Written Submission from Torwoodlee and Buckholm Estates Company Limited

General Principles

Torwoodlee & Buckholm Estates Co Ltd are pleased to be able to comment on some of the principle concepts of the Bill as introduced.

We are a family company set up in the 1950s to own and manage the lands of Torwoodlee and Buckholm which include two in hand stock farms, forestry and firewood businesses, (generally) below market rent residential lets, commercial lets including a golf course and sportings including salmon fishing on the Upper Tweed.

PART 1 – Land Rights and Responsibilities Statement

While it may be felt necessary to spell out the rights and responsibilities of land ownership, these are well established by both custom and law. A statement of political ideology will be less than helpful. Land use is a more useful area of consideration and should be incorporated into the thinking.

There is so little detail in the proposal that it is difficult to decide whether to support this or not.

Part 2 - The Scottish Land Commission

There is no mention of practical experience in managing land or forestry in the list of desirable assets for a prospective Commissioner – this needs to be addressed urgently.

PART 3 – Information about Control of Land etc

We support the openness and transparency in landownership that is proposed but would argue that information on land values is of little use simply because value says nothing about the size of the landholding, its productivity or its use.

PART 4 – Engaging Communities in decisions relating to land

There are already ample rules of community engagement in many areas of land use, especially the forestry sector, and it is difficult to see at this stage the level of land use which might realistically be determined by the community. The ‘community’ itself needs to be truly representative and not be able to be represented by a minority group.

PART 5 – Right to Buy Land to further sustainable development

There are already powers to satisfy this suggestion and putting what should be a practical decision in the hands of a (political) minister might lead to ideological decision making.
PART 6 – Sporting Rates

There are many estates which put a lot of private funding into conservation on their ‘sporting lands’ but who derive no income from that land – the reimposition of sporting rates will have a deleterious effect on the well-being of many areas of land and many species which depend on that conservation funding to survive.

PART 7 – Common Good and PART 9 – Access Rights

These are areas which can be supported.

Part 8 – Deer Management

This part of the proposed legislation is unnecessary and disproportionate.

Part 10 – Agricultural Holdings

This should be deleted from this Bill and reintroduced as a separate Bill – it is too important to be lumped together with land reform. Most of the proposals should also be worked through rather than being introduced for political reasons.

It is a shame that the opportunity to introduce freedom of contract has not been taken; it remains the case that agricultural tenancies will continue to decline until there is the ability for both landlord and tenant to agree what is suitable for their particular situation and farm. The government should have no part to play in telling contractual parties what to agree past ensuring fair play on both sides.

Again, too much is left to regulations and not provided on the face of the Bill.

The proposal to allow all secure tenants to have a pre-emptive right by default is unhelpful; experience has shown that the requirement to register is useful for both parties.

We fundamentally oppose the proposals to widen the class of potential assignees or successors, coupled with a restriction in the landlord’s ability to object and the removal of the viable unit test. The extent of the proposed change is significant and will, we believe, represent a significant change in the land owner’s position and potentially infringe their property rights.

An amnesty for landlords and tenants to agree any uncertainties over what will qualify as a tenant’s improvement that would potentially be eligible for compensation at waygo is to be supported and would be a useful inclusion in the Bill.