Written submission from the Scottish Countryside Alliance

Introduction

Further to our response to the consultation on the Future of Land Reform in Scotland please accept this document as the Scottish Countryside Alliance’s written evidence in relation to the Land Reform (Scotland) Bill.

We have made comments on the relevant section within the Bill as introduced. However, we highlighted within the Future of Land Reform in Scotland consultation response that we were concerned that the shortage of detail and the tight timescale to consider complex issues could lead to some unintended consequences. We note at this time that several sections with the “Bill” retain a degree of ambiguity, either by design or intention; and again take this opportunity to highlight our concerns.

In particular the lack of interpretation of key definitions such as “Sustainable Development”, the drive to reinstate “Sporting Rates” and the inferred increased intervention in deer management.

Land rights and responsibilities statement

We do not feel that a land rights and responsibilities statement is essential, but provided the statement is clear and presents a measurable and appropriate vision or aspiration for land rights and responsibilities then we would support this, but not if it is simply an emotive ideological statement. Scottish Ministers have an opportunity to set out a range of achievable positive objectives and outcomes within the land rights and responsibilities statement and must at all cost avoid digressing into meaningless and unhelpful rhetoric.

Eligibility of Members to the Scottish Land Commission.

We welcome the Scottish Governments thoughts on the appropriate skills when appointing members to the Commission, in that the Scottish Ministers must have regard among other things to the desirability of the Commission (taken as a whole) having expertise or experience in:

(i) land reform, (ii) law, (iii) finance, (iv) economic issues, (v) planning and development, (vi) environmental issues, and (b) encourage equal opportunities and in particular the observance of the equal opportunity requirements.

It is however disappointing that land reform appears ahead of land management as part of the overall skill / knowledge base of the Commission.

This, in our opinion, is the fundamental expertise required to enable the commission to act in a practical way. There is a danger that if its first purpose is to promote land reform then its success will be measured by how much reform (breaking up larger land holdings, compulsory purchase etc it achieves regardless of whether this is actually beneficial to rural Scotland’s environment or communities.
We are therefore concerned that if not given an appropriate remit the Commission would intervene in an excessive manner which could in the longer-term disrupt confidence in land ownership in Scotland to the detriment of investment and business decisions, specifically if changes were put forward without suitable trialling or monitoring and without time to assess the impact thereof.

Engaging Communities in Decisions Relating to Land

We welcome the recognition of the Scottish Ministers in that they must issue guidance about engaging communities in decisions relating to land which may affect communities. We do highlight our concerns over the undefined term (within this document) “sustainable development” and have expanded on this with the Right of Communities to Buy Land for further sustainable development.

Right of Communities to Buy Land to Further Sustainable Development.

The Bill as presented makes an effort to describe the meaning of land, however it appears definition of “sustainable development” has perhaps proven too difficult.

We struggle to understand what the Scottish Government would accept as sustainable development and furthermore how the Scottish Government would give hierarchical importance to competing initiatives. i.e. heather moorland management for grouse shooting is qualifiable both in terms of financial and environmental sustainability. Would a community initiative proposing to develop an outdoor centre on the same landmass have a higher or lower definition of sustainable development?

Without such a definition it is difficult to understand how a community could exercise such a right.

We note with some disappointment that the Crown estate and Crofting lands have been listed as “excluded land”. We appreciate the complexity of legislation governing such lands but find it peculiar that the bill as introduced defines within the meaning of land “the foreshore”, being the land between the high and low water marks of ordinary spring tides, but then to excluded half of the coastal foreshore and almost all seabed to 12 nautical miles managed by the Crown Estate.

Entry in Valuation Roll of Shootings and Deer Forests

Despite the importance to many rural businesses we are very surprised the section 6 Entry in Valuation Roll of Shootings and Deer Forests receives such small textual annotation within the Land Reform Bill and additional explanatory notes.

We are greatly concerned the reinstatement of sporting rates will have a detrimental effect on sporting enterprises, biodiversity and the economic viability of some of our most impoverished areas. Much of the income generated through Scotland’s sporting enterprise is generated in the most disadvantaged areas, often far from alternative sources of employment or dedicated transport links.
Shooting enterprises have long been recognised as running at a financial loss to the incumbent, with even the most vocal of antagonist addressing this fact:

“A survey by McGilvray et al (1990) of estates across Scotland estimated that total revenue from sporting shooting was £28.6 million with an expenditure of £32.7m. This represents a deficit of 14% of turnover.

" A survey of 101 members of the Association of Deer Management Groups concluded that, 'on average, estates with a deer management enterprise suffer an annual deficit equivalent to 15.5% of gross turnover. Such operating deficits are funded by estate owners from external sources' (Association of Deer Management Groups 1998)."

Extracts from Andy Wightman and Peter Higgins

Sporting Estates and the Recreational Economy in the Highlands and Islands of Scotland

In the 21 century, shooting is worth £200 million a year Gross Value Added (GVA) to the economy in Scotland and provides significant conservation benefits according to the results of independent research. The figures are outlined in the report – The Value of Shooting – conducted by Cambridge-based Public and Corporate Economic Consultants (PACEC) representing the most comprehensive research into the economic, environmental and social contributions of shooting ever undertaken in the UK.

The Value of Shooting concludes that shooting supports the equivalent of 8,800 full-time jobs in the country, influences the management of around 4.5 million hectares of land and at least 120,000 people in the country shoot live quarry, clay pigeons or targets.

Scotland is often the destination of choice for shooters visiting from elsewhere in the UK and abroad. Shooting contributes £200 million in Gross Value Added (GVA) to the Scottish economy.

In 2013 a total of 280,000 visitor nights were spent in Scotland for shooting and stalking, and the total expenditure of these visitors was around £69 million. The average group size for shooting and stalking visitors was 3-5. 52% stayed in Scotland for 2-6 nights and 41% stayed from 7-30 nights. 40% of shooting and stalking tourists stayed in hotels, 17% hired a cottage, 21% stayed in a guest house, and 17% at a lodge.

In 2015 PACEC calculated the ‘employment multiplier’ for shooting as 1.58, which allowed them to estimate that for the 2,600 FTE jobs supported by visitor
expenditure on shooting and stalking in Scotland, an additional 1,500 FTE jobs were supported in the supply chain, giving a total of 4,100 direct and indirect FTE jobs. The impacts of shoot closures would clearly spread throughout the supply chain, having a negative effect on not just Scottish shooting-related businesses such as game dealers, but also the food and hospitality businesses which are supported, in some cases wholly, by shooting-related tourism.

Sporting estates pay business rates where they fall due and there are often areas where one activity overlaps with another. The reintroduction of sporting rates will require the assessment of the sporting value of all rural land in Scotland ranging from larger estates to farms, crofts and smallholdings.

It is our understanding that no records exist in relation to the historic level of "sporting rates" as applied, and that the exercise of valuing sporting rights across the whole of Scotland will be considerable, both in time and cost. It will take a very long time if the valuations are to be carried out to an appropriate standard by Assessors with the necessary experience. We would be interested to learn of the payback period for re-introducing rates; i.e. how long will it take Scottish Government to recoup the valuation costs from the point at which sporting rates are reintroduced.

The entry in valuation roll of shooting and deer forests does not differentiate in any meaningful way between shooting for sport and shooting for land management purposes. On this basis, we assume that deer stalking rights owned by bodies such as the Forestry Commission, SNH, John Muir Trust and RSPB will also become rateable or that a form of exemption will be offered to those culling deer to a management programme.

It may be that Scottish Government has already considered introducing such an exemption; however, given that deer shot on private estates by paying clients are culled for both management and for 'sporting' reasons, it will be a complex matter to decide which deer stalking rights are rateable and which are exempt.

We would expect the Scottish Government to legislate for exemptions where gamebird research is being carried out, such as the hugely important research initiative on Langholm Moor.

We stress the point that very many of those involved in sport shooting are self-help syndicates and not for profit enterprises and therefore should be subject to exclusion from the valuation roll or offered a small business exemption.

Further to this we believe in imperative that the Scottish Government must carry out a full economic and environmental assessment on a variety of sporting enterprises before making further decisions on the implementation of sporting rates. To press ahead without fully understanding the potential range of implications in terms of rural employment, associated social structures in fragile communities and the impact upon conservation land management would not be the action of a democratic Government.
Deer Panel

The inference within the text relating to the functions of a deer panel suggests that the Scottish Ministers are not convinced this a necessary measure at this time.

Further to our response within the Future of Land Reform in Scotland, we highlighted that the management of wild deer in Scotland is not without regulation. It has been subject to legislation for some considerable time through the Deer Acts, the Deer (Scotland) Act 1996 and now the Wildlife and Natural Environment (Scotland) 2011 Act.

Scottish Natural Heritage (SNH) has for some time held the authority through legislation to intervene to protect designated sites, and the introduction under the WANE Act of the Code of Practice on Deer Management adds weight in terms of expected standards.

The Code of Practice on Deer Management came into effect on 1 January 2012. SNH was required to produce the Code under the Wildlife and Natural Environment (Scotland) Act 2011. Its purpose is to provide practical guidance in respect of deer management and is relevant to all those who manage land on which wild deer are found or who manage wild deer on someone else’s land. The Deer Code supports a voluntary approach to deer management but also identifies when and how SNH may become involved. Scottish Land & Estates was been part of the SNH steering group which assisted in the development of the Code.

In addition to this is the collaborative Scotland’s Wild Deer: A National Approach Scotland’s Wild Deer launched in November 2008. It sets out a 20 year vision for sustainable deer management in Scotland and provides the strategic direction for delivery on the ground. Scotland’s Wild Deer: A National Approach is the Scottish Government’s strategy for wild deer, but it has been developed, and is being delivered by, both private and public bodies.

The Scottish Countryside Alliance believes that any further management regulation measures would be unwarranted at this time.