

# Review of Land Management Agreements in Scotland

Scotland's Land Reform Futures project, Rural Futures theme

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Northwest Highlands Geopark. Photo by Acacia Marshall.

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## **Glossary**

### **30 BY 30**

30 by 30 aims to “Ensure and enable 30% of land and sea, is effectively conserved and managed through ecologically representative, well-connected and equitably governed systems of protected areas and other effective area-based conservation measures (OECMs) by 2030. Ensuring that sustainable use is in consistent with conservation outcomes and that indigenous peoples and local communities are recognised and respected, including over their traditional territories”. ([WWF and IUCN, 2023:1](#))

### **AGRI-ENVIRONMENTAL CLIMATE SCHEMES (AECS)**

Schemes that form part of the Scottish Rural Development Programme, compensating those who engage in practices that will aid delivery of ‘national and international targets relating to biodiversity, climate change, water quality and flooding, an also supports organic farming, the historic environment and public access’ ([NatureScot, 2020](#)).

### **ENVIRONMENTAL NON-GOVERNMANTAL ORGANISATION (ENGO)**

A non-governmental organization (NGO) whose purpose focusses on the protection of the natural environment

### **JUST TRANSITION**

In Scotland, the Just Transition Commission provides this working definition: “Governments design policies in a way that ensures the benefits of climate change action are shared widely, while the costs do not unfairly burden those least able to pay, or whose livelihoods are directly or indirectly at risk as the economy shifts and changes”([Climate Change Committee, 2022:4](#)).

### **NET-ZERO**

'Net Zero' refers to the amount of carbon sequestration possible resulting in net zero emissions In Scotland, the goal is to achieve this by 2045. ([Net Zero Nation, online](#))

### **OTHER AREA BASED CONSERVATION MEASURES (OECMS)**

OECMs are “Geographically defined areas distinct from traditional Protected Areas (PAs) but managed in ways that yield positive, sustained, and long-term outcomes for biodiversity conservation, including associated ecosystem functions, services, and, when applicable, cultural, spiritual, socio-economic, and other locally significant values.” ([IUCN, 2019, online](#)).

### **PROTECTED AREAS**

Also known as designated areas, they are in place to protect natural features of landscapes; called for by international treaties, domestic legislation and policy or local interests. These areas contribute to the 30 by 30 goal. ([NatureScot, 2020, online](#))

### **RAMSAR SITES**

Wetlands of international importance ([JNCC, 2022, online](#)).

### **SITE OF SPECIAL SCIENTIFIC INTEREST (SSSI)**

A Site of Special Scientific Interest (SSSI) is a formal conservation designation. Generally, it describes an area that's of particular interest to science due to the rare species of fauna or flora it contains. ([Cottam, 2019, online](#))

### **SPECIAL AREAS OF CONSERVATION (SACS)**

Areas designated for the protection of specific special species and habitats ([NatureScot, 2024, online](#))

### **WILDLIFE ESTATES SCOTLAND (WES)**

An objective accreditation system aiming to promote the best wildlife and habitat management practices ([Wildlife Estates, online](#)).

### **Acknowledgements:**

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## **Highlights**

### **What were we trying to find out?**

The main aim of this research is to learn about the experiences, opportunities and challenges facing the owners of land in undertaking long-term land management for biodiversity enhancement. It seeks to explore the range of different mechanisms used for long-term land management, including management agreements and conservation burdens, and the institutional, financial, or social/cultural opportunities supporting and barriers inhibiting their uptake as a voluntary approach to long-term land management for conservation or biodiversity purposes. The objective is to inform Scottish Government policy around biodiversity, in particular, the Scottish Government's '30 x 30' target – i.e. the goal to ensure protected areas cover at least 30% of land by 2030, seeking to provide recommendations for enhancing the area of land protected voluntarily by different types of landowners.

### **What did we do?**

We undertook a literature review of relevant academic and grey literature, focused on Scotland and the Global North, identified through keyword searches related to the research objectives. The literature review, feedback from the Scotland's Land Reform Futures project Stakeholder Advisory Group, and initial conversations with a policymaker, provided context to refine the research focus and develop an interview guide. We carried out 13 interviews with a policymaker, Environmental Non-Governmental Organisation (eNGO) representatives, a stakeholder organisation representative and representatives of different landowner types including: community, private and public owners, and a crofter. Interview data was analysed thematically using NVivo. The coding framework in NVivo was created to draw out key features of Land Management Agreements, producing a typology (presented in Table 1), as well as key enabling factors and barriers to their uptake.

## What did we learn?

The literature review and interviews with key stakeholders have informed a Typology of Land Management Agreements, laid out in Table 1 (p.8). Analysis of interview data and additional grey literature brought to light opportunities for enabling wider engagement with Land Management Agreements as well as barriers to their uptake. Taking these enablers and challenges into account, a set of recommendations have been produced, with the aim of encouraging voluntary engagement from a variety of landowners with Land Management Agreements.

### What enables engagement with Land Management Agreements?

- Governmental financial support, particularly aimed at small-scale private and community landowners, that aim to aid a range of biodiversity enhancing activities and entry into schemes.
- Support for non-experts applying for and entering schemes. Especially landowners with diversified interests who may not have expertise in areas required by agreements.
- Flexibility built into agreements, allowing for a diversity of land management approaches to coexist, and timelines that can be tailored to different landowners.
- Accolade or formal recognition of positive practice
- Partnerships with communities
- Broader recognition of the role that philanthropic land management plays.

### Challenges to uptake of Land Management Agreements:

- Lengthy and complex application processes are off-putting, especially when expert or legal knowledge is required.
- Agreements that last in perpetuity are viewed by some landowners as overly restrictive and too significant a commitment.
- Small-scale landowners have less time and knowledge resources to engage.
- Legislation around Common Grazing crofting land limits crofters' ability to engage with Land Management Agreements, especially private finance.
- Skepticism of the Carbon Market from private, Environmental Non-Governmental Organisations, and community buyers, worried about perceptions of 'green-washing'
- Shorter term Land Management Agreements (5 years or less) can be seen as not worth the administrative burden.

### Recommendations to encourage voluntary engagement with Land Management Agreements :

- Flexibility within Land Management Agreements, offering different timescales and a range of routes for meeting goals is key. This would allow a more diverse range of landowners to engage, meaning that they could continue to pursue other interests.
- Introducing or expanding on a data repository (such as the [Better Biodiversity Data Project](#)), that captures a broader range of land management activities for biodiversity. This could begin to capture and recognise the significant philanthropic efforts currently overlooked.
- Landowners reported that a lack of time, expert knowledge and resources are barriers to engagement with Land Management Agreements – this must be addressed if they are to become more widespread. Application processes need to be made accessible, with information on how to apply and what criteria must be met clearly published, and mechanisms in place to aid the process when technical expertise is required.
- Ensuring that policies that will be brought in by the Land Reform bill, Agricultural bill and Natural Environment bill are synergistic and give landowners a clear route forward for engaging with Land Management Agreements that will allow for OECM designation.
- Community engagement or participation need to be a central component of Land Management Agreements to ensure sustainability.



# 1. Introduction and Background

The Scottish Government Rural and Environment Science and Analytical Services (RESAS) division funds the [Strategic Research Programme 2022 to 2027](#) to advance the evidence base in the development of rural affairs, food and environment policies.

One of the themes (Theme E) of the [Strategic Research Programme 2022 to 2027](#) is on Rural Futures. This theme has three research topics: rural communities, rural economy and land reform. There are two projects within each topic led by Scotland's Rural College (SRUC) and James Hutton Institute (JHI). This publication sits within a series of publications as part of this theme.

Within the land reform topic, the two projects are:

1. Impacts of land-based financial support mechanisms on land values, landownership diversification and land use outcomes
2. [Scotland's Land Reform Futures](#)

This current research is part of the second project, and it aims to provide a better understanding of:

- The range of mechanisms that exist to support the voluntary adoption of long-term land management approaches aimed at enhancing biodiversity by different landowner types.
- The institutional, financial, social or cultural opportunities supporting, and barriers inhibiting, the uptake of these mechanisms as a voluntary approach to long-term land management for conservation or biodiversity purposes.

Nature restoration and biodiversity enhancement are key to facing the crises of climate change and biodiversity loss, and with calls from the UN to restore a billion hectares of land, governments and the private sector globally have responded with environmental protection strategies (Sharma et al., 2023:1). The latest [State of Nature Report for Scotland](#) painted a stark picture regarding the continuing nature crisis in Scotland, stating that *"the scale and pace of nature restoration remains inadequate to halt and reverse nature losses"* (State of Nature Partnership, 2023, p. 15). The Scottish Government's [Biodiversity strategy to 2045: tackling the nature emergency](#) sets a goal for Scotland to be 'nature positive' by 2030 and to have restored and regenerated biodiversity across the country by 2045 (Scottish Government, 2022). Furthermore, the Scottish Government is committed to Target 3 of the [UN Convention on Biological Diversity's \(CBD\) Kunming-Montreal Global Biodiversity Framework](#), summarised as the '30 x 30 target'. This target requires countries to ensure that *"at least 30% of land and sea is effectively conserved and managed for nature by the year 2030"* (NatureScot, 2023a). In Scotland, sites that are classified as Protected Areas and Other Area Based Conservation Measures (OECMs) will contribute to the 30x30 target. Protected Areas are well established in Scotland, whereas OECMs are a relatively new mechanism, and their role is yet to be fully established. OECMs are defined as:



*‘Geographically defined areas distinct from traditional Protected Areas (PAs) but managed in ways that yield positive, sustained, and long-term outcomes for biodiversity conservation, including associated ecosystem functions, services, and, when applicable, cultural, spiritual, socio-economic, and other locally significant values. Despite being a relatively recent concept, OECMs offer a promising approach to achieving large-scale conservation targets and mitigating biodiversity loss.’ (IUCN, 2019)*

In particular, in accordance with [IUCN guidelines](#) for OECMs, the area included must be managed to achieve positive and long-term biodiversity conservation outcomes (although not necessarily primarily for biodiversity), and there must be a long-term guarantee of this type of land management approach. NatureScot (2023a) explains that for Scotland this means that areas are categorised as OECMs where land management for biodiversity is undertaken for no less than 30 years, and that agreements for significantly longer periods, or in perpetuity, are encouraged. OECMs represent a mechanism for bringing new areas under long-term conservation, through a ‘bottom-up approach’ of legal or contractual agreements with a range of landowner and land manager types (NatureScot, 2023a). Key to the success of this mechanism, is identifying factors that will encourage landowners to voluntarily engage with Long-Term Land Management Agreements.

The focus of this Policy Brief is therefore identifying the enabling factors allowing landowners to engage with Long-Term Land Management Agreements, as well as the barriers to engagement. Policy recommendations reached at the end of the report seek to address these barriers, and encourage enabling factors. The core aim of 30x30 is halting biodiversity decline, rather than simply reaching the 30% of land protected goal (NatureScot, 2023a). Although Long-Term Land Management Agreements are the mechanism through which OECMs will be designated, it is notable that shorter-term, often renewable, Land Management Agreements also play a significant role in biodiversity protection and enhancement in Scotland. This report aims to represent the breadth of Land Management Agreements that exist in Scotland. Interview data demonstrated that timespan is a significant factor in engagement with Land Management Agreements and therefore it is important to include Land Management Agreements with a range of timespans, as although these currently may not contribute to the designation of OECMs, they play an important role in enabling landowners to engage with nature protecting and biodiversity enhancing practices.

Previous research finds that stakeholders’ capacity, flexibility of Land Management Agreements, finance structures, and the management of monitoring, significantly affect engagement with Land Management Agreements (Barkley et al., 2023:1). This Policy Brief builds on this research, deepening our understanding of these different factors and how different types of landowners are affected by them.

These Scottish Government policy objectives are also being undertaken with a context of significant land use change relating to climate change (i.e. both the physical impacts and policy drivers to mitigate and adapt to climate change), as well as a new and rapidly developing natural capital market (McKee, et al., 2023; Sharma,

et al., 2023). New types of landowners are entering the Scottish land market to gain from the opportunities associated with natural capital and in some cases, to invest privately in contributing to nature restoration (e.g. philanthropic individuals and companies undertaking 'rewilding') (see: [Merrell, et al., 2023](#)). The Scottish Government are seeking to attract private finance to help to overcome a reported 'nature finance gap' and support landscape scale restoration (NatureScot, 2023b). There is a need therefore to provide mechanisms that guarantee that land will be managed in the long-term to support nature and enhance biodiversity, and that gains in nature will be recognised (Reid, 2024). This scoping study is also undertaken within a changing policy landscape, not least due to the Agricultural Reform Programme and current passage of the Agriculture and Rural Communities (Scotland) Bill through the Scottish Parliament, in addition to the forthcoming Natural Environment Bill and the [Land Reform \(Scotland\) Bill](#), all of which will likely influence how land ownership and management is incentivised and regulated to undertake mechanisms that support biodiversity outcomes.

## 2. Methodology

We undertook a literature review of academic and grey literature (including policy documents), based in the Global North with a focus on Scotland. Key words related to the research objectives were used to find relevant literature, initially that with a particular emphasis on the use of Conservation Burdens. Literature looking more broadly at land management agreements and the opportunities and barriers to landowners' engagement in Scotland was also included.

A proposal for the scoping study, with the focus on Conservation Burdens, was shared with members of the Scotland's Land Reform Futures Stakeholder Advisory Group (December 2023). The group provided valuable feedback, stating the need to broaden the range of long-term land management agreements that can and do support biodiversity enhancement. Responses suggested that Conservation Burdens were not currently a widely used mechanism in Scotland, and with the aim of discovering accessible routes to reaching policy goals such as 30x30, the range of Land Management Agreements should be broadened. A preliminary conversation with a policymaker alerted us to the pertinence of OECDs and their growing importance as a route to meeting to 30x30.

The literature review and preliminary feedback informed an interview guide that asked interviewees to describe Land Management Agreements that they were aware of, the opportunities and barriers that they perceived to landowner engagement with them, and gauged the knowledge base in relation to OECDs and Conservation Burdens as mechanisms to protect biodiversity. The interview guide and participant information sheet are provided in Annex 1 and 3. We undertook scoping interviews with key stakeholders across Scotland. Interviewees were identified through their role and expertise, and where researchers had identified the existence of long-term land management approaches for biodiversity purposes on landholdings managed by the interviewees. Interviews were conducted online and lasted around one hour. Interviewees were invited to participate anonymously. The list below provides an overview of the types of interviewees. A snowball sampling approach supported the recruitment of a purposive sample.

The interviews were digitally recorded and transcribed, to allow for thematic coding, using NVivo software. 13 interviews were conducted.

### **Type of interviewees (March 2024)**

- Policymaker
- Government agency representative
- Stakeholder agency representative
- Land agency representative/ private consultant
- Representative of private landowner/ private landowner
- Representative of public landowner
- Representatives of community landowners
- Representatives of environmental non-governmental organisation landowner (ENGO)
- Representative of the crofting community

## 3. Findings

### 3.1 Land Management Agreements Typology

A key finding to emerge from interviews was the breadth of Land Management Agreements that exist in Scotland. Notably, this typology aims to cover the variety of agreements that were mentioned in interviews, that may result in biodiversity enhancing land management. They therefore range a lot in their formality, timespan and criteria. The primary source of information about the Land Management Agreements has been extracted from interview data, and where gaps existed, this has been supplemented with information obtained from gray literature. This typology provides a brief summary of each Land Management Agreement; it is notable that further research could provide additional information, such as the coverage of such Land Management Agreements across Scotland.

**Table 1: Land Management Agreements Typology**

Agri-Environmental Climate Schemes	Management Agreements	Natural Capital and Private Finance
<ul style="list-style-type: none"> <li>• These schemes are delivered by the Scottish Government and NatureScot.</li> <li>• 30-40 million are awarded annually, covering around 1.16 million HA (NatureScot, 2020)</li> <li>• These Scottish Government grants are conditional and competitive.</li> <li>• Generally, they are 5 year contracts, and often renewed.</li> </ul>	<ul style="list-style-type: none"> <li>• Formally agreed document detailing requirements that both parties must adhere to.</li> <li>• NatureScot is the main provider, offering 5-year agreements. Agreements can also be with private sector or Environmental Non-Governmental Organisations, lasting up to 25 years.</li> <li>• Smaller funding pot than Agri-Environmental Climate Schemes but allows for more specific activities.</li> </ul>	<ul style="list-style-type: none"> <li>• Landowners can participate in the Woodland code or Peatland Code, adhering to certain land management practices that result in carbon credits. These can be bought by businesses, with the scheme assuring them they are investing in credible projects.</li> <li>• A voluntary biodiversity credit market is emerging, offering on-going payment for biodiversity enhancing activity.</li> <li>• These schemes can have timespans between 30 and 100 years.</li> </ul>

Title or Conservation Burdens	OECMS	Forestry Grant Schemes
<ul style="list-style-type: none"> <li>• Legal agreement, which lay out 'the rights of, or obligations on the landowner that are recorded in the title of a property' (The Lifescape Project, 2023)</li> <li>• Binds current and future landowners to maintain the agreed land management practices.</li> <li>• Designed to last in perpetuity</li> </ul>	<ul style="list-style-type: none"> <li>• An emerging mechanism specifically intended to aid reaching the 30x30 goal.</li> <li>• Distinct from Protected Areas, they are geographically defined areas that are managed to produce long-term positive impacts for biodiversity conservation including ecosystem services and other 'locally significant values'. (IUCN, 2019)</li> <li>• Currently, intended for land that has been designated to certain land management practices for 30 years+.</li> </ul>	<ul style="list-style-type: none"> <li>• A grant scheme offered through Scottish Forestry which provides grants to support woodland creation and sustainable management of existing woodland, (Scottish Forestry).</li> </ul>
Standard Securities	Compensatory Planting	Informal Partnerships
<ul style="list-style-type: none"> <li>• Presented in an interview as a financial alternative to conservation burdens, standard securities are legal documents that entail putting land up for security against a loan.</li> <li>• This is a significant agreement for both the Borrower and the Lender, as if this agreement is broken, the security holder may have right to enter into possession of the security subjects, or apply to the court to sell the security subjects (Mitchells Robertson).</li> </ul>	<ul style="list-style-type: none"> <li>• Where an organisation or company carry out activities that involve tree removal or land degradation, they may be required to carry out compensatory planting.</li> <li>• This entails either replanting the area that has been degraded or compensating for degradation through planting woodlands off-site. The scale of planting relates to the scale of degraded land.</li> </ul>	<ul style="list-style-type: none"> <li>• Written or unwritten agreements between two actors that do not bind them to actions legally.</li> <li>• For example, neighbouring landowners may agree to adhere certain land management practices</li> </ul>

Accreditation Schemes	Private Arrangements	Supplier Contracts
<ul style="list-style-type: none"> <li>• Provide accolade for complying with land management approaches such as organic farming (Soil Association), Wildlife Estates (Wildlife Estates Scotland) and nature friendly farming.</li> <li>• Accreditation opens the door to varying pots of funding, the badge being based on the landowners meeting the requirements of the scheme.</li> </ul>	<ul style="list-style-type: none"> <li>• Memorandums of Understanding are a formal document detailing requirements on the part of both parties, not legally binding, rather stating intention to move forward with a contract.</li> <li>• Private arrangements can be set up between an actor (a corporation or individual) and a landowner, forming an agreement of what happens on the land.</li> </ul>	<ul style="list-style-type: none"> <li>• Legal contract between private businesses in which land owning food producers have an agreement with buyers to deliver certain biodiversity outcomes.</li> <li>• The length of these contracts vary, with some annually renewed.</li> </ul>
Leases	Special Protected Areas	Designated Land under Conventions
<ul style="list-style-type: none"> <li>• Agricultural leases – The types of agricultural lease which can now be granted in Scotland are the 1991 Act tenancy (security of tenure), a Modern Limited Duration Tenancy (MLDT), which is a fixed duration agricultural tenancy lasting 10 years or more and a Short Limited Duration Tenancy which is a fixed agricultural tenancy lasting five years or less. (Dunlop et al., 2023)</li> <li>• Sporting leases – Prescribed land management practices are written into the agreement. The Crown Estate allows shooting and fishing across their land on condition that these rights are enacted in line with national conservation legislation and are managed sustainably (Crown Estate Scotland).</li> <li>• Wind-farm leases – Most wind farms that are leasing land will have an environmental mitigation component.</li> </ul>	<ul style="list-style-type: none"> <li>• Formal designation of land determined by the Scottish Government.</li> <li>• Protected in perpetuity.</li> <li>• There are 162 Special Protected Areas in Scotland, as well as 12 Special Protected Marine Areas. All together this covers around 2.75 million HA of Scotland. (NatureScot, 2023c)</li> <li>• Inheritance Tax Exemptions can be applied for when a landowner's land falls under a protected area or land of scenic or scientific interest.</li> </ul>	<ul style="list-style-type: none"> <li>• Special Areas of Conservation (SACs) are set up under the Habitats Directive. (NatureScot, 2024)</li> <li>• There are 243 SACs in Scotland, covering approximately 3.84 million HA of land. (NatureScot, 2024)</li> <li>• Ramsar sites are designated under the Convention on Wetlands of International Importance (NatureScot, 2023d)</li> <li>• There are 51 Ramsar sites in Scotland, approximately 313,000 HA (NatureScot, 2023)</li> </ul>

### 3.2 What is encouraging the uptake of long-term land management agreements for biodiversity enhancement?

#### Key Messages

- Scottish Government policy direction – working towards 30 by 30, net-zero and a Just Transition – is encouraging landowners to engage with Land Management Agreements before they miss out on potential funding or are 'left behind'.
- Shorter term renewable Land Management Agreements (5 years or less) allow for a flexibility that is attractive to landowners.
- Allowing for a range of land management approaches to reaching nature protection goals is important in catering to different land tenures.
- In the case of community-owned land, partnerships between communities and organisations with expert knowledge are emerging as a positive approach to sustainable land management.
- There is a key opportunity for crofters to engage in Land Management Agreements more widely, especially private finance; routes must be made available for this land tenure type to engage with private finance.
- The 'substantial private finance' that is injected through natural capital projects provides a significant funding source for some landowners.
- The potential of a biodiversity market was mentioned by representatives of several landowner types to be an attractive prospect.

#### Flexibility and accolade are attractive features for landowners

The 5-year agreements typical of Agri-Environmental Climate Schemes (AECS) and management agreements with NatureScot, were highlighted as allowing a flexibility that is attractive to landowners. They enable the changing of business plans and land management practices if desired in the future. 'Overly prescriptive' agreements can be considered to limit land use. A representative of a community landowner described how the designation of a large piece of local land as a national scenic area and Site of Special Scientific Interest (SSSI), had led to a lack of community use, and that no one lives or works on it. This lack of connection formed a significant challenge to community engagement and development. Therefore flexibility, that allows for other uses and a range of routes to meet goals are attractive to landowners entering Land Management Agreements.

Wildlife Estates Scotland (WES) or certification of organic farming through the Soil Association, provide accolade that can be attractive to landowners. Highlighting good practice can provide incentive for landowners to work within more restrictive land management parameters.

Wildlife Estates Scotland (WES) offer further opportunity for achieving 30x30, with a recent report by Scottish Land and Estates (SLE) highlighting the opportunity of designating WES as OECMs (Scottish Land and Estates, 2024). The report displays the synergies of WES and OECM criteria, and emphasises that both



designations are assessed on their biodiversity and conservation outcomes (Scottish Land and Estates, 2024). The main barrier to enabling WES to be designated as OECMs currently, is the lack of Scotland-specific OECM criteria being available. Once the Scottish criteria have been made public, furthering this approach may be possible.

### **Community partnerships increase sustainability**

Motivations to engage with Land Management Agreements varied depending on landowner type. For example, those purchasing land for the purposes of investment may be led by Environmental, Social, and Governance (ESG) requirements to improve biodiversity on their land. Environmental Non-Governmental Organisation (ENGOS) are likely to be led by their mission statements to improve the natural world, whilst community and private landowners have many varied motivations. A common strand across landowner types, is that community partnerships are significant in ensuring sustainable land use change. For investment companies, this allows them to meet 'social' requirements, while building rapport with communities. Research shows that community engagement is key to minimising potential grievances in relation to land use change, ensuring respect of cultural heritage, and creating lasting change (McKee et al., 2023). In the case of community-owned land, there are novel cases demonstrating that partnerships between communities and environmental non-governmental organisations (ENGOS) or the public sector, that can provide expertise, financial aid and resources can enable community-led land use change on a large scale.

### **Potential positive impact of crofting policy and legislative change**

Land tenure was highlighted as influencing voluntary engagement with land management agreements. Crofters were identified as facing particular challenges, due to complex legislation that binds the management of Common Grazings, which hinders crofters and common

*“crofters themselves would say they want to produce high welfare, quality livestock, and we can do a bit for nature restoration, carbon, through peatland restoration and creation and all of that. But common grazing legislation is a complex form of land tenure, it doesn't facilitate easy decision-making, long-term planning or any of this stuff.”*  
-Crofter

grazing land entering Land Management Agreements. Interviewees reported legal barriers to crofters engaging with the Peatland Code, in particular asserting that there is currently no mechanism by which crofters can engage with private finance through the peatland restoration scheme. Tensions may arise where there are multiple users of common grazings, due to differing aspirations, and a mix of active crofters and absentee landowners. Furthermore, Land Management Agreements can be more difficult for small-scale landowners to engage with due to a lack of resources and time. The need to value and invest in land management in a crofting context was stressed by interviewees, highlighting that this land is a rich resource for delivering climate targets. Key to this is considered to be the updating of common grazing legislation (i.e. crofting reform) and creating routes for engagement with the Woodland and Peatland Codes.

## **The Opportunity of Private Finance**

In Scotland there is 'strong government commitment' and 'substantial private finance' directed to natural capital to support the nature finance gap (Reid, 2024; SLC, 2022:1.) For community and private landowners interviewed, it was noted that peatland restoration and woodland creation support schemes can be critical funding sources, although simultaneously they can also lead to challenges for community land acquisitions due to increased land prices (Sharma et al., 2023:7). An emerging biodiversity market was highlighted as a potentially more attractive option, with one land agent representative describing 'exciting' opportunities for their clients, such as species reintroduction, as well as on-going payments in contrast with the carbon market's single payment (albeit paid over many years). Importantly, this (often sizeable) income from private finance enables wider social, cultural and economic impacts particularly for community and small-scale landowners. However, prioritisation by the Scottish Government of 'values-led, responsible private investment' (Scottish Government, 2023:41), is key in ensuring just and sustainable changes for biodiversity protection.

### 3.3 Challenges to uptake of Long-term Land Management Agreements

#### Key Messages

- Private and Environmental Non-Governmental Organisation (eNGO) landowners can be deterred from the carbon market by perceptions of green-washing.
- Prescriptive Land Management Agreements, that restrict land use and management significantly, such as the carbon market (e.g. the Peatland and Woodland Codes) can make it difficult for smaller scale landowners (who do not have the scope for a diversified income) and community landowners to engage.
- Land Management Agreements that exist in perpetuity can be off-putting to landowners, because of the significant commitment that is required.
- At the other end of the scale, short-term Land Management Agreements (5 years or less), can be viewed as 'not worth' the amount of time and administrative burden required to apply to them.
- The process of entering into agreements was described by many to be lengthy and complex, and the need for expert knowledge was highlighted. Especially in the case of small-scale or community landowners, resources must be made available to demystify or aid this process if uptake is to be more accessible.

#### Scepticism of the carbon market

Although often offering a viable financial mechanism for landowners to manage land for nature, different types of landowners represented in this study remained sceptical of this approach for a variety of reasons.

Perceptions of green-washing and hesitancy to engage with large corporate polluters can deter private landowners and Environmental Non-Governmental Organisation (eNGOs) from engaging in the carbon market, where perceived bad practice may conflict with nature positive missions. In addition, this approach requires prescriptive land management, which prevents engaging with the land in other ways, and can therefore be off-putting for community or small-scale landowners who may wish to

allow for diversified use, for community use or income-generating purposes. The biodiversity market was viewed as having fewer negative associations, providing a voluntary market that is perceived to have longer-term and wider-reaching benefits than the carbon market.

*“And it does feel, in some ways, that you’ve got to kind of fence off your carbon stock and keep people out... and you are just managing the land for one single objective, for carbon. And we found, just going through the process, that you might make very different decisions if you were driven only by biodiversity and carbon was a secondary benefit.”*  
-Community Landowner Representative

### **Duration of Land Management Agreements can be off-putting for landowners**

Landowners and managers may perceive that the work involved in applying and meeting agreement criteria for shorter Land Management Agreements, such as the management agreements offered by NatureScot, many AECS schemes, and supplier contracts (i.e. those that are 5 years and less), outweighs the potential benefits of a scheme. Sometimes these schemes do not offer a significant financial incentive, and there can be a perception of over-inspection and 'red-tape' that is off-putting to landowners. At the other end of the scale, long-term schemes such as those that engage with the carbon market, conservation burdens, and standard securities can be off-putting due to the significance of the time commitment required. Private and community landowners, those who are more likely to have diversified and variable land use visions, reported a hesitancy to engage with long-term schemes, feeling that they would be trapped and unable to change plans in the future if their land was bound in a Land Management Agreement.

### **Entering into Land Management Agreements can be lengthy and complex**

The process of entering schemes and Land Management Agreements can involve a lot of time and effort, including complex legal processes. In cases of novel partnerships or land management agreements, where there is not necessarily an existing template, the process of reaching an agreement can take several years, with large time and financial costs. The perceived level of bureaucracy can deter landowners from engaging, due to a lack of time and expertise. Complicated legal jargon and processes can be a significant challenge to landowners and managers, but maybe supported through partnership working between expert organisations and landowners.

### **Conservation burdens: why is uptake limited?**

Conservation burdens provide a mechanism to ensure that land is conserved in perpetuity, however, uptake appears to be limited in Scotland. Modern conservation burdens originate from common law on real burdens in the 18<sup>th</sup> century, and were initially developed to regulate land use (Steven, 2020). In places where conservation burdens are in place, some interviewees praised them as a mechanism for safeguarding land, however, there was doubt amongst interviewees around the enforcement of this protection and monitoring compliance. Several interviewees were unaware of conservation burdens, and those who were often felt that they lacked knowledge of the of this approach to long-term land management. Hesitancy to engage centred upon the weight of committing land in perpetuity, the potential of reducing the value of land over time as it remains bound legally to a certain state, and the impact that this may have on future generations. Standard Securities were suggested as an alternative Land Management Agreement mechanism that may serve a similar purpose. They are a financial mechanism, linked to a contract, that ensures land is managed in a certain way in perpetuity. The legal mechanisms involved in Standard Securities are considered clearer, and failure to comply has more concrete consequences. However, both approaches

require a major commitment on the part of landowners, and this can be a disincentive (The Lifescape Project, 2023).

### **Agricultural tenants can be difficult to engage in Land Management Agreements**

Tenancies were implicated by several interviewees as a difficult tenure type to engage. On the one hand, shorter-term agricultural tenants are group with a potential lack of stability and agency concerning land use changes. Landowners may influence tenants' ability to engage with Land Management Agreements, and tenants themselves maybe less inclined to engage if there are uncertainties about the longevity of their stay. On the other hand, landowners have little influence over 'the secure 1991 Act tenancies', and are therefore unable to engage with Land Management Agreements, even when they want to, if their tenants are not willing.

## **3.4 Approaches to achieving 30x30 beyond Protected Areas**

### **Philanthropic land management is a key driver in managing land for biodiversity**

Value-based approaches to land management were indicated as having a major and largely overlooked role to play in achieving biodiversity enhancement. Philanthropic landowners are buying land with the main purpose of biodiversity protection or rewilding, and existing landowners are choosing to manage land primarily for nature and biodiversity. These informal approaches can be overlooked as contributors to biodiversity enhancement as they are not traceable through a formal scheme or financial mechanism. Finding ways to capture these philanthropic ventures could contribute to meeting the 30x30 target.

***“What is driving that [biodiversity enhancing practices] is not government policy, it's not economic return, it's a values-based approach.”  
-Stakeholder Agency Representative***

### **Changing management of sporting land could improve biodiversity in Scotland**

One interviewee highlighted that grouse moors and other land managed for sport shooting cover a significant area of Scotland. They suggested that sporting land in Scotland is currently managed as a 'monoculture' and that shifting towards less intensive management could have a significant impact in reaching biodiversity goals. Wildlife Estates Scotland (WES), however, suggest that sporting land that has been accredited as WES, could also be designated as OECMs, due to the similar criteria that both designations hold (Wildlife Estates Scotland , 2024). WES have highlighted that land with WES accreditation is managed for a variety of activities, including sporting, as long biodiversity and nature benefits are a demonstrable by-product of the land management approach (Wildlife Estates Scotland, 2024). Therefore, sporting land that is managed with a biodiversity enhancing approach provide potential opportunities for OECM designation (Wildlife Estates Scotland, 2024).

## OECS

Other Area Based Conservation Measures, geographic areas distinct from Protected Areas designated to deliver long-term biodiversity conservation under equitable management, are emerging in Scotland as a mechanism to meet the 30x30 target (IUCN, 2019). The majority of landowners that we spoke to had not heard of OECSs, although this is perhaps unsurprising, considering the early stage of their development. The interviewees highlighted several ways in which OECSs maybe identified or landowners encouraged to manage land in a way that would fulfil the OECS criteria, and therefore contribute to the 30x30 target; thus:

- OECSs should allow for flexibility in the way that goals are met. This should involve consideration of the scale of landholding, landowner and land tenure type. Allowing a range of routes that suit different needs is key to appealing to a range of landowners.
- Interviewees noted that many landowners are undertaking biodiversity enhancing activities that remain uncaptured by Scottish Government monitoring. Engaging in non-prescriptive mechanisms would require that a more diverse range of activities are recognised and considered for OECS status. This could be supported by a data repository that records a diverse range of conservation activities, an aspiration which may be progressed by the [Better Biodiversity Data project](#).
- Sufficient support offered for meeting goals. Our findings demonstrate that landowners are eager to manage their land in nature positive ways, and resources, whether that be the time and knowledge of experts or financial aid, will allow more land to be managed according to OECS criteria.
- Ensuring that policies, such as those that will be brought in by the Land Reform Bill, Agriculture and Rural Communities Bill and Natural Environment Bill are synergistic and give landowners a clear route forward for engaging with OECSs.
- Community engagement or participation, and honouring cultural connections to land, need to be a central component of Land Management Agreements (such as OECSs).
- Wildlife Estates Scotland (WES) offer an opportunity for land under this designation to be also designated as an OECS. The recent report by Scottish Land and Estates (2024), lays out the synergies between the criteria of both designations, highlighting WES suitability as land for OECSs (Scottish Land and Estates, 2024).

## 4. Conclusion

### Key Messages

- There are a wide range of Land Management Agreements in Scotland, offering a range of mechanisms that aim to aid biodiversity enhancement and appeal to different types of landowners.
- Key enablers and incentives for landowners to enter into such agreements include: flexibility, accolade, expert and financial support for small-scale and community landowners.
- Key opportunities to note are the financial input from private finance through the carbon market and an emerging biodiversity market; common grazing land that is currently limited in land use changes allowed due to crofting legislation; and philanthropic land management practices that enhance biodiversity and go unrecognised by current Scottish Government frameworks.

This report has set out the types of Land Management Agreements that exist in Scotland. The typology reveals that there is a wide range of mechanisms in Scotland, that landowners can engage with, formally recognising biodiversity enhancing activities and rewarding land management that protects nature. These range from agreements that can be renewed annually to those that once agreed last in perpetuity, from informal agreements to legally binding contracts. The range of agreements offer a variety of criteria that landowners' must meet and incentives to do so.

The findings highlight several key opportunities and challenges regarding voluntary engagement with Land Management Agreements. Flexibility and accolade are significant incentives for landowners entering agreements. Short-term schemes allow scope for adaptability but can be seen as an inefficient approach due to the relative burden of time and administration required, especially for small-scale landowners. Long-term commitments such as via the carbon market and and conservation burdens may discourage some landowners participation due to perceived restriction and permanence.

Partnerships between communities and landowners, or indeed community landowners and ENGOs, can foster sustainable land use changes, bridge gaps in resources, and align a diversity of objectives among the involved parties. Challenges in complex legal frameworks around crofting highlight the need for policy reform that will enable broader engagement among crofters in Land Management Agreements, particularly regarding private finance, and land use changes that will enhance biodiversity and protect nature.

Private finance is an emerging opportunity, but careful regulation is required to ensure that negative perceptions, such as green-washing, are avoided. Philanthropic efforts and informal biodiversity enhancing practices carried out by



private landowners play a significant, often unrecognised, role in protecting and enhancing the natural environment.

Encouraging flexibility within Land Management Agreement criteria, providing adequate advice and resources to landowners who are interested in entering agreements, and ensuring that policies enable a broad range of landowner types to engage in agreements could encourage further voluntary engagement in Land Management Agreements. Increased voluntary entry into such agreements will provide greater scope for land to be designated as OECMs, and therefore aid the route to 30x30.

## 5. Implications and Recommendations

Considering the opportunities and barriers that have been identified through interviews with key stakeholders and literature, this list of recommendations has been produced. These seek to create a policy landscape that ensures that Land Management Agreements are accessible to a wide range of landowners and that incentives enable more landowners to participate in agreements.

- Creating routes and platforms for increased collaboration between private and public landowners, communities and eNGOs could encourage landscape scale recovery, and joined up approaches.
- Funding is needed to incentivise and support land management changes. Especially for small-scale private or community landowners who may not have a diversified income stream, financial support will be key in allowing certain goals to be met.
- Another way to allow funding needs to be met is to ensure that income generation is built into meeting biodiversity goals. The biodiversity credit market appears to offer a credible route through which to do this, but this route may not be suitable for all landowners and therefore other methods should be considered.
- Further research is needed to uncover the scale and coverage of Land Management Agreements; this is strongly linked to the availability of land-use and tenure data ([Miller et al., 2024](#)).
- Wildlife Estates Scotland provide opportunity for land, that is already being managed with biodiversity enhancing approaches, to also be classified as OECSs.
- With private investment emerging as a key player in nature restoration processes, there needs to be increased transparency with communities on landownership, and clarity on how market frameworks will work and what level of support the government will provide. The development of the biodiversity market should be transparent and attractive to landowners and managers.
- Ensuring that government policy areas and policy across the public sector are joined in objectives and timelines. The new Bills – Land Reform, Agriculture and Rural Communities and Natural Environment – should be synergistic and not give mixed messages around land management.
- Ensuring that a thorough community engagement process – if not partnership – is encouraged to ensure that local and cultural knowledge is incorporated into land use change and management. This will help to ensure the sustainability of changes made.
- Ensuring that future policy and OECS frameworks are specific about the changes that should be achieved in order to protect nature, and these are communicated clearly and widely among all stakeholders.
- Policy change around Common Grazing land, and enabling routes for crofters to more easily engage with Land Management Agreements, while still receiving income from subsidies, is necessary to ensure that crofting land can contribute to 30x30. There needs to be clear guidelines for crofters wishing to engage in the carbon market, and how carbon credits could be managed among the

crofting community. This is highlighted in the recent [Crofting Consultation](#). The [Land Reform Bill](#) could also provide opportunities to address this.

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# Appendices

## Annex 1

All participants were sent Participant Information sheets prior to taking part in interviews.



### Project information

**Long term land management for biodiversity enhancement**

**Timescale:** Winter-Spring 2024

**Funding body:** Scottish Government, Rural and Environment Science and Analytical Services Division (RESAS)

**Version:** 23/01/2024

#### What is this project about?

This research seeks to understand how decisions about long-term land management relating to biodiversity are made. It also explores what tools exist to support the voluntary adoption of long-term land management approaches aimed at enhancing biodiversity. This research will pay particular attention to the interaction between land tenure and biodiversity outcomes. The research will seek to understand the interaction of different owners and institutions, and how these owners are meeting Scottish Government biodiversity objectives. In particular, the Scottish Government's [Biodiversity strategy to 2045: tackling the nature emergency](#) sets a goal for Scotland to be Nature Positive by 2030 and to have restored and regenerated biodiversity across the country by 2045 ([Scottish Government, 2022](#)).

This project is part of the five-year Scottish Government funded 'Scotland's Land Reform Futures' project (see: <https://www.hutton.ac.uk/research/projects/scotlands-land-reform-futures>), involving researchers at the James Hutton Institute and Scotland's Rural College.

#### How will information be gathered?

This research will involve a review of literature and interviews with policy makers, representatives of government agencies, and a sample of landowners (including individuals and organisations, crossing private, public, third sector, and community ownership models).

Interviews will seek to learn about motivations and objectives for different landowner types and land management approaches; how these objectives relate to biodiversity protection and enhancement; whether landowners have their own biodiversity enhancement targets, and what monitoring they undertake; and how local communities are involved in land management plans.

Finally, the interviews will consider the approaches available for voluntary long-term land management for biodiversity, including management agreements and/or the use of conservation burdens. Interviewees will be invited to share their experiences of such long-term land management approaches, the opportunities and challenges associated with different mechanisms, and other options for

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and other options for voluntary long-term land management.

#### **How will the interviews take place?**

The interviews will take place in-person, or over the telephone or a video-conferencing platform (e.g. WebEx) and will last up to one hour. They will be audio recorded and transcribed.

#### **Why should I take part?**

You have been invited as you are the owner of land (or represent a landowner) where a long-term land management approach is underway (e.g. a management agreement or conservation burden), a representative of the Scottish Government, a government agency (e.g. NatureScot), or a relevant stakeholder organisation (e.g. representing different types of landowners). Your views and experiences of long-term land management approaches for biodiversity enhancement would be a valuable contribution to this study.

We will report the research findings to the Scottish Government. You will be sent a copy of the report when it is finalised in Autumn 2024.

We anticipate that the main benefit of participating in this study will be the opportunity to learn about different long-term land management approaches (e.g. conservation burdens) and the perspectives of different landowners and key stakeholders regarding the opportunities and benefits of long-term land management agreements. This study has been designed to inform Scottish Government policy; therefore your participation will also contribute to this objective.

#### **Do I have to take part?**

Your participation is voluntary. You can withdraw at any time. If you agree to take part as an interviewee, you can choose not to answer a question(s), without having to give a reason. We do not anticipate any risks to you from your participation.

#### **Data confidentiality**

All data will be treated with full confidentiality and every effort will be made to ensure you are not directly identifiable within any publications. With your agreement, it may be appropriate to refer to your role or organisation within the final report, but no quotes will be directly attributed to you. Data will be stored on restricted-access, password protected secure systems through the James Hutton Institute.

#### **What if I want to withdraw?**

If you would like to withdraw your data at any point up until the publication of any outputs, please contact the researcher below.

#### **Who can I contact?**

If you have any questions at any time, please feel free to contact:

Acacia Marshall ([acacia.marshall@hutton.ac.uk](mailto:acacia.marshall@hutton.ac.uk)) – Tel. 01224 395443

Annie McKee ([annie.mckee@hutton.ac.uk](mailto:annie.mckee@hutton.ac.uk)) – Tel. 01224 395294 (until 1<sup>st</sup> March) or


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## Annex 2

Prior to being interviewed, all participants were sent a consent form and asked to return it.

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The James  
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Institute

**RESEARCH CONSENT FORM**

**Participant Identification Number:**

<b>Title of Project:</b>	Long term land management for biodiversity protection
<b>Principal Investigator:</b>	Annie McKee
<b>Study Number:</b>	James Hutton Institute Project code: KJHI-E3-1

**Please Initial Box**

I confirm that I have read, or had read to me, and understand the information sheet dated 23.1.24 for the above study. I have had the opportunity to ask questions and these have been answered fully and explicitly.	
I understand that my participation is voluntary, and I am free to withdraw at any time, without providing any reason and without my legal rights being affected, up until the publication of any outputs. If I choose to withdraw during or after the interview and up until publication, my data will be omitted.	
I understand the study is being conducted by researchers from The James Hutton Institute, and funded by the Scottish Government, Rural and Environmental Science and Analytical Services Division (RESAS).	
Any personal data collected via this consent form as well as the interview recordings and transcripts will be kept confidential within the research team and stored securely. I understand that while all efforts will be undertaken to anonymise my testimony and I will not be directly named in any published outputs, the content of my testimony might make me identifiable (i.e. it may be necessary to mention participants' roles and/or organisations in outputs).	
I understand that the interview will be audio recorded and transcribed.	
I agree to being contacted at a later date in relation to this study.	
I acknowledge that I have read and understood the privacy notice.	
I agree to take part in the above study.	

_____ Name of Participant (please print)	_____ Signature	_____ Date
_____ PI/Researcher Name (please print)	_____ Signature	_____ Date

## CONFIDENTIAL

### Privacy Notice

The James Hutton Institute ("Hutton", "us" or "we") will use your personal data for the purposes of the research undertaken in the project 'Scotland's Land Reform Futures' (see: <https://www.hutton.ac.uk/research/projects/scotlands-landreform-futures>). Hutton is the data controller in this sub-project of the wider Scotland's Land Reform Futures project.

Our lawful basis under the UK GDPR for processing your personal data is that this data processing is necessary for the performance of a task carried out in the public interest in relation to research funded by the Scottish Government (RESAS 2022-27).

For the purposes of this project, we may process the following types of personal data about you:

- Name
- Contact details (telephone number, email address)
- Any information we collect from you or hold about you as part of this research project, data collected during the interviews ii) project management documentation e.g., consent forms and iii) records of communications with you e.g., email correspondence.

Your personal data will be stored securely on the computer systems of the James Hutton Institute and any access to it will be password protected and restricted only to the project team.

If you have agreed for your online interview to be recorded, personal data captured within the recording are stored within the cloud service owned by the video-conferencing company. We have in place appropriate contracts with any third-party suppliers who may be accessing your data on our behalf to ensure that your data is being protected adequately. Your personal data may be transferred outside of the EEA and the UK by the video-conferencing company.

You have rights in relation to your personal data. Our main privacy notice: [www.hutton.ac.uk/terms](http://www.hutton.ac.uk/terms) explains in more detail how we handle your personal data as well as your rights. If you have any queries about your personal data, you can contact our Data Protection Officer on [dpo@hutton.ac.uk](mailto:dpo@hutton.ac.uk).

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Dr Annie McKee (Principal Investigator until 1<sup>st</sup> March 2024) / Dr Naomi Beingessner  
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## Annex 3

One Interview Guide is used for landowners and the other is used for policy makers, government agencies and other key stakeholders.

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### Scotland's Land Reform Futures – WP2 Biodiversity Interviews

#### Interview Guide - Landowners

##### Welcome and thanks to interviewee

Introduction to researcher and the project, including overview of purpose of interview within wider project aims.

Reiterate key points in consent form – e.g. anonymity of interviewees (i.e. through high-level analysis) and confidentiality of data but noting that it is not possible to guarantee complete anonymity because of the risk that organisations may be recognisable.

The purpose of this interview is to learn about the motivations and objectives of different landowners and their land management approaches; how these objectives relate to biodiversity protection and enhancement; whether landowners have their own biodiversity enhancement targets, and what monitoring they undertake; and how local communities are involved in land management plans.

Finally, the interviews will consider the approaches available for voluntary long-term land management for biodiversity, including management agreements and/or the use of conservation burdens. Interviewees will be invited to share their experiences of such long-term land management approaches, the opportunities and challenges associated with different mechanisms (from their direct experience or what they would anticipate), and what other options could be developed for voluntary long-term land management.

##### Interviewee role

Please can we start with what your role is at [landholding name]? What does this role entail?

What are the main objectives in the management of [landholding name]? Please can you describe the main motivations behind these objectives? [i.e. what are you/the landowner trying to achieve?]

##### Biodiversity objectives

[If not yet mentioned] Do you have any objectives with regard to biodiversity protection and/or enhancement on [landholding name]? Please can you describe these and the key drivers for these objectives? Do you have any targets associated with these objectives? How will you know whether or not you have achieved these targets? [i.e. what monitoring takes place on this landholding?]

##### Local community involvement

Please can you describe how local communities are involved with land management planning at [landholding name]? Do you anticipate making changes to community engagement in land management planning? [i.e. will measures anticipated in the forthcoming land reform bill lead to changes in practice?]

##### Long-term land management approaches/agreements for biodiversity

Please can you describe any long-term land management approaches (primarily for biodiversity) or other agreements that are under way at [land holding name]? [Examples could be: agri-environment schemes; management agreements with NatureScot; protected area status; conservation burdens.]

In your experience, what do you consider the key **opportunities and challenges** in establishing conservation burdens in Scotland? [If appropriate: How does this compare to other countries?]

Are there **other options [not yet discussed]** that exist or could be developed to incentivise landowners to undertake long-term land management for biodiversity? What are these options and how could they be supported?

[Prompt as above: seeking to understand institutional, financial, and/or social/cultural opportunities/incentives and barriers.]

#### **Biodiversity objectives**

If relevant/time available, the interview will also consider the motivations and objectives of different landowner types and their land management approaches; how these objectives relate to biodiversity protection and enhancement; whether landowners have their own biodiversity enhancement targets, and what monitoring they undertake; and how local communities are involved in land management plans.

What do you understand are the key motivations and objectives of different landowner types with regard to biodiversity? What are their key drivers? Are you aware of private/community landowners with their own biodiversity enhancement targets? What monitoring takes place on these landholdings?

#### **Local community involvement [can cut this section if time is short]**

Please can you describe/give any examples of how local communities are involved with long-term land management planning for biodiversity purposes? Do you believe that measures anticipated in the forthcoming land reform bill will lead to changes in practice?

#### **Future goals and vision [can cut this section if time is short]**

To conclude, please can you tell me about your ideal future vision with regard to biodiversity protection and enhancement? How can this vision be achieved?

#### **Thanks and interviewee close**

Do you have any final thoughts? Is there anything that you thought we would talk about that we haven't talked about yet? What is the most important thing you have told me today? What questions am I missing or should revise?

Thank you very much for your time [describe the next steps with the project].

## Scotland's Land Reform Futures – WP2 Biodiversity Interviews

### Interview Guide – Scottish Government policy makers, Government agencies, and other key stakeholders

#### Welcome and thanks to interviewee

Introduction to researcher and the project, including overview of purpose of interview within wider project aims.

Reiterate key points in consent form – e.g. anonymity of interviewees (i.e. through high-level analysis) and confidentiality of data but noting that it is not possible to guarantee complete anonymity because of the risk that organisations may be recognisable.

The purpose of this interview is to learn about the approaches available/utilised for [voluntary] long-term land management for biodiversity, including management agreements and/or the use of conservation burdens. Interviewees will be invited to share their experiences of such long-term land management approaches, the opportunities and challenges associated with different mechanisms (from their direct experience or what they would anticipate), and what other options could be developed for voluntary long-term land management.

If relevant/time available, the interview will also consider the motivations and objectives of different landowner types and their land management approaches; how these objectives relate to biodiversity protection and enhancement; whether landowners have their own biodiversity enhancement targets, and what monitoring they undertake; and how local communities are involved in land management plans.

#### Interviewee role

Please can we start with what your role is at [Scottish Government/organisation name]? What does this role entail?

#### Long-term land management approaches/agreements for biodiversity

Please can you describe the range of long-term land management approaches (primarily for biodiversity) or other agreements that exist in Scotland? [Examples could be: [agri-environment schemes](#); [management agreements with NatureScot](#); protected area status; conservation burdens.]

What do these approaches/agreements involve, and who are the agreements with?

What are your [experiences with regard to these long-term land management approaches/agreements](#)? What are the positives and negatives to landowners and for achieving wider biodiversity/environmental objectives (i.e. national policy)? What opportunities arise and/or challenges exist [with regard to these approaches/agreements](#)? [Prompt: seeking to understand institutional, financial, and/or social/cultural opportunities/incentives and barriers.]

[If not already mentioned:] Have you **any experience or knowledge of conservation burdens** in land management in Scotland? [If not clear on what is meant by a conservation burden, provide brief definition: a title burden where a landowner agrees with an external party that land will be used/managed in a particular way to further conservation [after Colin Reid, 2024]].

Are you aware of land holdings where conservation burdens exist, and do you know what the purpose of the burden is?



In your experience, what do you consider the key **opportunities and challenges** in establishing conservation burdens in Scotland? [If appropriate: How does this compare to other countries?]

Are there **other options [not yet discussed]** that exist or could be developed to incentivise landowners to undertake long-term land management for biodiversity? What are these options and how could they be supported?

[Prompt as above: seeking to understand institutional, financial, and/or social/cultural opportunities/incentives and barriers.]

#### **Biodiversity objectives**

If relevant/time available, the interview will also consider the motivations and objectives of different landowner types and their land management approaches; how these objectives relate to biodiversity protection and enhancement; whether landowners have their own biodiversity enhancement targets, and what monitoring they undertake; and how local communities are involved in land management plans.

What do you understand are the key motivations and objectives of different landowner types with regard to biodiversity? What are their key drivers? Are you aware of private/community landowners with their own biodiversity enhancement targets? What monitoring takes place on these landholdings?

#### **Local community involvement [can cut this section if time is short]**

Please can you describe/give any examples of how local communities are involved with long-term land management planning for biodiversity purposes? Do you believe that measures anticipated in the forthcoming land reform bill will lead to changes in practice?

#### **Future goals and vision [can cut this section if time is short]**

To conclude, please can you tell me about your ideal future vision with regard to biodiversity protection and enhancement? How can this vision be achieved?

#### **Thanks and interviewee close**

Do you have any final thoughts? Is there anything that you thought we would talk about that we haven't talked about yet? What is the most important thing you have told me today? What questions am I missing or should revise?

Thank you very much for your time [describe the next steps with the project].



## Contact and feedback

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