

**Scoping the classic effects of monopolies within  
concentrated patterns of rural land ownership**

**A Discussion Paper**

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# Land and the Common Good

## A discussion paper series on land reform in Scotland

This series is intended to stimulate informed discussion and debate on land reform in Scotland through the publication of independent papers on a wide range of issues from different perspectives. Its overarching aim is to explore the multi-faceted relationship between land ownership and land use in pursuit of the common good. The views expressed in the papers are those of the authors alone and do not necessarily reflect the views of Community Land Scotland.

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## Executive Summary

This discussion paper examines the classic effects of monopolies within concentrated patterns of rural land ownership as they relate to the economic and social wellbeing of communities living under that form of concentrated land tenure. On the basis of that analysis the paper provides an indicative framework for identifying key features of monopoly land ownership and its implications for local communities.

The neoclassical economics paradigm contends that the free market offers the best outcomes for society as a whole. Separately, it has been argued that land ownership is unrelated to land use.

This paper applies that neoliberal economic paradigm and associated theories to refute the argument that land use is unrelated to land ownership. It also introduces the management of land as a related factor within the analysis as management is integral to how the fundamental natural resource of land contributes to our economy and society.

In economic terms, land is a factor of production but also a commodity, a good, a service. Concentrated ownership, however, often means many of the normal rules and assumptions of the land market apply only weakly, and this is especially so in rural Scotland. Economists consider the value of factors of production – capital, labour and land – in terms of what are the values of the other uses they could be applied to. This value is referred to as their opportunity costs. The alternative uses of land are affected by a variety of elements of supply and demand, and so the opportunity costs of land differ according to an array of local characteristics, including location, quality of soil, access, and services.

Specific use of any plot of land is also influenced by the quality of management; however, land use and management are driven not just by economic values but also by what are called 'subjective attachment values'. These are the values owners put on owning the land over and beyond the economic values they can extract from the land in terms of producing crops, letting property, attracting subsidies, etc. As these values are often divorced from economic drivers, there can be negative impacts on communities and society as the owners pursue their own non-economic market objectives.

According to economic theories landowners do not pursue the best use of land when they attach subjective values to their own ownership exclusive of others: as they argue that

running deer and grouse estates actually costs them money, their ownership is for the 'consumption of leisure'. The set of outcomes derived from such consumption is sub-optimal for the economy, for society and for the long-term health of the land itself.

The capacity of landowners to undertake non-economic activities on their land and to gain satisfaction from owning land apart from any income generated from that ownership is inconsistent with the neoclassical economic assumptions of maximising profits and working the land to optimal efficiency and output. This can only happen because of private property rights; and critically, these are protected by law. However, it should be noted that such protections are not absolute.

It has been accepted across the UK and Europe for many decades that systems of land use planning and regulation are needed to ensure that these private interests are not at the cost of the wider interests of the economy and society. However, existing legislation and interventions are weak ways of controlling and overcoming the domination of private property rights in cases of concentrated land ownership. This especially applies when no changes are proposed to existing use and management of land.

In these circumstances, under a market system, significant concentrations of land ownership can then allow disproportionate power and control over communities and local economies, which can hinder inclusive growth and wider sustainable development objectives. Within a market economy, the capacity of private landowners to not pursue efficient and optimal use of land is largely protected by their private property rights and leads to outcomes which are inefficient in economic and social terms.

Owners of large estates with monopoly powers over land and related resources and activities may therefore generate economic and social outcomes which are damaging to the community, to the national interest and to the environment by not acting as neoclassical economic theory presumes - profit maximisation, and the pursuit of economic efficiency and satisfaction.

Monopoly powers over land, e.g. through exclusive ownership over a large estate, can therefore lead to market failures leading to sub-optimal outcomes for all. Further, analyses of the rationales for concentrations of ownership do not identify countervailing benefits in the form of economies of scale and scope in land use and management which might balance

the disadvantages of monopoly control. Thus, it is difficult to identify, far less achieve, overall benefits to society or to the economy from concentrated landownership.

It then follows that in building resilient communities and economies it is essential that there are public policy interventions to ensure that land is owned, used and managed to the benefit to local communities and to society as a whole, balancing competing needs and realising synergies between alternative and complementary activities. It is in the public interest to ensure that these communities are not left to suffer from market failures both to their detriment and to that of society as a whole.

This paper provides an indicative framework for identifying key features of monopoly land ownership and their implications for local communities. This framework is a tool which offers a set of possible positive and negative impacts of monopoly powers when applied to land and should support communities, agencies and others in decision-making. By identifying impacts of monopoly ownership of land and potential implications for local communities experiencing such conditions, the framework's application should allow such interested parties to systematically consider the implications of concentrations of ownership, use and management in delivering sustainable land use outcomes.

The framework is intended as a basis for further discussion and refinement for practical application and to assist future policy development to diversify the pattern of land ownership in Scotland that is consistent with Scotland's commitment to pursuing the UN Sustainable Development Goals. Such development should consider deploying an appropriate range of public policy instruments, including legislation, fiscal measures and further strategies for community empowerment through land reform.

## 1. Introduction

### Land and Sustainable Development

In contrast to the predominant small scale and diversified ownership of land across Europe, it has long been recognised that a disproportionate share in Scotland is in the hands of a very few individuals and other bodies. It has been estimated that 1,125 owners hold 57 per cent of Scotland's rural land (Hindle et al., 2016), Andy Wightman's research suggests just 432 individuals own 50 per cent of Scotland's privately-held land, while public bodies, including the national forest estate, Ministry of Defence and publicly-owned crofting estates account for 12.6 per cent. Conservation bodies such as the National Trust for Scotland, the Royal Society for the Protection of Birds and the John Muir Trust have acquired significant land holdings and in aggregate the eight largest own 2.6 per cent of Scotland's land area (Dalglish, 2018). Although community ownership has been growing since the early 1990s, it still accounts for only about 3 per cent of the total land area of Scotland (Dalglish, 2018); the most recent Scottish Government data indicates that 209,810 hectares (518,451 acres) were under community ownership in 2018 (Scottish Government, 2019). Wightman (2018) has identified 750,000 acres of Scotland being owned in tax havens 'posing problems for law enforcement and tax authorities'.

Within the context of these concentrations of land ownership in the hands of a few private individuals, Non-Governmental Organisations (NGOs) and state bodies, there have been reports on the implications of such monopoly powers for sustainable community development and for economic and social opportunities. In a report commissioned by the Scottish Land Commission, Glass, McMorran and Thomson (2019) have reviewed the literature and research on *the effects associated with concentrated and large scale land ownership in Scotland* which complements the Commission's own '*investigation into the issues associated with large scale and concentrated land ownership in Scotland*' (Scottish Land Commission, 2019). Both these reports pay due recognition to Peacock's (2018) separation of the different dimensions related to large-scale and concentrated land ownership. The pattern of 'ownerships of scale' (large landholdings) concentrates ownership into relatively few hands as noted above. Regardless of the scale of ownership, power over decision-making is concentrated within the boundary of that ownership and sits with a single person, NGO or body of the state (Glass et al., 2019). In responding to these

reports on monopoly powers over and derived from land, Scottish Land & Estates, the membership organisation of larger private landowners in Scotland, argued that how land is used and managed should be the focus of attention, analysis and any intervention to promote effective and efficient economic development (Laing, 2019); others have prioritised fairness, equality and the fulfilment of human rights (Peacock, 2018; Glass et al., 2019).

This linking between land ownership, use and management within an explicit context of 'sustainable development' generates the opportunity to strengthen the transition to a more sustainable economy and society through broader and deeper relations between people and their land. This is consistent with Scotland's National Performance Framework (Scottish Government, 2018a) which aims 'to reduce inequalities and gives equal importance to economic, environmental and social progress' to:

- create a more successful country.
- give opportunities to all people living in Scotland.
- increase the wellbeing of people living in Scotland.
- create sustainable and inclusive growth.

Outcomes of the National Performance Framework are to be 'aligned with the United Nations Sustainable Development Goals' (SDGs). In exploring 'Land and Sustainable Development Goals', the United Nations has argued that:

*The 2030 Agenda for Sustainable Development puts a strong emphasis on the integrated approach to achieving SDGs that can harness synergies and minimize potential trade-offs. Land can play an important part in accelerating the achievement of many SDGs. Maintaining and restoring land resources can play a vital role in tackling climate change, securing biodiversity and maintaining crucial ecosystem services, while ensuring shared prosperity and well-being. Healthy and productive land can play an unparalleled role as an engine of economic growth and a source of livelihood for billions worldwide, including the most vulnerable populations. (United Nations, nd)*

As elsewhere across the world, the link from global to local, from United Nations SDGs down through Scottish institutions to communities, is seen as an essential means to achieve

economic and social aims and objectives through an integrated approach. Tenure is identified as a critical element in fulfilling these goals and, although the work of Kasimbazi (2017) for the UN focused on the developing world, the analysis, policies and practices transfer to the Scottish context.

As several commentators have argued, land reform in Scotland is a process and the Land Reform (Scotland) Act 2016 'represents another important step forward in Scotland's land reform journey' (MacLeod, 2019). Of notable significance, recent policy and legislation developments have included amendments to the existing Community Rights to Buy, specifically an extension to cover 'Abandoned, Neglected and Detrimental' land which has adverse environmental impacts on the wellbeing of local communities, without the need for a willing seller. Within the national context of encouraging sustainable development (Scotland, 2018a), the 2016 Act also introduced 'a Land Rights and Responsibilities Statement to help inform policy and practice around land issues in Scotland; a register of controlling interests in land; guidance on engaging communities in decisions relating to land which may affect them; a new Community Right to Buy land to further sustainable development, again without the need for a willing seller; and creation of a Scottish Land Commission' (MacLeod, 2019). Tasked with assessing the effectiveness of laws and policies relating to land reform, offering advice and guidance to support change, the Scottish Land Commission has published a recent report on mainstreaming community ownership as a way of undertaking development and regeneration (McMorran et al., 2018).

### [Aim and objectives of the paper](#)

The aim of this discussion paper is to examine the classic effects of monopolies within concentrated patterns of rural land ownership as they relate to the economic and social wellbeing of communities living under that form of concentrated land tenure. The paper is both timely and apposite given the evolving nature of Scotland's land reform agenda, recently published recommendations by the Scottish Land Commission on community ownership and on scale and concentration of land ownership in Scotland, and linkages with the Scottish National Performance Framework which itself integrates the UN's Sustainable Development Goals.

The importance of land reform to post Covid19 recovery and to supporting a just transition to a net zero economy to address the climate emergency have been highlighted in several

plans and reports this year. In particular, the Just Transition Commission's 'Advice for a Green Recovery' noted the *importance of community involvement and land tenure in managing land use changes*, as part of the economic renewal (2020, p21), and this followed the evidence from Community Land Scotland (CLS) which contended *that land reform has a crucial strategic role to play in delivering economic recovery based on genuinely sustainable development*. (CLS Submission to the 'Green Recovery Engagement: Rural Economy session', July 2020).

To help inform the development of policy to counteract the negative impacts of local land monopolies on communities, this paper first reviews the academic literature on land as a resource for sustainable development and the relationships between land ownership and land use. Traditionally, as exemplified by Kasimbazi (2017), this has been largely based on experiences, structures and practices in developing countries; however, there is a theoretical and empirical body of work that can be drawn upon for considering the role and place of land in contexts such as Scotland.

Section two considers the extensive literature on monopolies and monopoly powers from a theoretical perspective and then explores this with regard specifically to land and land resources, covering monopoly power in ownership, use and management. There has been much work examining how these different aspects of monopolies impact and influence lives and economies in Scotland and internationally, so that experiences and practices in Scotland and elsewhere can inform this research. In section 3 the theoretical implications of concentration and scale in land ownership are assessed to understand the apparent consequences of monopoly powers (Glass et al., 2019) and the potentials for enhanced contributions to sustainable development from greater diversity of ownership (Thomson et al., 2016).

These two sections establish the basis for an indicative framework contained in section 4 which identifies key features of monopoly land ownership and their implications for local communities. The framework is presented as a tool which offers a set of possible positive and negative impacts of monopoly powers when applied to land and is therefore intended to support communities, agencies and others in decision-making. By identifying impacts of monopoly ownership of land and potential implications for local communities experiencing such conditions, the framework's application should enable such interested parties to

systematically consider the implications of concentrations of ownership, use and management in delivering sustainable land use outcomes. As such, the framework is intended as a basis for further discussion and refinement for practical application and to assist future policy development to diversify the pattern of land ownership in Scotland that is consistent with Scotland's commitment to pursuing the UN Sustainable Development Goals.

The paper concludes with a summary of the main themes emerging from the preceding discussion and recommendations for further action.

## 2. Land as a resource for sustainable development and the relationships between land ownership and land use

This section offers a brief overview of land's central importance as a resource for sustainable development and the relationship between land ownership and land use in that regard. This has been undertaken through accessing online and other university and official depositories, libraries and databases. It offers a review of the academic theoretical and empirical literature on 'land' and its uses and role in development. Reference is made to studies and official documents on sustainable and inclusive development, especially as these relate to land use, ownership and management.

### Some important concepts: opportunity cost, property rights and externalities

First, to understand and explore the economics of land, it helps to apply some key concepts: opportunity cost, property rights and externalities. These are basic to undertaking economic analyses as they deal with some of the underlying assumptions in the operations of land and property markets. In considering the use, management and ownership of land in Scotland, and in rural Scotland especially, how owners of large estates value their land, what spillover and other effects their uses and conduct have on neighbours' enterprises and activities, and what potential is lost through their own exercise of powers and controls are all critical to understanding and determining whether concentrated ownership – whether private, state or held by charities and other not-for-profit bodies - is promoting or curtailing sustainable and inclusive development.

Some have argued that land use and management should be the focus of analysing the impacts of monopoly powers, rather than ownership itself (e.g. Laing, 2019). From the perspective of those who prioritise property rights and the efficiency of the market as the best way to organise and deliver economic outcomes, there is a need to consider the underlying economic arguments about economies of scale and scope offered by concentrations of ownership to justify their philosophical and practical beliefs. Fundamental to their arguments then must be that land is used and managed in the best possible way under large scale ownership and so in this context the 'land question' in Scotland revolves around whether any potential is being foregone because the current owners pursue certain

activities and not others<sup>1</sup>. Economists address such questions of alternative uses with the concept of ‘opportunity cost’: “the loss of potential gain from other alternatives when one alternative is chosen.” This approach deals with ‘scarcity and choice’, the rationale for the science of economics, and is essential in ensuring that scarce resources are used most efficiently. Opportunity costs are not restricted to monetary or financial costs but also may cover production not undertaken, benefits not realised, pleasures not taken, and any other alternative use. Alternative uses of land may be considerable and so the opportunity costs are dependent on which of these offers the greatest utility or social benefit.

The extent to which the particular owners of land can make choices over how to use that land is determined by their ‘property rights’. These are theoretical socially-enforced constructs for determining how a resource or economic good is used and owned (Alchian, 2008a). Resources can be owned by and so be the *property* of individuals, associations or governments (Alchian, 2008b), and in turn these property rights are an attribute of any economic good. It is suggested this attribute has four broad components and is often referred to as a bundle of rights (Klein and Robinson, 2011): the right to use the good, the right to earn income from the good, the right to transfer the good to others, the right to enforce property rights. The relevance to land ownership in Scotland is clear: the owners of plots or estates of land have the right to use their land, within planning regulations and other regulatory (e.g. environmental) constraints; to rent it out or otherwise use to make profits or, critically, not to use it; to sell the land to whomever they wish; and they have the right to enforce these rights. However, it should be noted that these property rights are not absolute. They can legitimately be interfered with by the State, within the context of the European Convention on Human Rights, in limited circumstances.

A significant issue then arises if the owners of land exercise their property rights to undertake activities on their land which are less than fully beneficial to wider society. This could either be because they do not adopt the concept of opportunity costs and so do not release the land for its best use, or there are impacts of their activities which are not captured in market prices. In this context, ‘best use’ would be the use or uses of land that

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<sup>1</sup> Critically, in a report commissioned by Scottish Land & Estates (Hindle et al., 2014), the conclusion was that: “there is added value in the diversity of activity, in land management at a landscape scale and that scale and size leads to greater total outputs and impacts. However, no counterfactual scenarios were examined to corroborate this assertion” (p. 9).

is/are socially optimal – offering the greatest economic utility whether measured by income, output or sustainable development; crucially all market and non-market costs and benefits are included. This latter feature of market economies: incorporating all the economic impacts whether recognised through the market or not, means that ‘externalities’ are made explicit in analysing economic activities. Assessing land uses, management or performances without considering externalities, which are forms of market failure, means that activities and outputs may not be at the levels that are best for society. Generally decisions on what and how much is produced made purely according to the private interests of owners which ignore wider social and economic impacts will not be optimal for the community; with under- or over-production there is either a failure to meet full job and enterprise potential or unsustainable levels of production, respectively.

Externalities are defined as the spillover effects of the consumption or production of a good that are not reflected in the price of the good, that is all the costs and benefits to society and the economy are not fully represented by the price in the market. A negative externality (or ‘external cost’ or ‘external diseconomy’) is where costs are imposed on unrelated third parties from production of a good or service. A positive externality (or ‘external benefit’ or ‘external economy’ or ‘beneficial externality’) is where such a third-party gains from production without being involved in a market transaction. Underusing the land by overburning heather in dedicating it to grouse moors could be forsaking possible positive externalities for adjoining beekeepers through loss of biodiversity, while allowing wild deer to invade crops on neighbours’ crofts could be instances of negative externalities.

### Land in economics

Land has long been recognised as one of the basic factors of production in economics, along with labour and capital. However, in many texts and approaches, following Von Thunen (1826), land is regarded as ‘simply a factor input in the production process, just like any other production factor, except for the fact that land payments are viewed as being residual’ (McCann, 2001: 97). Rent paid for the use of the land therefore has been reduced to just another part of capital costs, it is diminished in its importance from being at the core of analysis. This treatment of land is based on the Ricardo (1821) approach, and the analytical framework that proceeds from that reverts to considering fairly simplified

neoclassical models of fixed supply of land, with land allocated according to whomever offers the highest rent.

These system-defining assumptions, simplified to allow modelling, are then often relaxed to move closer to the real-world model. Many of the subsequent elaborations from the basic microeconomic model are then applied to urban land locations, despite the classical treatment of land being focused on agriculture use. As should always be the case when developing the neoclassical economic model further or indeed the models of other paradigms, the assumptions are then relaxed to reflect the realities of the actual urban or rural economy. The price or 'bid-rent' of land in these more realistic models indirectly reflects the quality or appropriateness of particular plots of land for different sorts of production and activity. The alternative users of the land: typically different industrial sectors and households, through interactions between their respective demand and cost functions are presumed to determine what will occupy which location. And so the market allocates efficiently according to the laws of supply and demand, with land supply perfectly elastic at each location. If the market is working properly and has no externalities, that is; but the reality is often removed from this theoretical set of assumptions.

McCann (2001: 121) begins to explore these complications by introducing the complexity of patterns of land ownership into this picture in terms of both the quantity held by individual owners and the length of tenure. Before exploring the implications of dominant landholding within a locality in the next section on monopoly and monopoly powers, the possible influence of size of estate on how owners might value their land is discussed. Scale of land holding is considered as important, therefore, and needs to be considered in its wider economic geographical context as a further dimension of concentration.

In urban and peri-urban areas, concentration of ownership locally is often considered in the literature and policy concerns in terms of landbanking, speculative holdings, and other anti-competitive practices. Planning and other forms of regulation and control can be expected to limit the powers of large-scale landowners to have undue influence on the town or city. By contrast, following Peacock's analysis of the significance of concentration of ownership for rural communities in constraining powers over local development, housing, planning etc. (Peacock, 2018), Glass et al. (2019) recognise the need to undertake this contextualisation but then struggle to progress this agenda. The lack of comprehensive data on land

ownership (Glass et al., 2019, p25) means they have had to rely upon anecdotal reports from landowners on their activities, plans and relations with communities to determine how scale and concentration might be interlinked and reinforcing. Glass et al. (2019) have been unable to take forward these aspects of the analyses of Hindle et al. (2014) and Thomson et al. (2016) so that there remains a need to explore the implications of concentrated powers on place-based communities as suggested by the theory of monopolies.

Compared with the analyses, experiences and practices regarding land observed in metropolitan areas, for holders of rural land, the focus is often more attuned to the classical discussion of supply, demand and opportunity cost – normally of the lost profits from not selling the land. This becomes more complex when time is introduced to the decision-making of the landowner: an owner holding land for longer may gain some “subjective marginal ‘attachment’ value to the land” (Dynarski, 1986, referenced in McCann, 2001: 122). This characteristic of land as a factor of production but also as a good or service for consumption generates issues that do not apply to other factors (labour and capital). Such findings are reflected across the social sciences, with the ‘love of the land’ examined in Australia where Baldwin et al. (2017) conclude that:

- Rural landholders form strong affective attachment to their own properties.
- Person-place interaction leads to attachment to place.
- Reflection on strength of attachment surfaces under threat of loss of place.
- Attachment is enhanced through learning and understanding the landscape.
- People-place relationships demonstrate social-ecological systems and reinforce and build social resilience.

These are powerful themes and echo the sentiments of many in land reform movements around the world. As many historians and others have noted, these apply not least about attachment to the land in parts of Scotland and Ireland; for instance, Houston (2012: 255) has recalled William Marshall from the late 18<sup>th</sup> century:

*The present race of inhabitants, it is true, have an extraordinary attachment to their native soil; but this is a species of attachment which cannot be formed by a stranger; whom it might be found difficult to induce, hereafter, to take up his abode in a depopulated, neglected, mountainous country ... Hence, to*

*depopulate the country, in its present state, would not only be cruel, but impolitic.*<sup>2</sup>

These words were written of course before the Highland Clearances. That subsequent period in Scottish history highlights the transition to a landlordism based on power and control. Although directed at the urban environment, but apposite in the case of landlordism in rural Scotland, Lefebvre (1991: 21) argued that land could not simply be codified in abstract market terms:

*(Social) space is a (social) product ... the space thus produced also serves as a tool of thought and of action ... in addition to being a means of production it is also a means of control, and hence of domination, of power.*

This extension of the (neo)classical market value of land suggests that decisions over selling land will be influenced by the opportunity cost (what someone is willing to pay to take over this plot) minus any subjective 'attachment value'. But, as Lefebvre and many in rural Scotland recognise, exercising the property rights over their land also invests the landowner with powers and control. As many will acknowledge, subjectivity in valuing land, and its derivatives of landscape, scenery, and so forth, is applied in commentaries on estates, sales and matters of custodianship<sup>3</sup>. Also, the additional features of empowerment are less considered by economics, and indeed are different from the other factors of production. Land is therefore endowed with characteristics that make it qualitatively and quantitatively beyond other factors, goods and services. As Davy (2012) points out, land is highly distinctive in terms of ownership, tenure, use and development potential. Professor Greg Lloyd (2015), a long-term commentator on land and planning, applies this definition to note how this contrasts with the neoclassical description of land offered above. Further, Lloyd highlights that it has 'floating potential development values, is of variable quality, is dominated by private interests but carries with it a complex of communal, social and public property interest' (Lloyd, 2015: 29).

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<sup>2</sup> W. Marshall (1794) *General View of the Agriculture of the Central Highlands of Scotland*, printed by T. Wright, London, p.52. <https://catalog.hathitrust.org/Record/008430540>

<sup>3</sup> Not uncommon are such descriptions as : *House lies at the core of the estate surrounded by a rich tapestry of beautiful trees and parkland from which fine vistas over the surrounding countryside can be enjoyed;*

## Institutional interests and public interests

These wider sets of institutional interests contrast with the private property interests acknowledged in the market economy. Lloyd (2015) forcibly argues about the contrast between these wider social concerns and the 'embedded property rights, power relations and vested interests' secured by private ownership. Land is different and presents a 'challenging operating context for securing regulation and forward planning' in the interests of society and the community. In technical economic terms, there has been a transition of land from being a measure of productivity to being the location for land and property development and debates related to these activities (Bleischwitz, 2001). Land has moved from being space for production to a commodified market resource, with inherent conflict over wider public interests.

Recalling William Ogilvie advocating rethinking landownership and control in Scotland in the 1780s, through to writings from the 1990s, Lloyd questions why private property rights have come to dominate over wider public interests, and why the land use planning system has struggled to overcome these deeply embedded vested private interests. Recalling the social and political environment in the late 1940s, Lloyd traces the expectations and waves of understanding and intervention in favour of prioritising the national and public interests of reconstruction after the Second World War; he then explores the retreat from such active policy by addressing the periods of growth in a dysfunctional and unequal regional geography of the 1950s; finally his analysis turns to the exacerbation of the trend to private interests trumping public interests through the rise of neoliberalism. These later times have diminished the recognition, relevance and power of the public interest; strategic thinking and planning have lost out to the private and development rationales for growth.

Underpinning the practical and policy domination of land developments by private interests in recent decades, ideological and philosophical shifts to libertarianism, short termism, policy fragmentation and thinking have come to dominate agendas in the UK (Judt, 2010; Sandel, 2012; Elliot and Atkinson, 2012). 'Decision making is overwhelmed by monetised values and templates' (Lloyd, 2015: 32). Land planning and strategies in Scotland reflect the forces driving these evolutions in the UK, as can be discerned in many other European economies including those formerly with apparently entrenched community land ownership. But, against the backdrop of a long history of dominant landlordism in Scotland,

counter forces have been evolving in the opposite direction challenging the concentration and scale of ownership (Bryden and Geisler, 2007; Elliot et al., 2014; Hunter, 1976).

In contrast to the private ownership dominating Scotland's land, the Nordic countries have maintained small scale and community use, management and control through their ownership (Jones and Olwig, 2008; various country chapters in *McSmörgåsbord* edited by Riddoch and Bort, 2017). Halley (2017) and Mønness and Arnesen (2012) both recount how Norwegian farms are mostly family-owned, with nearly all forests associated with these small units. As well as timber, those forests are also used for fuel harvesting, hunting, grazing, recreation, foraging, and associated complementary activities. To inherit a farm, families must reside locally, use it as the main residence and work it for five years (Mønness and Arnesen, 2012). Absentee landowners and conversion of farm houses into holiday homes are avoided by such practices and laws. Farmers markets, the circular economy and population density are all nurtured and enhanced in this environment to a much greater extent than in Scotland (Halley, 2017).

Following these and other economic analyses of rural communities in the northern periphery of Europe, it has been confirmed that the management and contextualisation of property rights allows positive externalities to be pursued and realised naturally in these Nordic countries, generating sustainable inclusive economies and societies.

### Summary

Land is unusual in economics as it uniquely has characteristics of a factor of production and of a consumption good or service. While theory often considers it to be homogenous, in reality it varies in terms of quality, productive capacity, uses and location, so that its value varies over time and space according to other markets and factors. Owners of land may decide not to seek to reap the full opportunity costs of the land because of an attachment to the land, or to the powers and controls it gives in the economy and society. Property rights over land can allow the generation of negative externalities for others in the community or location, while unrealised positive externalities may lead to restrictions in development and potential. Means to overcome some of these limitations on improving the economic and social wellbeing of the locality and nation may be only partially successful as planning regulations and controls have been overtaken by forces encouraged by neoliberalism and private interests rather than the common good.

### 3. Monopolies and monopoly powers: application to land ownership, use and management

This section presents a discussion of the classic effects of monopolies and their potential manifestations and negative impacts within the context of land ownership monopoly. The economic, management and policy literature on monopolies and monopoly powers is reviewed and their relevance and application to the specific case of land ownership, management and use is explored. While monopolies may theoretically arise from 'natural' circumstances, offering economies of scale and scope, these tend to be exceptional and the limits and conditions for identifying negative and positive impacts are highlighted.

#### The creation, maintenance, costs and controls of monopolies

In a market situation, a monopoly is where one business or a group of businesses collaborate to control the supply of a good or service, and where new entrants are prevented altogether from challenging in the market or are highly restricted. With no effective competition, this allows the monopolist to raise prices and restrict output to make excessive profits. There are a series of other economic problems generated by monopolies: so-called allocative, productive and X-inefficiencies which all lead to output and costs not being at the optimal levels for society as a whole, echoing some of the negative effects of land owners not following economists' assumed patterns of market behaviour discussed in the previous section.

Being able to control the market and with no other enterprise able to enter the market, the monopolist need not be responsive to their customers, offer but limited choices and have no strong reason to innovate. Suppliers of goods, services or labour may also be faced with low prices or wages for their products when they face powerful monopoly buyers (monopsonists), exacerbated in small local markets.

The conditions necessary to establish such powers may be due to significant economies of scale where the marginal costs of production decline as output increases so that the whole market can be supplied at a price no other entrant could meet: this is a 'natural monopoly'. Unspent patents, supreme technological advantages, unfair trade practices and other reasons may also give a business monopoly powers.

Limits on the powers of a monopolist can come from imports, the exhaustion of copyrights or patents, entrants with new technologies. Sometimes governments intervene to capture the economies of scale of a natural monopoly through nationalisation, as in the case of large scale hydro-electric schemes in the years after the Second World War, with elements of land reform legislation potentially a means to counter land ownership monopoly, analogously through encouraging community renewable energy projects rather than large-scale wind farms; notably, the converse approach has been pursued in recent decades to the detriment of consumers in monopolies such as utilities, telecoms and railways, for example. Within the restrictions of State Aid rules and the application of single market regulations, land reform measures - such as requiring owners to farm agriculture land productively regardless of their place of residence - and the protection of traditional land use and management practices have been applied to limit monopoly powers (Mønness and Arnesen, 2012). Similar arguments may apply when there are economies of scope where it is cheaper to produce a range of products rather than each separately. Where there are significant economies of scale or scope, the state may seek to break up the monopoly into two or more businesses so that customers continue to benefit from sales of goods and services produced at lower costs than if there was greater competition by more firms.

In many of the causes, outcomes and disadvantages of monopolies there are reminders of the effects of private property rights, negative externalities and opportunity costs when these are applied to evaluate land markets. To explore how all these factors and drivers play out in determining the impacts of concentrations of ownership over land and property in Scotland, it is necessary to consider and interpret each within this specific institutional environment and context.

### Monopoly and land ownership

In the earlier section on the economics of land, the potential costs and disadvantages of misuse, underuse and mismanagement of land were noted, contrasting these with the market system protection given to private property rights. Under these conflicting forces and drivers, the capacity and application of planning and controls to protect society and strive for the greater common good have been weakened over time, and so there is a powerful basis for re-asserting the underpinning rationales of the public interest and the common good. The counter argument to the need for land ownership to be managed to

reduce social costs and disadvantages caused by negative externalities and mismanagement has been that market forces should overcome many of the issues inherent under private ownership. Underpinning such a defence of landlordism are assumptions about the openness of markets, the behaviour of owners to maximise their 'utility' through pursuing every profitable opportunity, the marginality of externalities, and so forth. As discussed, however, where there are monopoly powers and characteristics then most assumptions must be relaxed, with consequences for the local economy, other players in the market, and with unrealised potential constraining the ability of the community to grow and develop.

Problems can be identified for local economies where landlords do not meet the assumptions of selling up when alternative uses are presented (that is, responding to offers that meet the opportunity costs of their holdings as neoliberal economics assumes). Similarly, there are instances when negative externalities are imposing costs on local communities and enterprises but there is no market mechanism for these costs to be collected by those adversely affected. In both of these economic situations, the failures of the market are exacerbated under conditions of monopoly, in terms of concentration and scale of ownership. Theory suggests that consumers face higher prices, lower availability of goods and services, and less choice when there are few or only one supplier: for those in rural and remote locations, control over many dimensions of the local economy follows naturally when the estate is in single hands. Plots to build houses and businesses, access to natural and human resources, nowadays provision of digital and other utilities may all be restricted by the gatekeeping and essential accommodating role of the landowner. The lines can be easily drawn from the theoretical impacts of monopoly power to the reality for small communities when power is retained by a dominant land owner.

Without serviced and available industrial and business sites and opportunities outwith the control of a monopoly landowner, entrepreneurs face monopsony powers over their freedom to establish enterprises, to distribute and sell their produce and, like consumers, lack of choice over market decisions. The numbers and sorts of businesses set up in some of the community land buy-out areas in recent times illustrate how lifting the heavy restrictions of single private ownership of the basic factor of production – land – can generate and release a high degree of enterprise and entrepreneurship locally.

## Economic efficiencies: diversity and concentration

These considerations of the costs of monopoly land ownership are fairly understandable and intuitive. To examine how the other characteristics, advantages and disadvantages of monopoly powers can impact on communities and society more generally, it is necessary to analyse the more technical issues of allocative, productive and X-inefficiencies. These are not unrelated to the threat that large estates may also suffer from diseconomies of scale, raising costs to the economy overall and wasting resources.

Fundamental to claims and theoretical propositions that the market offers the best outcome are assumptions that economic actors – producers and consumers – seek to maximise their profits, incomes, etc. If any do not, then the system needs to be re-evaluated to see whether a better solution to allocating scarce resources and optimising choice is possible. In the case of using and managing land, as discussed earlier there should be the pursuit of the highest set of outputs for a given level of available inputs. Research was commissioned by the Scottish Government (Thomson et al., 2016) ‘to offer some insights into the local impacts of differing scales of rural land ownership in Scotland on social, economic and environmental outcomes’. However, the remit was fairly restrictive as crofting and community ownership were not studied so that most areas in the Highlands and Islands were excluded. Also as agricultural tenure was not a principal focus of the study, agricultural tenants were only considered at the margins of the research. As has been argued above, their conclusions confirmed that, as well as land ownership, interactions of other factors ‘have a very strong bearing on local development’. Nevertheless, it was revealed that communities with ‘fragmented-ownership’ (a more neutral term may have been ‘diverse ownership’) exhibited ‘higher agricultural output and higher population growth than concentrated-ownership parishes, though not necessarily attributable to ownership scale’ (Thomson et al., 2016, 2).

The evidence from that study supports a wider global literature on the advantages in economic, environmental and social terms of diversity. Dissart (2003) identifies the critical relationship between economic diversity and regional income distribution. Other things being equal, communities with high levels of inequity are less efficient on economic measures. That article also introduces the parallels between ecological diversity and economic diversity-stability. Diversity in social networks has been shown to be important at

national, regional and local levels for communities (Eagle, Macy and Claxton, 2010) and businesses (Townsend et al., 2016). Some have suggested that, under community ownership, volunteer management boards may struggle not to become isolated from their community (Creamer, 2015) so dissipating some of the benefits of direction, control and management by locals; nevertheless, the literature overall weighs towards the advantages of broader ownership across the whole community being superior to concentrations in a few hands (Burnett and Danson, 2017; Flanigan and Matthews, 2012; Flanigan and Sutherland, 2016).

Diversity builds ecological, environmental and economic resilience; conversely, poor use and management degrades the land, the environment and the community that depends upon it. As the ecologist Frank Fraser Darling powerfully argued:

*the bald unpalatable fact is emphasized that the Highlands and Islands are largely a devastated terrain, and that any policy which ignores this fact cannot hope to achieve rehabilitation*

He explained this as:

*the inevitable outcome of bad land use. The Highlands had first been stripped of their natural forest cover, then they had been subjected to repeated burning, to intensive grazing, to overstocking and to other forms of maltreatment which had drained their soils of fertility and made them steadily less productive.*

(Fraser Darling, 1955).

That approach to promoting a mosaic landscape and economic base for communities continues to contrast with the top-down strategies of the state and those of many large estates. MacMillan (2000: 56) has argued very persuasively that market failure is a significant and ongoing issue in Scottish land markets and especially with regard to '*local land monopolies and the barriers that they can create for poorer members of society seeking access to the land resource*'. With secrecy over land deals and other barriers to communities buying the land, several of the fundamental assumptions for markets to operate perfectly are violated: there is no guarantee of freedom to enter and exit the market, and there is no perfect information; therefore, by definition, there is market failure. Extending this analysis, MacMillan and Phillips (2010) reveal that state interventions have created, rather than

effectively controlled, market failures in land ownership, deer management and other 'sporting' activities. Crucially for the consideration of the behaviours of monopoly land owners they caution against relying upon economic instruments '*to resolve contemporary conservation conflicts where profit maximisation is not the dominant objective and/or where the target group is extremely wealthy*'. Their arguments therefore support the need for a wider array of policy instruments to be available to effect change where concentration of ownership offers powers over communities that the market cannot deliver.

Owners of large estates with monopoly powers over land and related resources and activities therefore may generate economic and social outcomes which are damaging to the community, national interest and the environment by not acting as neoclassical economic theory presumes - profit maximisation, and the pursuit of economic efficiency and satisfaction. State interventions then may have been exacerbating these tendencies not to pursue socially optimal outcomes through fiscal, management and other strategies based on private property rights and interests. Other instances of such policy and implementation failures collaborating with monopoly powers are presented by behaviours around and within other land-based sectors.

For example, for much of the 20<sup>th</sup> century the state's investment in forestry encouraged extensive mono-cultures of Sitka spruce and associated trees for timber. Oosthoek (2013) has examined how a favourable tax regime was applied to provide tax breaks for the highest taxpayers with unintended consequences of 'the creation of forest plantations on the cheapest land available, which was often land in remote areas that had potentially *high wilderness and conservation value* ... [lands] poorly suited to commercial forestry, were drained and planted with even-aged monocultures of non-native tree species, the tax break system encouraged unsustainable 'rogue forestry' that had *no regard for environmental or landscape values*'. [emphasis added]. He continued in analysing this strategy of partnership working - between big players of Scottish landowners, timber processors, private forestry companies, and private and institutional investors - by citing a research review by the National Audit Office (NAO).

Their critique of public subsidies for sites which were marginal for timber production and would be unlikely to yield an acceptable return on capital suggested that the different major, often monopoly, players in forestry were acting counter to ecological and economic

beneficial outcomes (NAO, 1986). This analysis and conclusions are mirrored in the recent publication (Revive, 2018: 4) on Scotland's grouse moors, which account for 18 per cent of all Scotland's land:

*of all the possible uses of this land, grouse shooting is not only the least moral, it is by far the least economically effective. In fact, almost any other use will create more value and more jobs per hectare.*

### Diversity of ownership and community ownership

In these accounts, as Fraser Darling discovered decades before, small and community land owners and users tended to have a much more nuanced view of the natural environment, husbandry and sustainable development than national agencies and outside experts believed or claimed. Involving, communicating with and listening to locals is encouraged by the findings of MacMillan (2000), MacMillan and Phillip (2010), Fraser Darling (1955), McIntosh (2015), Oosthoek (2013) and others. In this, there are parallels with the conclusions of recent work on community empowerment and landscape and on 'rewilding', which has found that communities are being excluded from participating in development decisions that affect the areas they live in (DalGLISH, 2018). In its submission to the Committee of Inquiry on Crofting, the Scottish Crofters Federation (SCF, 2017: 3) echoed Fraser Darling with a plea for:

*the crofters [to be] celebrated as the stewards of what remains of this valuable ecological diversity, then not only will this help to protect what is left of these degraded ecosystems [and] "Crofters are the original environmentalists" – the conservation movement are playing catch up!*

This is supported by evidence from Ritchie and Haggith (2005: 218):

*Most community and crofter woodland projects emphasised benefits of proper management of existing native woodland remnants, many of which are of great ecological significance, and the development of new native woodlands. Further benefits of better protected, and increased areas of native woodlands include protection of wildlife habitats, soils, water quality and other resources.*

This confirms there is a clear contrast between the large forestry plantations favoured by large estates seeking tax breaks and those of small-scale collective efforts. Eventually, after

decades of analyses, campaigning and ultimately devolution over forestry policies and funds, the revised Scottish Forestry Strategy objectives now favour the latter approach with three inclusive and sustainable objectives (FCS, 2019):

- to increase the contribution of forests and woodlands to Scotland's sustainable and inclusive economic growth.
- to improve the resilience of Scotland's forests and woodlands and increase their contribution to a healthy and high quality environment.
- to increase the use of Scotland's forest and woodland resources to enable more people to improve their health, well-being and life chances.

The key National Performance Framework goals of sustainable and inclusive growth, and the complementary goals of resilience, wellbeing of the citizens and natural environment are embedded into this strategy. Tellingly for those who might argue that the focus should be on land use and management and not on ownership, there are also lessons from deer.

There are perennial issues with wild deer restricting natural regeneration of the environment, of invading croft and farm lands and causing problems on roads, etc.

However, even where there have been state controls over deer by the Deer Commission for Scotland under Section 8, the Deer (Scotland) Act 1996 these have tended to be ineffectual (Hecla Consulting and Danson, 2008). This is consistent with MacMillan and Phillips' conclusions on deer culling, meat production and land ownership, use and management: they directly highlight market failure protected by monopoly powers and property rights to the costs of society and the environment (2010, 492):

*venison production is not fully compatible with sport stalking because of practical issues such as seasonality and venison quality, but also for entirely personal but economically important reasons such as privacy, exclusivity and their value in the land market.*

Rather than creating and preserving a tapestry of landscape and economy, these various studies and similar critiques of grouse moors draw attention to how large estates have pursued development based on mono-cultures of sitka spruce, or of sporting ventures which have been identified as for the 'consumption of leisure'. In exploring the circumstances in Scotland, MacMillan (2008) points out the contrast with hunting in other

developed countries ‘as it is the dominant motivation for land ownership, rather than a secondary objective or by-product of land management’. He argues that the owners of these large sporting estates are not particularly motivated by profits from deer, most make losses each year and that ‘maximisation of personal sporting opportunities’ is their typical objective. While economic theory posits that pursuing profits, to private if not social gain, is what drives markets, Wightman et al. (2002) argue that the “whole social structure surrounding sporting estates (the big house, stalkers, ghillies, and the social rituals of hunting) has intentionally created a culturally alienated pastime”. This goal likewise confirms a sector which is not realising nor indeed trying to attain allocative or productive efficiency, exactly as expected under monopoly powers. The failure to invest, to diversify, to move beyond owning estates for their own ‘consumption of leisure’ in ‘private playgrounds’ also demonstrates the final characteristic of monopoly land owners: a lack of innovation with no incentive or driver to change use or management to more sustainable and inclusive forms.

#### Dynamics and benefits of community ownership

As McIntosh (2015) records in his response to the 2014 Scottish Government consultation on Land Reform, as an informed ecologist:

*Evidence from existing examples of land reform demonstrates that as a community becomes empowered, being democratically accountable unto itself and able to make decisions about the habitation, resource use and amenity enrichment of their own place, individuals within that community become strengthened in a multitude of ways. Dependency yields to independence, including that based upon new-found opportunities for entrepreneurship. People who were net drains on the taxpayer become net contributors, thus strengthening the tax base of the nation for the common good.*

This testimony complements the evaluations of land reform removing monopoly powers in favour of community and small-scale ownership (SQW, 2011; Rural Analytical Unit, 2012). Warnings have also been sounded, however, that communities cannot seamlessly achieve the full benefits of land and asset ownership. There can be significant risks involved in taking over ownership and so that these do not outweigh the benefits, communities need the right conditions to be in place, with support mechanisms available to prevent these purchases

becoming liabilities (Skerratt, 2011). There are potential and apparent benefits, and challenges, of communities taking back control of their lands and there are undoubtedly threats to the environment and communities from landowners having monopoly powers; however, official commentaries recognise *potential to refocus Land Reform on the very large private estates. Yet the very large estates are the most obvious building blocks from which to deliver ecosystem services* (Rural Analytical Unit, 2012). In contradistinction, the recent report summarising research on the effects of concentrated and large scale land ownership in Scotland to the Scottish Land Commission (Glass et al., 2019) was unable to conclude that such a clear and unambiguous positive relationship could be identified with cases of exclusion, diseconomies of scale and scope revealed in the literature.

### [Summary on monopoly ownership and land use and management](#)

Economic theory describes the roots and disadvantages of monopoly powers for the economy and society. It also suggests where there may be benefits in concentrating ownership and management to realise economies of scale and scope, and then how the powers these offer should be controlled for the wider public interest. This section has provided instances of where concentrated ownership of land has led to deleterious impacts on communities, the environment and opportunities for sustainable development. By way of contrast, increasingly examples of good and improved practices are being revealed from evaluations of community buy-outs. Diversity in ownership has been shown to lead to greater efficiency in both allocative and productive terms and more effective use of land and natural resources than in the large-scale estates and holdings devoted to mono-cultures of forestry, grouse moors and deer forests. Beyond these market-oriented outcomes, citizens, communities and enterprises appear to have better opportunities to thrive and realise their full potential under more equitable patterns of ownership.

#### 4. Construction of a framework to assess and understand the implications of monopoly land ownership

This section draws on themes discussed in sections 2 and 3 to develop an indicative framework for identifying impacts of monopoly ownership of land and potential implications for local communities experiencing such conditions, together with wider economic and societal implications.

##### Resilience, sustainability and inclusion

To be able to gauge any policy intervention or initiative, there needs to be the creation of a framework for analysis to benchmark developments against the counterfactual. In this exercise it would involve drawing together a set of characteristics, processes and elements of what sort of a community, economy and environment would be acceptable and would be serving to meet or move towards fulfilling the objectives of the Scottish National Performance Framework, and so of the Sustainable Development Goals of the United Nations. How this framework is developed is open to discussion.

It has been suggested that building 'Community Resilience' is consistent with meeting these Scottish Government and UN goals (particularly, SDG 11: *Sustainable Cities and Communities* and one of the eleven National Performance Framework Outcomes: *We live in communities that are inclusive, empowered, resilient and safe*, Scottish Government, 2019a) in economic, social and environmental terms. Further, that report (Danson, 2015) argued for community and economic development policy to be shifted in both narrative and emphasis to tackling fragility and building rural resilience by directly taking an asset-based approach to enabling community growth, resilience and sustainability. These are all changes in keeping with the moves to establish a baseline for asset transfer policy and practice within a *very changed public sector context, [so that] the position is now shifting rapidly with a growing interest in asset transfer and community ownership* (DTAS, 2012: 2). Reporting directly on links between community ownership of land and development of its assets, and communities' resilience, Skerratt (2011) concurs with these conclusions and highlights that elements of resilience are required and are built at each stage of community buy-out. She relates how the capacity to pursue sustainable social, economic and environment development is enhanced:

*both in a material sense (economic investment and re-investment, re-population) and in terms of confidence, morale, experience and expertise in local development and management by and for the local community Skerratt, 2011: 12).*

These analyses and developments have been underpinned by and recognised in policy and strategy documents from government, agencies and representative bodies. These include the aims and objectives of the Scottish Government as captured in its Regeneration Strategy 'Achieving A Sustainable Future', which explains the context for adopting a community-led asset-based approach to tackling poverty and promoting social inclusion in the most effective and sustainable way. The Community Empowerment (Scotland) Act 2015 (especially Parts 4 *Community Rights to Buy Land* and 5 *Community Asset Transfer Scheme (CATS)* provisions promoting community involvement )in operating and developing local assets and addressing these issues presents details and processes for how powers and assets can be transferred to interested local communities (Scottish Parliament, 2015).

The landscape of public policies, strategies and economic theories outlined above offer a backdrop to constructing a framework for assessing and understanding the implications of monopoly land ownership. However, as promoted throughout these documents, communities themselves need to be involved in weighing up the costs, benefits, advantages and disadvantages of monopoly powers over the land locally. In practice, the goals are to encourage and invest in communities, empowering them to transition to having enhanced capacity and performance, so that they achieve resilience and are enabled to develop their economy, enterprises and society for the common good.

In constructing a framework for analysis, several potential models can be envisaged, based respectively on observed outputs of an estate under consideration; on the theoretical implications of monopoly and concentrated ownership; and on typical outputs from activities applied to an estate for comparison with its actual efficiencies and performances:

1. For any estate-specific case - starting with the particular estate and its current activities, identifying ownership, exploring whether there are elements of monopoly powers in its practices and processes, assessing whether these reveal costs and unrealised benefits and other negative externalities, determining whether these

could be overcome by changing what and how the estate operates, and whether this needs a change of ownership.

2. For the general case, starting with the economic theory of monopoly powers, identify potential private and social costs and benefits deriving from these powers over land in the abstract, then propose generic solutions drawn from economic theory and how these are related to types of ownership.
3. Proposing a model that could be applied to assessing costs and benefits of any and all activities, so focused on the sorts of undertakings that are pursued on the land and estates in Scotland, and then comparing these with the actuality of a specific estate, and whether ownership plays a negative role in achieving any output efficiently and sustainably.

The first model seems most consistent with a bottom-up approach, it is based in the community on current activities and with its information requirements already met. The second approach would be based on theoretical and abstract models of monopoly powers and their potential impacts, and by definition these would be removed from the particular grounded experiences of communities. The assumptions underpinning such models often are restrictive when trying to apply them to the realities of a particular case, limiting the capacity to explain and understand how communities and economies are affected by concentrations of ownership. The third model would present another, even broader, set of requirements with a database needing to be populated with information and parameters on the sorts of different production and service outputs possible from a land holding and then applied to subsequently analyse particular activities of any specific estate.

### Characteristics of the economics of land

The key elements coming from the review of the economics literature on land were: private property rights, externalities and opportunity costs. In creating the framework for analysis, this suggests first confirming the ownership of the estate to identify the property rights status of the owners. Externalities could spillover into neighbouring enterprises, the community, the environment and so forth so that delineating the 'community', already defined in existing land reform legislation, is a necessary first step (Scottish Government, 2018b). However, this may not be sufficient as impacts on the natural and human environment may spread beyond the boundaries considered to be the community as they

recognise it. Similarly, in an evolving and iterative process of learning and confidence building towards resilience and sustainability, the community may grow in its awareness of what it might want to achieve and so recognise and broaden its horizons and the opportunities that it might want to pursue further afield (Skerratt, 2011: 12). Applying the concept of opportunity costs to local circumstances will require knowledge, understanding and data, and each of these themselves can be improved and become more sophisticated with application and practice, again as noted by Skerratt (2011).

### Characteristics of monopoly and monopoly powers in land ownership

From earlier, and by drawing on the reports by Glass et al. (2019), Thomson et al. (2016) and Hindle et al. (2014) where cases of negative externalities were identified, it was demonstrated that the main issues inherent in monopoly ownership tend to be around underutilisation of resources, mono-cultures in forestry, sporting estates and exclusive tourism and recreation, and market impacts in terms of higher prices, restricted supply, poor levels of innovation and initiative. These sins of omission and of commission represent various types of market failure and form the basis for considering intervening in ownership in the public interest. The reports cited, based on many items of evidence, also reveal direct association between inefficient and sub-optimal economic practices and outcomes and negative social impacts: *in some case studies land ownership scale was seen as enabling owners an element of control over some outcomes (environment, land use, housing, etc.), and that ownership change and fragmentation offered opportunities to a number of existing farm tenants to develop their business further* (Glass et al., 2019, p25). Challenging the use and management of the land and other resources of large estates on the grounds of market failure and abuse of monopoly powers is a powerful approach to improving the economy for communities and offering them wider sustainable development opportunities.

A framework for assessing the impacts of monopoly powers can therefore build upon these two sets of characteristics of market failure and abuse of monopoly powers. In doing this, attention has also been paid as to how the framework could be used by communities to help them transition along the path to become empowered, enabled and resilient. In the discussion above and following Skerratt (2011), it was argued that communities may mature and gain confidence with the process of analysing the costs and unrealised potential of monopoly ownership and taking initial steps to 'winning the land'. The table below

therefore features each of the classical negative and positive impacts of monopoly powers in turn to outline the possible implications for both local communities and wider society and national public interests.

**Table 1: Framework to assess and understand the implications of monopoly land ownership**

<b>Feature</b>	<b>Local Community Impacts</b> <i>Examples in italics</i>	<b>Wider Socio-Economic Impacts</b>
<b><i>Negative</i></b>		
Higher prices	Charged to local members of the community through domination of goods and services markets.  <i>Linked ownership in housing, groceries, fuels, hospitality facilities.</i>	Raises cost of living so population restricted and alternative suppliers constrained by limited market.
Allocative inefficiency	Insufficient resources devoted to expanding economic activity and demand artificially limited so that potential for expanding local economy restricted. Opportunity costs of owners' behaviour high.  <i>Food, timber processing off-site; supply chains broken for local suppliers/outlets.</i>	Growth and development of local community and economy restricted below socially efficient levels. Consequent (re)location of people and economic activities elsewhere in the country creating overcrowding and congestion, as well as rural depopulation with associated negative impacts.
Productive inefficiency	Goods and services are not produced at lowest costs, so raising costs and prices for local and national economy.	Higher costs of production adversely affect the economy as a whole. Costs and prices higher than should be, wasting

	<i>Deer managed for sport rather than food production.</i>	resources and damaging enterprise.
X-inefficiency	Costs higher than need be because less attention to controlling costs, and to pursuing best value for money. This raises costs of supplies for locals.  <i>Fishing and hunting activities for leisure rather than for business.</i>	Local costs raised for all consumers as major customers accepts higher prices. This crowds competition and other users of the inputs out of production.
Supernormal profits	Without competition from others for consumers, excess profits possible and new entrants can face barriers to entry.  <i>Small local demands and cross-subsidisation within the estate limits market size.</i>	Overall costs to society through land owners acquiring more income and wealth than justified by activities and ownership.
Higher prices charged to suppliers	Dominant land owner can use monopsony power to pay lower prices and wages to local suppliers and workers. Distortion of labour and other markets through supply chains.  <i>No alternative local employer, especially where remote.</i>	Overall demand in local economy is suppressed as incomes lower than would be in a competitive market context.
Diseconomies of scale	Very large estates, which may have mono-cultures or an overly diversified portfolio, can become inefficient through poor	Local economy can become exposed to overdependence on either a narrow sector or one dominant business. If either

	<p>management of too much, or conversely too little.</p> <p><i>Wealth allows toleration of inefficiency and mismanagement.</i></p>	<p>comes under threat, prices, costs and uncertainty all increase.</p>
Lack of incentives	<p>Wealthy private and NGO land owners, cushioned from market forces and removed from the need to consider opportunity costs, face few incentives to innovate, diversify, develop. Local community and economy underperform and stagnate.</p> <p><i>No external or market pressure for sustainable local activities, services, affordable housing.</i></p>	<p>Path dependency embedded into economy and community lags behind with opportunities and potential forsaken.</p>
Lack of choice	<p>Community members and enterprises restricted in their ability to choose alternative inputs and markets.</p> <p><i>Dominant owners restrict choices and development.</i></p>	<p>Future and potential growth and development constrained, long run continuing stagnation.</p>
<b>Positive</b>		
Economies of scale	<p>Large operations and wealth of private, state and NGOs allow specialist management and other investments to lower costs and seek efficiencies.</p>	<p>Greater security and stability for workers and suppliers. Possibility of lower costs and diversification.</p>

	<i>Opportunity for employment of specialist skills and functions.</i>	
Research & development	<p>If estates have a comparative advantage in some sub-sector, they may be able to invest in R&amp;D to stay competitive.</p> <p><i>Expertise developed in renewables, fish farming.</i></p>	Raises the potential for opportunities of higher quality jobs, reputational benefits for the local economy.
Gaining monopoly power through efficiency	<p>An efficient landowner may have gained and be able to maintain efficient output and profitability, and continue to outperform the next best alternatives.</p> <p><i>Innovative and unique developments in environmental and sustainable tourism.</i></p>	Opportunities may be missed as SMEs unable to compete individually or collectively as cannot achieve economies and efficiencies for major infrastructure.
Global competition	<p>Monopoly powers will be limited by competition from outwith the locality, for direct service and goods provision and for alternative venues, etc.</p> <p><i>Neighbouring estates and businesses extend their market reach.</i></p>	Some estates only affordable by wealthy as playgrounds.

## Summary

The key elements to be taken from the initial discussion of land markets subject to monopoly powers are that the larger estates will tend not to be run as highly efficient, well

paying, innovative businesses. Rather than selling, diversifying or developing new ventures on the estate, many will continue with traditional activities and mono-cultures. The 'structure-conduct-performance' conceptual framework for monopolies threatens that such behaviour in the context of land can stultify enterprise - by not allowing new business premises to be established and by dominating supply chains, restrict job opportunities - with fewer firms and lower growth locally and truncate career ladders - by limiting the capacity for local employers to develop and create higher function positions. These behaviours and motivations would also undermine environmental sustainability and community resilience. The negative outcomes of the practices of monopoly landowners then can become embedded into the perceived view of the community, further constraining its own capacity to regenerate. Concentration of ownership, as well as scale, can also lead to these outcomes in local contexts, especially in more remote locations where relative isolation can create conditions of monopoly power.

Some large estates will flourish using tax breaks and other subsidies, previously benefitting from incentives to plant trees, set aside agriculture or otherwise pursue activities that do not have positive impacts or externalities for the local economy and community. In recent years, repeating and reinforcing the dependency culture that encouraged these public transfers to large scale landowners, UK national policies have been extended to renewable energy facilities which have offered opportunities for wealth generation with few benefits for the locality. Access to capital and owning land are essentials to entering many of these state-driven markets and represent insurmountable barriers for others.

To contribute to the debate on how to use and manage large estates in Scotland, a framework has been presented to facilitate assessment of the potential positive and negative impacts of monopoly powers on communities and on the wider national public interests. This tool can be applied in three different contexts: to consider the efficiencies of the activities of a specific estate; against a set of theoretical outcomes of monopoly ownership of resources and assets; and, to offer a comparison between estimated normal sector performances with the actual outputs from an estate.

## 5. Conclusions and recommendations

Galbraith, Rodriguez and Stiles (2006) argue that property rights, entrepreneurial behaviour, and the productive use of environmental resources need to be assessed in the specific context of the communities under investigation. Though they were writing in the context of Native Americans, it is revealing to contrast those societies' experiences of communal land use with monopoly land ownership in Scotland. The literature reviews presented in sections 2 and 3 demonstrate that economic theories caution against allowing markets to determine the health and wellbeing of communities dependent on wealthy landowners. When there are monopoly powers over the land and its resources, the local community and natural environment are threatened with negative externalities, capacity to flourish is restricted and enforced outward migration is encouraged.

When private property rights are permitted to dominate wider social and environmental needs, sustainability and inclusion, broadly defined, are constrained. Barriers are erected and strengthened against achieving the objectives of the National Performance Framework and UN Sustainable Development Goals; wealthy landowners and their agents can yield economic and financial power to ignore or work against the effective and efficient use and management of local resources in the public interest.

Even where the potential advantages of monopoly powers could be applied to the greater common good, they tend to be dissipated through the pursuit of leisure, tax breaks and subsidies. There are very few examples of these delivering benefits to the local community, economy or ecology, with reports and analyses inconclusive and ambiguous (Glass et al., 2019). Economies of scale and scope are difficult to identify in rural Scotland except where collective and national initiatives have been generated in collaborations and networks over community energy schemes (CES, 2018), between islands (Scottish Islands Federation, 2019), for community development (SCDC, 2019).

As a necessary stage in achieving a more appropriate pattern of land ownership which can accommodate sustainable development in community, economic and environmental terms, there is the need to ensure that appropriate legislative and other public policy tools are introduced. As argued here, market failures and negative externalities are exacerbated by dominant land holdings and these law changes are essential to reduce the effects of such

monopoly land ownership and contribute to a more diverse pattern of land ownership in Scotland; there is no alternative.

Local innovations which enhance balance and promote regeneration have been presented to some success in some community buy-out areas (SQW, 2011; Rural Analytical Unit, 2012). Simply transferring ownership will not overcome and may exacerbate the marginality of many of the large estates; as Skerrat (2011) and others have confirmed, capital, support and advice are essential in building the capacity, resilience and sustainability of communities but, in so doing, they face a brighter future than under monopoly land ownership.

It is recommended that:

- Community Land Scotland notes the features and impacts of monopoly ownership of land identified in this discussion paper, regarding both scale and concentration of ownership.
- Further refinement of the outline framework for assessing implications of monopoly land ownership be undertaken with a view to its practical application.
- Consideration be given to the development of policy and practical initiatives that can alleviate negative impacts of monopoly land ownership that are contrary to the public interest.

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