Written submission by Malcolm Younger BSc Dip Surv MRICS

I write as a Land Manager and Consultant who has gained over 20 years' experience in the management of Scottish rural land.

I have a few points to make in connection with sections of the Land Reform Bill:

Part 5 concerns the setting up of Register of land for Sustainable Development. The Bill spends some time at s.38 defining the meaning of “land”, but nowhere that I can see does it provide a definition of “sustainable development”. The lack of a definition for this term will inevitably lead to disputes and no doubt litigation, and it is therefore essential that one is provided. The absence of a definition suggests that the term has no accepted meaning and therefore it should not form the core of a piece of potentially far-reaching legislation.

Part 6 of the Bill concerns the removal of exemption from non domestic rates of “shootings” and “deer forests”. The terms “shootings” and “deer forests” are obsolete and the lack of clarity as to what is or is not to be rated will lead to uncertainty and the inevitability of appeals. Shooting activities and deer culling/management/stalking can take place on most rural land, and whether and in what form it actually takes place is subject to constant change. Does that imply that all rural land will be subject to rating on its potential for these activities, or only that where there is a commercial sporting business? Is it intended that rates be charged on the culling of deer by land managers responding to targets set by SNH as set out in Part 8 of this Bill?

Part 8 of the Bill covering deer management currently states:

Condition A is met if on any land— (a) deer or steps taken or not taken for the purposes of deer management have caused, are causing, or are likely to cause— (i) damage to woodland, to agricultural production, including any crops or foodstuffs, to the welfare of deer or, whether directly or 25 indirectly, to the natural heritage generally, (ii) damage to public interests of a social, economic or environmental nature, or (iii) injury to livestock, whether by serious overgrazing of pastures, competing with any such livestock for supplementary feeding, or 30 otherwise, or (b) deer have become a danger or a potential danger to public safety.

There is no definition of what constitutes “damage” or how significant such “damage” may be before “measures” will be taken by SNH. For example, a deer enters an unfenced garden and eats kale plants it finds there: damage to foodstuffs? What makes deer a “potential danger” other than their existence? If this Bill is intended to reclassify deer as vermin it makes a good job of it. Deer are beautiful and iconic wild animals that a great many people like to see in the countryside. The below excerpt is from a letter received recently in relation to land on Sleat, Isle of Skye:
Dear Sir/Madam,

Re: Deer Management – South of Skye

We understand that due to some complaints a Deer Management Group is to be set up on Sleat.

Having lived at Elgol for 18 months during which time we did not come across a single deer we came to understand that deer on Strathaird had been ‘managed’ out of existence. It would be an absolute tragedy if this happened on Sleat.

We have been living on Sleat for almost a year and are regularly visited by deer. At most there were 10 in a group, but usually they come in 3-4 at a time. In spite of the warnings about the destructiveness of deer, we have planted 120 saplings and other trees and are experimenting with ways of protecting them. So far we have not lost a single tree due to deer.

We love seeing the deer as do our guests. With Sleat being an area of heavy tourism the deer add to the enchantment of the visitors’ experience. The Red Deer is also a part of Scottish heritage as it is symbolically closely associated with Scotland.

Amongst the management proposals we should consider ways of living with the deer and round them rather than the type of ‘management’ that was applied on Strathaird.

The terms of the Bill defining deer and their management could have been written by organisations such as the one at Elgol which has overseen the removal of deer there and elsewhere. The draft statutory terms set out in this Bill are a heavy-handed and unwise means of regulating the management of deer and the Parliament should reject them.