Written submission from Pitlochry Estate Trust

**Part 1 - Land Rights and Responsibilities**

The Bill has not addressed or clarified many vital elements that need to be considered.

1. The impact of the proposed changes to food production
2. The impact on financially sustainable farm and estate businesses
3. The potential impact on tourism.
4. A strategy for future investment in Rural Communities.

The real negative impact of fragmentation has not been considered.

**Part 2 - The Scottish Land Commission**

The creation of the Commission, five Commissioners and Tenant Farming Commissioner will be a considerable annual cost (£ 1.3million+ pa).

Implementation of the Codes of Practice will lead to increased costs to Tenants and Landlords as additional professional advice will have to be sought. Most Tenants and Landlords have a good working relationship and these additional costs are a real concern.

**Part 3 - Information about Control of Land**

Clarification is needed as to possible Regulations in relation to access of information.

**Part 4 - Guidance on Engaging Communities and decisions relating to Land**

Good practice is the key, not Legislation. There is a real concern as to what is appropriate and as to when Community engagement would be required. The Bill offers no guidance on this. The day to day business operation of an Estate or Farm should not be impacted by a requirement to engage on minor issues.

**Part 5 - Right to Buy Land to Further Sustain Development**

This is a major concern. It is evident that existing large-scale Community Owningships have not been fully assessed for financial viability. There is a lack of transparency in terms of public funding on an ongoing basis being made to these community ownerships, through Government, Local Government and the EU. A requirement in the Bill should be for the Land Commissioners to produce a fully audited report on costs of large-scale community ownership.

The other issue is once a community has bought an area, there is an unwillingness to support the ongoing maintenance and investment in that asset.
There is a lack of clarity as to the definition of “sustainable” in the Right To Buy Land for sustainable development.

The legislation should not make it possible for others to forcibly acquire the best parts of another person’s assets to the detriment what remains.

Excluded land must include garden and curtilage.

There is considerable scope within the Draft Legislation for misuse . ie a community fronting a third party purchaser to acquire a commercial development .

Drafting seems to indicate that commercial tenancies are included. If so, this will have a very negative impact on investment in Scotland.

**Community Bodies**

Clarification is needed as to the definition of a Community Body and their financial viability through the publication of regular financial statements and the amount of public subsidy. Public benefit must be clearly demonstrated on an ongoing basis. How is any disposal of a previously acquired asset by a Community dealt with?

**Right to Buy**

A definition of Public Interest is required.

Compensation must reflect true open market value.

**Part 6 - Repeal of Exclusion of shootings and deer forests from valuation roll**

1. What Valuation Method will be employed by local authority Assessors in establishing net annual value?

2. How will local authority Assessors differentiate between deer culled for sport and deer culled for management purposes? Relief must be given for management culls and culls undertaken in the public interest. Some definition is therefore required that reflects non commercial activity.

3. Financial impact of business rates on sporting rights. Any additional costs will have a negative impact and disincentive to maintain deer management. A detrimental effect on many marginal Local Communities, in particular many community owned estates, which have very few alternative sources of non grant income .

4. Will business rates apply to all land, including public and private? Large areas are owned by Government and Agencies (Forest Enterprise Scotland) as well as Charities .

5. Will sporting rights qualify for Small Business Bonus Scheme (Scotland)? How will they be aggregated with other business activities within the same business?
In addition, we would be opposed to the re-introduction of sporting rates as it is doubtful that it would have any net benefit to Government, which was the main reason that they were abolished. The impact, in particular, on remote communities would be considerable.

In reality, most deer, shooting and salmon fishing activity operate at a loss. Any additional cost burden will only have a negative effect on employment and maintenance.

**Part 8 - Specifically relating to Deer Management.** The current structure of Deer Management Groups and Deer Management Plans are working effectively, in compliance with SNH.

**Part 9 - Changes to Core Path Legislation.** There should be greater scope for landowners to make applications for amendments to Core Paths where it is evident that the route has significant impact on farming and forestry management and safety and as a consequence are inappropriate for public use (e.g. a long a major logging route or cattle handling area).

**Part 10 - Agricultural Holdings**

Further flexibility is needed in the Legislation to encourage investment in Agriculture as the farming industry has changed dramatically in relation to food production.

Removal of the Registration of Right to Buy is an error. A deemed Right To Buy only undermines the generally very good Tenant/Landlord relationship and leads to lack of investment.

Since the introduction of the Right to Buy, inward investment to Scotland has declined and as a consequence, the tenanted sector.

Sale to a third party, unless agreed by the Landowner, should not be included in the Bill.

There is a conflict if the valuer and person appointed to sell land is the same person.

Chapter 5: Assignation and succession of Agricultural Tenancies. Widening of these rights will be a disincentive to investment. This is counterproductive to the aim of encouraging the letting of land.

As a final comment, we find it ironic that in the case of a family member whose own family holdings were confiscated by the Nazis and consolidated by the Soviets in what is now Croatia, that these lands have recently been returned to the surviving family. The result has been increased employment and economic activity after decades of neglect, fragmentation and stagnation. Effectively, the land has been reassembled to an economic size.