that it is as least burdensome as is possible for the tenant.

The proposals in this Bill will contribute to the following national outcomes:

- Communities – We live in communities that are inclusive, empowered, resilient and safe.
- Environment – We value, enjoy, protect and enhance our environment.
- Economy – We have a globally competitive, entrepreneurial, inclusive and sustainable economy.
- Human Rights – We respect, protect and fulfil human rights and live free from discrimination.
- Poverty - We tackle poverty by sharing opportunities, wealth and power more equally.

Step Two – Gather Your Data and Identify Your Stakeholders

Agricultural tenancies and small landholdings have been subject to statutory regulation for more than 100 years. Agricultural tenancies are governed by two statutory regimes: the Agricultural Holdings (Scotland) Act 1991 and the Agricultural Holdings (Scotland) Act 2003. Small landholdings are governed by the Landholders (Scotland) Acts, which includes legislation from 1886 to 1931.

Information on tenancy type is available through the [Scottish Government Agricultural Census](#) and was last collected in 2021. The Scottish Government Agricultural Census 2021 results showed that there were:

- 3,821 secure 1991 Act agricultural tenancies,
- 175 Modern Limited Duration Tenancies (MLDTs).
- 743 Limited Duration Tenancies (LDTs).
- 1,258 Short Limited Duration Tenancies (SLDTs).
- 59 Small Landholders Act (SLA) tenancies.

The Agricultural Census in 2021 showed that there were approximately 12,300 holdings on Scotland's islands, of which 8,000 were estimated to have rented land (including crofts).

Based on around 300 holdings on Scottish islands which responded to the 'type of tenancy' question in 2021, 57% were secure 1991 Act tenancies and 5% were 1991 Act Limited Partnerships, compared with 59% and 6% for Scotland, respectively. This suggests a reasonable level of comparability in the proportions of these tenancy types between the islands and mainland Scotland, based on the data available.

Out of 59 small landholdings there are estimated to be around 15 – 18 located on the Isle of Arran alone.

Due to low numbers of agricultural tenancies on islands, it is not possible to provide a data breakdown by island. We have instead compared island communities to the mainland.

The current legislative framework enables parties to enter into leases freely at the discretion of landlords and tenants across all of Scotland - the proposals do not change this position.

Step Three – Consultation

The proposed measures outlined in the Land Reform (Scotland) Bill 2024 build on an extensive consultation exercise.

Land Management Tenancy

The Land Management Tenancy was consulted on as part of the Land Reform in a Net Zero Nation consultation. The consultation received 537 responses, of which 162 were from groups or organisations and 375 from individual members of the public. Six in-person consultation events were also held across Scotland with a further event online. A number of discussions were held with environmental NGOs and tenant farming stakeholders to develop this proposal.

The written consultation included the following question:

Are you aware of any examples of how the proposals in this consultation might impact, positively or negatively, on island communities in a way that is different from the impact on mainland areas?

The responses to this question did not draw out any differentiating impacts for islands associated with the land management tenancy proposal.

Small Landholdings Consultation

The small landholdings consultation was conducted in 3 stages: (1) a legislative review which originated from the Land Reform (Scotland) Act 2016; (2) a written Small Landholdings Modernisation consultation; and (3) a Strategic Environmental Assessment consultation.

- (1) The legislative review was published in 2017 after a comprehensive consultation. The consultation included contacting all known small landholders and their landlords. The Scottish Government attended various events to meet relevant stakeholders. Some of these were Scottish Government-led events which provided individual small landholders and landlords the opportunity to meet officials at a small number of separate events in the areas of Scotland with the highest density of small landholdings (including the Isle of Arran). Government officials also attended a number of industry events including the Smallholder & Growers Festival in Lanark, the Rural Parliament in Brechin, and AgriScot in Edinburgh. The legislative review report can be found here: [Small landholdings in Scotland: legislation review - gov.scot \(www.gov.scot\)](http://www.gov.scot/Information/Scotland/legislation-review)
- (2) After the launch of the Small Landholding Modernisation consultation, officials endeavoured to make personal contact with all small landholders and ensure that landlords had fair representation. Where possible the consultation was sent to small landholders and landlords directly. Officials also held a workshop on the Isle of Arran and organised individual meetings with landlords. The consultation analysis can be found here: [Small landholdings modernisation: consultation analysis - gov.scot \(www.gov.scot\)](http://www.gov.scot/Information/Scotland/legislation-review)
- (3) The Strategic Environmental Assessment consultation ran from 12 October 2023 to 11 December 2023. A total of 12 responses were received. The environmental report accompanying the consultation concluded that the proposals have the potential to lead to major positive effects for biodiversity and geodiversity, climate change, and soil and water, along with positive cumulative effects. The effects on the historic environment are uncertain.

The written Small Landholding Modernisation consultation included the following question:

Are you aware of any examples of how the proposals in this consultation might impact, positively or negatively, on island communities in a way that is different from the impact on mainland areas?

There were 15 responses to this question. Almost a third (29%) of respondents were not aware of any examples of potential different impacts of the proposals on island communities. Around a quarter (24%) were aware of potential impacts. Respondents identified a number of potential benefits of the proposals to island communities. These benefits related to increasing access to employment and housing; bringing in new residents; and giving small landholders on islands more control over their future.

A number of additional comments were also received in response to this question such as:

- Small landholdings playing an important role in island economies.
- Island communities are more sensitive to depopulation and the rural economy will benefit from new people and increased investment.
- There is an opportunity to give small landholders on islands access to further support, and benefit to communities, if brought within the crofting framework.
- Need for fairness and consistency across mainland and island holdings.
- The need to protect island small landholdings for future generations.
- Wider issues in rural and island areas including access to affordable housing.

These responses were considered during the development of the proposed measures, to help ensure that they applied consistently between island and mainland communities, while enabling positive impacts to remain. For instance, to address the third bullet point the Bill provides for the Tenant Farming Commissioner to produce guidance on converting small landholdings to crofts.

Agricultural Holdings

The agricultural holdings proposals were consulted upon in three stages: (1) a consultation as part of the “Delivering our Vision for Scottish Agriculture: Proposals for a New Agricultural Bill” consultation; (2) the co-development of the detail with the Tenant Farming Advisory Forum¹; and (3) a Strategic Environmental Assessment consultation.

- (1) The Agriculture Bill consultation included a number of agricultural holding responses and ran from 29 August 2022 to 5 December 2022. The consultation received 392 responses consisting of 225 from individuals and 167 from organisations. A series of in person consultation events were carried out during the consultation period including Inverness, Skye, Aberdeenshire, Oban, Scottish Borders, Stirling, Dumfries and Galloway, Ayrshire, and Orkney. In addition, an online workshop was held on 15 November 2022 on modernising agricultural tenancies was open to everyone including island communities. The Agriculture Bill consultation analysis was published in June 2023 and can be found here: [Agriculture Bill: consultation analysis - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/agriculture-bill-consultation-analysis/pages/1-introduction.aspx).
- (2) The proposals for tenant farming were co-developed in partnership with TFAF. The minutes and papers of these meetings can be found at the [Tenant Farming Advisory Forum website - Tenant Farming - Our work - Scottish Land Commission](https://www.tenantfarming.scot/)
- (3) The Strategic Environmental Assessment consultation ran from 12 October 2023 to 11 December 2023. A total of 12 responses were received. The environmental report which accompanied the consultation concluded that the proposals have the potential to lead to major positive effects for biodiversity and geodiversity, climate change, and soil and water, along with positive cumulative effects. The effects on the historic environment are uncertain.

¹ It is the role of the forum to advise on the priorities for the Codes of Practice issued by the TFC, priorities for the commissioning of research and investigative studies and identifying barriers to creating a thriving tenant farming sector.

The written consultation on the Agriculture Bill included the following question:

Are you aware of any examples of how the proposals in this consultation might impact, positively or negatively, on island communities in a way that is different from the impact on mainland areas?

The 53 responses received were particular to the Agriculture and Rural Community Bill, and the consultation analysis did not draw out different impacts associated with the agricultural tenancy proposals.

Subsequent Engagement

Separately to the consultations an MSP raised a concern around whether valuers were treating island communities different from the mainland. Concern was expressed that valuations could be difficult and more expensive to undertake in relation to assessing compensation. Further to this concern, the Scottish Government consulted with the Royal Institute of Chartered Surveyors (RICS) and Scottish Agricultural Arbiters and Valuers Association (SAAVA) who made clear that valuation services may in some circumstances be more expensive to access on islands, but this is related to their geographical location rather than the particular effect of the proposed measures. There is no difference in the approach to valuations between island communities and other parts of Scotland. Accordingly, the Scottish Government do not consider that the proposals have a significant adverse effect on island communities.

As part of the Scottish Firms Impact Test a number of online interviews were held, including a landowner, two agricultural tenants, and three small landholders located on islands. Each interviewee was asked, where relevant:

Are you aware of any examples of how the proposals might impact, positively or negatively, on island communities in a way that is different from the impact on mainland areas?

Interviewees did not believe there would be different impacts between people on an island and others on the mainland. However, 4 out of 5 tenants (agricultural and small landholders) acknowledged the proposals could benefit island communities.

Step 4 – Assessment

A full Islands Community Impact Assessment is NOT required.

In preparing the ICIA, the Scottish Government has formed an opinion that the policy is not likely to have an effect on an island community which is significantly different from its effect on other communities (including other island communities). The reasons for this are detailed below.

The Land Management Tenancy, agricultural holding, and small landholding proposals will apply throughout Scotland. From consultation analysis and engagement, the proposals are unlikely to have any negative impacts for island communities and will provide the same opportunities as those on the mainland.

Agricultural tenancies and small landholdings are private contractual arrangements between tenants and their landlords. These proposals have no element of compulsion.

From our engagement and analysis, we have not discovered any unique impacts for island communities. There will be no unique impacts in terms of demographic, economic, Gaelic, or social factors.

This part of the ICIA was completed by: Calum Jones

Position: Senior Policy Advisor

Signature: Calum Jones

Date completed: March 2024

This part of the ICIA approved by: John Kerr

Position: Head of Agriculture Policy Division

Signature: John Kerr, March 2024



© Crown copyright 2024



This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit nationalarchives.gov.uk/doc/open-government-licence/version/3 or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: psi@nationalarchives.gsi.gov.uk.

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at www.gov.scot

Any enquiries regarding this publication should be sent to us at

The Scottish Government
St Andrew's House
Edinburgh
EH1 3DG

ISBN: 978-1-83601-064-7 (web only)

Published by The Scottish Government, March 2024

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA
PPDAS1432086 (03/24)

W W W . g o v . s c o t