Written submission from Fetternear Estate

General Comment:

The Land Reform (Scotland) Bill should not have included agricultural holdings legislation changes as the economic consequences should have been worked through thoroughly in advance of proposing any changes to the law. This is a very significant fault with the process that the Scottish Government has embarked on – out of political motivation rather than for well-researched economic and social reasons.

As a result, there is a strong risk that the unintended consequences of this will lead to a loss of jobs in remoter rural areas and overall damage to farming practice and the rural economy.

In addition, I believe that the Bill should have concentrated on Land Use rather than on Landownership as this would be much more equitable and “fair” – one of the key thrusts of Scottish Government policy.

Specific Comments:

Specific concerns that I would like to comment on are as follows:

1. Part 2 – The Scottish Land Commission

There does not appear to be any land management practitioner experience on the Commission. It is essential that a practical dimension is included as well as academic and legal expertise.

2. Part 6 – Entry in Valuation Roll of Shootings and Deer Forests

When the sporting rates on shootings exemption was introduced in 1994 it was as a result of the excessive cost of managing and levying the rates collection. The cost was considered at that time to be more than the revenue that was being raised. If nothing significant has changed to rectify this situation why should it be re-introduced now?

In addition, the control of deer, particularly roe deer in lowland areas, is costly and difficult to carry out safely, particularly with much wider public access at any time of the day or night.

Any additional cost to this deer management process would be very unhelpful and lead to less effective control. This is definitely not in the public interest.

Finally, I believe that the proposed, additional cost levied on sporting estates would prove to be counter-productive as it would undoubtedly lead to the loss of full and part-time jobs in remoter rural areas where there are not alternative employment opportunities. This, in turn, would have a knock-on impact on tourism revenues and
on the rural, retail trade, particularly hotels and restaurants which depend on sporting tourists for much of their income.

3. Part 8 – Deer Management

As mentioned above in Item 2, the repercussions of removal of the sporting rates exemption would add to the cost of deer management and this would be further exacerbated by the introduction of more red tape in the form of additional regulation and/or licensing. In my opinion, and as an executive committee member of LDNS, any changes to the current deer management system should be put on hold until after the Review that is due to take place in 2016.

4. Part 10 – Agricultural Holdings

I have already indicated in my general comments that Agricultural Holdings legislation changes should not be part of the Land Reform (Scotland) Bill. This is because the issues facing agriculture are predominantly economic and largely outwith the control of our government here in Scotland and in Westminster.

The main concerns that I have are in relation to the widening of assignation and succession for tenants which would, in my opinion, produce exactly the opposite of the intended aim which is “to ensure that more land is let out”.

As the proposal in the Bill is tantamount to a permanent leasing situation the landowner will effectively lose the opportunity of ever recovering his or her land. There would certainly be a considerable loss in asset value to the landowner as a result. Under these circumstances, why would a landowner enter into any new leasing arrangements?

To ensure a healthy, “long term” letting sector there need to be incentives for both landowner and tenant. Any progress made, rightly, by formalizing such processes as calculation of compensation for tenants’ improvements at waygo, thereby creating a financial incentive that will deliver churn in the sector, would be undermined by the negative impact on land letting due to widening of assignation and succession for tenants.

What the farming industry needs is “long term” partnership solutions and flexibility for both landowner and tenant to ensure a healthy let sector – not political measures that could be constraining and ultimately counter-productive.