

Response ID ANON-5AGP-WT77-6

Submitted to Land Reform in a Net Zero Nation
Submitted on 2022-10-28 14:17:08

Part 1: The road to reform

Part 4: Criteria for large-scale landholdings

1 Do you agree or disagree with the criteria proposed for classifying landholdings as 'large-scale':

question1 - a) A fixed threshold of 3,000 hectares:
Don't know

question1 - 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:
Agree

question1 - c) Land that accounts for more than a specified minimum proportion of a permanently inhabited island:
Don't know

Please give some reasons for your answers and outline any additional criteria in the text box below::

The legislation should also consider the type of landowner, like Scottish Water, where multiple small sites on a national basis may exceed one of the thresholds.

2 Do you agree or disagree that family farms should be exempt from the proposals outlined in Parts 5 to 7 even if they are classified as a 'large-scale' landholding?

Don't know

Please give some reasons for your answer in the text box below::

Scottish Water has no comment.

3 Do you think that the proposals considered in this consultation should be applied to the urban context?

Don't know

Please give some reasons for your answer in the text box below::

Scottish Water owns a large number of small operational sites in urban locations, which it would be difficult to adequately apply the proposals to.

Part 5: Strengthening the Land Rights and Responsibilities Statement

4 We propose that there should be a duty on large-scale landowners to comply with the Land Rights and Responsibility Statement and its associated protocols. Do you agree or disagree with this proposal?

Agree

Please give some reasons for your answer in the text box below::

Scottish Water has no further comment.

5 If there was a legal duty on large-scale landowners to comply with the Land Rights and Responsibility Statement and its associated protocols, we propose that this should be enforced by having a formal procedure for raising complaints, and by making provisions for independent adjudication and enforcement.

Don't know

Please give some reasons for your answer in the text box below::

Scottish Water delivers water and wastewater services throughout Scotland. This can result in making land use decisions which are necessary to carry out our statutory duties and which should take precedence.

Agree

question5b_organisation_type - Community:
Agree

question5b_organisation_type - Charity:

Agree

question5b_organisation_type - Public sector:

Agree

Please provide some reasons for your answers and any additional suggestions in the text box below::

We think it is important that there are adequate controls around the ability to report breaches, such as demonstrable harm and/or negative impact on a community/its interest. This should also prevent vexatious reports of breaches.

question5c - the Scottish Government:

No

question5c - a public body (such as the Scottish Land Commission):

No

Please provide some reasons for your answers and any additional suggestions in the text box below::

It should sit with an independent body.

question5d - Recommendation for a mediation process:

Don't know

question5d - Recommendation on how the landowner or governing body could comply with the Codes of Practice/protocols:

Yes

question5d - A direction to the landowner or governing body to implement changes to operational and/or management practices:

No

Please provide some reasons for your answers and any additional suggestions in the text box below::

A 'recommendation' should be sufficient for a responsible landowner to allow it to take appropriate action. Directions could prove problematic for a statutory undertaker where the 'direction' may be in conflict with a statutory obligation.

question5e - Financial penalties:

No

question5e - 'Cross-compliance' penalties:

No

Please provide some reasons for your answers and any additional suggestions in the text box below::

Scottish Water has no further comment.

6 Do you think the proposal to make the Land Rights and Responsibility Statement and its associated protocols a legal duty for large-scale landowners would benefit the local community?

Don't know

Please give some reasons for your answer in the text box below::

Scottish Water has no comment.

7 Do you have any other comments on the proposal to make the Land Rights and Responsibility Statement and its associated protocols a legal duty for large-scale landowners?

Please write your answer in the text box below::

Scottish Water has no comment.

Part 6: Compulsory Land Management Plans

8 We propose that there should be a duty on large-scale landowners to publish Management Plans. Do you agree or disagree with this proposal?

Agree

Please give some reasons for your answer in the text box below :

As a public body we are transparent with planning and decision making.

9 How frequently do you think Management Plans should be published?

Please write your answer in the text box below::

It may be sensible to align these with review periods for local development plans.

10 Should Management Plans include information on:

question10 - Land Rights and Responsibility Statement compliance:

No

question10 - Community engagement:

No

question10 - Emission reduction plans:

No

question10 - Nature restoration:

No

question10 - Revenue from carbon offsetting/carbon credits:

No

question10 - Plans for developments/activities that will contribute to local and inclusive economic development or community wealth building:

Yes

Please provide some reasons for your answers and any additional suggestions in the text box below::

We suggest that compliance would be better assessed by an independent body rather than self-assessment.

Community engagement and the level and nature of this depends on the types of activity/project/change proposed and approaches are constantly evolving.

Scottish Water already publishes emission reduction information.

For a landowner like Scottish Water with a large and diverse landholding, mainly occupied by tenants, we are unlikely to be party to any agri-environment schemes tenants may be engaged in.

Revenue could potentially be commercially sensitive information.

11 Do you think the responsibility for enforcing compulsory land management plans should sit with:

question11 - the Scottish Government:

No

question11 - a public body (such as the Scottish Land Commission):

No

Please provide some reasons for your answers and any additional suggestions in the text box below::

It should sit with an independent body.

12 Do you think the proposal to make Management Plans a legal duty for large-scale landowners would benefit the local community?

Don't know

Please give some reasons for your answer in the text box below: :

Scottish Water has no comment.

13 Do you have any other comments on the proposal to make Management Plans a legal duty for large-scale landowners?

Please write your answer in the text box below::

Scottish Water has no comment.

Part 7 i); Regulating the market in large-scale land transfers - a new Public Interest Test

14 We propose that a public interest test should be applied to transactions of large-scale landholdings. Do you agree or disagree with this proposal?

Don't know

Please give some reasons for your answer in the text box below :

It's unclear how this would sit with compulsory purchase legislation.

Scottish Water should continue to have the ability to acquire land sufficient to allow it to deliver its statutory duties, and current processes are subject to appropriate checks and balances.

15 What do you think would be the advantages and/or disadvantages of applying a public interest test to transactions of large-scale landholdings?

Please write your answer in the text box below::

Scottish Water has no comment.

16 Do you think the public interest test should be applied to:

Don't know

Please give some reasons for your answer in the text box below :

Scottish Water has no comment.

17 If the public interest test was applied to the seller, do you think the test should be considered as part of the conveyancing process?

Don't know

Please give some reasons for your answer in the text box below :

Scottish Water has no comment.

18 Do you think that all types of large-scale landholding transactions (including transfers of shares and transfers within or between trusts) should be in scope for a public interest test?

Don't know

Please give some reasons for your answer in the text box below :

Scottish Water has no comment.

19 Do you agree or disagree with these conditions?

question19 - Condition i.:

Don't know

question19 - Condition ii.:

Don't know

Please give some reasons for your answer and suggest any additional conditions in the text box below::

Scottish Water has no comment.

20 Do you think that a breach of the Lands Right and Responsibilities Statement should be taken into account when determining the outcome of a public interest test?

Don't know

Please give some reasons for your answer in the text box below :

Scottish Water has no comment.

21 Do you think that a public interest test should take into account steps taken in the past by a seller to:

question21 - Diversify ownership:

Don't know

question21 - Use their Management Plan to engage with community bodies over opportunities to lease or acquire land:

Don't know

Please give some reasons for your answer in the text box below :

Scottish Water has no comment.

Please write your answer in the text box below::

Scottish Water has no comment.

22 Do you think the responsibility for administering the public interest test should sit with:

question22 - the Scottish Government:

Don't know

question22 - a public body (such as the Scottish Land Commission):

Don't know

Please provide some reasons for your answers and any additional suggestions in the text box below::

Scottish Water has no comment.

23 Do you think the proposal that a public interest test should be applied to transactions of large-scale landholdings would benefit the local community?

Don't know

Please give some reasons for your answer in the text box below: :

Scottish Water has no comment.

24 Do you have any other comments on the proposal that a public interest test should be applied to transactions of large-scale landholdings?

Please write your answer in the text box below::

Scottish Water has no comment.

Part 7 ii): Regulating the market in large-scale land transfers - requirement to notify an intention to sell

25 We propose that landowners selling large-scale landholdings should give notice to community bodies (and others listed on a register compiled for the purpose) that they intend to sell.

Don't know

Please give some reasons for your answer in the text box below: :

Scottish Water has no comment.

Don't know

Please give some reasons for your answer in the text box below: :

Scottish Water has no comment.

Don't know

Please give some reasons for your answer in the text box below::

Scottish Water has no comment.

26 Do you have any other comments on the proposal that landowners selling large-scale landholdings should give notice to community bodies that they intend to sell?

Please write your answer in the text box below::

Scottish Water has no comment.

Part 8: New conditions on those in receipt of public funding for land based activity

27 Do you agree or disagree with these requirements?

question27 - Requirement i.:

Disagree

question27 - Requirement ii.:

Don't know

Please give some reasons for your answer in the text box below: :

i. Following submission to the Land Register for registration, titles can take a significant period of time to be issued and eligibility shouldn't be affected due to this. In addition, spatially, the Land Register is less than 50% complete. This requirement could potentially arbitrarily penalise certain landowners. Large estate titles can be extremely difficult and time consuming to register. This could potentially work against Net Zero ambitions if funding isn't available for the sole reason that land isn't registered.

28 Do you have any other comments on the proposals outlined above?

Please write your answer in the text box below::

Scottish Water has no comment.

Part 9: Land Use Tenancy

29 Do you agree or disagree with our proposal that there should be a Land Use Tenancy to allow people to undertake a range of land management activities?

Don't know

Please give some reasons for your answer in the text box below: :

Scottish Water has no comment.

30 Are there any land management activities you think should not be included within a Land Use Tenancy?

Please write your answer in the text box below::

Anything which would interfere with Scottish Water's statutory obligations and duties in relation to water, wastewater and achieving our net zero targets.

31 Do you think that wider land use opportunities relating to diversification, such as renewable energy and agri-tourism, should be part of a Land Use Tenancy?

Don't know

Please give some reasons for your answer in the text box below: :

See answer 30.

32 Do you agree or disagree that a tenant farmer or a small landholder should, with the agreement of their landlord, have the ability to move their agricultural tenancy into a new Land Use Tenancy without having to bring their current lease to an end?

Agree

Please give some reasons for your answer in the text box below: :

Agreed, provided that a public landowner, such as Scottish Water, is able to prioritise the delivery of their statutory obligations.

33 Do you agree or disagree that when a tenant farmer or small landholders' tenancy is due to come to an end that the tenant and their landlord should be able to change the tenancy into a Land Use Tenancy without going through the process of waygo, with parties retaining their rights?

Don't know

Please give some reasons for your answer in the text box below: :

See answer to 32 above.

34 How do you think the rent for a Land Use Tenancy should be calculated?

Please write your answer in the text box below::

Scottish Water has no comment.

35 Would you use a Land Use Tenancy if you had access to a similar range of future Scottish Government payments which other kinds of land managers may receive?

Don't know

Please give some reasons for your answer in the text box below: :

Scottish Water has no comment.

36 Do you think that there should be guidance to help a tenant and their landlord to agree and manage a Land Use Tenancy?

Don't know

Please give some reasons for your answers and outline who you think should be responsible for writing and managing the guidance in the text box below::

Scottish Water has no comment.

37 Do you think there should be a process to manage disputes between a tenant of a Land Use Tenancy and their landlord?

Yes

Please give some reasons for your answers and outline how this process could be managed in the text box below::

Scottish Water has no further comment.

38 Do you agree or disagree that tenants of a Land Use Tenancy and their landlords should be able to resolve their legal disputes in relation to the tenancy through the Scottish Land Court?

Don't know

Please give some reasons for your answers and outline additional ways in which disputes could be resolved in the text box below::

Scottish Water has no comment.

39 Do you have any other comments on our proposal for a Land Use Tenancy?

Please write your answer in the text box below::

Scottish Water has no comment.

Part 10: Small landholdings

40 Would you like to be kept informed via email about the Small Landholding Consultation for the Land Reform Bill? We would use the email you provide in the 'About you' section to contact you.

Yes

Part 11: Transparency: Who owns, controls and benefits from Scotland's Land

41 Do you agree or disagree with our proposal to explore:

question41 - Who should be able to acquire large-scale landholdings in Scotland:

Don't know

question41 - The possibility of introducing a requirement that those seeking to acquire large-scale landholdings in Scotland need to be registered in an EU member state or in the UK for tax purposes:

Don't know

Please give some reasons for your answer in the text box below: :

Scottish Water has no comment.

Part 12: Other land related reforms

42 Do you have any views on what the future role of taxation could be to support land reform?

Please write your answer in the text box below::

Scottish Water has no comment.

43 How do you think the Scottish Government could use investment from natural capital to maximise:

Please write your answer in the text box below::

Scottish Water has no comment.

Please write your answer in the text box below::

Scottish Water has no comment.

44 Do you have any additional ideas or proposals for Land Reform in Scotland?

Please write your answer in the text box below::

Scottish Water has no comment.

Part 13: Assessing impact

45 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?

Please write your answer in the text box below::

Scottish Water has no comment.

46 Are you aware of any examples of particular current or future impacts, positive or negative, on young people, (children, pupils, and young adults up to the age of 26) of any aspect of the proposals in this consultation?

Please write your answer in the text box below::

Scottish Water has no comment.

47 Are you aware of any examples of how the proposals in this consultation may impact, either positively or negatively, on those with protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation)?

Please write your answer in the text box below::

Scottish Water has no comment.

48 Are you aware of any examples of potential impacts, either positive or negative, that you consider any of the proposals in this consultation may have on the environment?

Please write your answer in the text box below::

Scottish Water has no comment.

49 Are you aware of any examples of how the proposals in this consultation might impact, positively or negatively, on groups or areas at socioeconomic disadvantage (such as income, low wealth or area deprivation)?

Please write your answer in the text box below::

Scottish Water has no comment.

50 Are you aware of any potential costs and burdens that you think may arise as a result of the proposals within this consultation?

Please write your answer in the text box below::

Scottish Water has no comment.

51 Are you aware of any impacts, positive or negative, of the proposals in this consultation on data protection or privacy?

Please write your answer in the text box below::

Scottish Water has no comment.

Part 15: About you

What is your name?

Name:

Katie Edwards

What is your email address?

Email:

Regulation@scottishwater.co.uk

Are you responding as an individual or an organisation?

Organisation

What is your organisation?

Organisation:
Scottish Water

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

Publish response only (without name)

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Yes

I confirm that I have read the privacy policy and consent to the data I provide being used as set out in the policy.

I consent

Part 16: Evaluation

Please help us improve our consultations by answering the questions below. (Responses to the evaluation will not be published.)

Matrix 1 - How satisfied were you with this consultation?:

Very satisfied

Please enter comments here.:

Matrix 1 - How would you rate your satisfaction with using this platform (Citizen Space) to respond to this consultation?:

Very satisfied

Please enter comments here.: