Written submission from James Joicey

PART 1 – Land Rights and Responsibilities Statement

The Scottish Government has a declared principle of using sound evidence as the basis of its policies. A Land Rights and Responsibilities Statement must therefore be based on, and guided by, sound evidence, particularly on the current use of land. It must recognise and respect the considerable economic, social and environmental contributions that derive from one of Scotland’s greatest assets, namely its land, the vast majority of which is already owned and managed efficiently and responsibly. It should also address issues of how land is used in relation to its inherent properties (geology, altitude, climate, etc.). It should also consider and respect the rights of all owners of land, great and small.

PART 2 – The Scottish Land Commission

The structure and remit of the Commission must be very carefully considered. Appointing a Tenant Farming Commissioner should be balanced by appointing at least one Commissioner with experience of practical commercial land management. Land is after all a crucial resource for the economic, social and environmental wellbeing of Scotland.

PART 3 – Information about Control of Land etc

There is surely enough data and evidence of ownership, and therefore transparency of ownership, already held by the various agencies (SGRPD, SEPA, SNH, regional authorities etc.) If these were ‘joined up’ it would provide great transparency.

PART 4 – Engaging Communities in decisions relating to land

Aside from the problem of agreeing the definition of the word “community”, evidence shows that most land managers and owners already engage with those who they would (and should) consider to be ‘stakeholders’ in their district or area, including representatives of external bodies such as outdoor sports activities, wildlife groups or local history groups. The planning process and established consultation procedures already apply when ‘communities’ are engaged. The current position must be recognised and encouraged, before any further measures are considered.

PART 5 – Right to Buy Land to further sustainable development

There is again a problem of definition: how are the words ‘sustainable’ and ‘development’ to be defined? The Scottish Government appears already to have some powers to further this aim. Additional powers of intervention must be clearly defined and proportionate; they should be founded on robust evidence and not left to the discretion of Ministers. Robust financial evidence must be supplied so that the taxpayer can easily see how his/her contribution directly and meaningfully brings a return, whether to the economy, the environment or to society.

PART 6 – Sporting Rates

Administering Sporting Rates is a costly exercise, so sound evidence of how the Scottish Government views the economics of this would be welcome. Sporting
Rates would apply to all land in Scotland, whether or not the sporting rights were exercised. Like it or not, the country sports sector provides significant (and well researched and evidenced) economic and social benefit to localities. The Scottish Government would surely not wish to undermine Scotland’s reputation and position as a world-class destination for country sports enthusiasts. It generates a considerable revenue stream through the VAT applied. Previous published research should be reviewed and/or refreshed so that a more up-to-date picture is obtained; the Scottish Government should base any decision on robust evidence.

**PART 7 – Common Good**

No comment here.

**PART 8 – Deer Management**

The Scottish Government has successfully brought about the merger of the Deer Commission into SNH. Through SNH, the Scottish Government already has a well-established programme in place to develop and review deer management, in line with the recommendations of the RACCE Committee’s Review carried out in 2013. Penalties should be proportionate. Deer Management should cover all species of deer, in both lowland and upland environments.

**PART 9 – Access Rights**

It is likely that most people will support this aspect of the Bill.

**PART 10 – Agricultural Holdings**

Part 10 accounts for nigh-on half of the text of the Bill as introduced. It certainly covers a very important issue per se, but it is separate from the issues of Land Reform. It should more properly be debated separately and be the subject of a separate Bill. However, given that it is included in the current Bill as introduced, the following would be strongly supported:

(i) a requirement for tenants to register interest in buying their holding(s);

(ii) the move to bring 1991 Act tenancies to an end, through some sort of conversion mechanism. [In this latter issue, it will be very important to ensure that the interests of both the tenant and the landlord are assessed and judged; the proposals as introduced deal very largely with tenants’ issues and are relatively silent on landlords’ issues];

(iii) a proposal to compensate both tenants and landlords for any improvements made;

(iv) an amnesty to allow resolution of uncertainties between tenant and landlord.

Against these, the proposal to extend the right of succession / assignation to wider members of a tenant’s family risks opening up dispute within families which may result in the deterioration of the land until they are resolved; perhaps a time limit might be introduced.