Written Submission from the Hopetoun Estates

Hopetoun Estates is a diverse rural estate business encompassing a number of different business areas. The land area comprises landscapes and built heritage of national importance. Over the last 5 years or so, it has invested significantly in rural business enterprises, creating a number of new jobs directly and facilities and opportunities for other businesses.

The general aims of the Bill are welcomed. However it is felt that the specific proposals fall short of these aims, and indeed runs counter to them in some cases. It is felt that an opportunity has been missed to foster an inclusive approach to land use planning for the benefit of all.

The general aim of the Bill – to increase the contribution of Scotland’s land to sustainable economic growth – is welcomed and supported. Most of the stated objectives within this are also welcomed and supported, for example to improve relations between agricultural landlords and tenants; increase transparency and accountability; improve community engagement processes; and to increase the area of let agricultural land through simplifying the letting legislation.

However in our view some of specific proposals fall short of the wished-for objectives, and indeed in some cases run counter to these.

The tenor of the Bill risks dividing rather than uniting. The sense of the Bill is that there are particular groups (eg landowners, landlords) which are obstacles to sustainable development and need to be overcome and controlled, rather than encouraged to play their part in sustainable community development. This is particularly pronounced in the agricultural holdings provisions, which do little to give confidence to land managers to let more land, in contradiction to the stated aim. The rent review provisions in our opinion make rent reviews more complicated, and the detail will need significant practitioner input.

The extension of the principle of compulsory purchase powers and the assignation and succession provisions are material changes to private property rights and may infringe these, and as such should only be considered where an over-riding reason of national importance can be proven. It is questioned whether this has been proven. The provisions also create uncertainty and disincentive to investment. It will have to be carefully legislated to ensure that it is not merely giving rights to one part of the community to misappropriate the property of another part of the community. There must be an obligation on the community group to exhaust all other options for delivering their proposals.

The details of a number of the provisions in the Bill are to be provided in subsequent regulations by Scottish Ministers. It is very important that the details of such proposals are fully checked and tested with practitioners on the ground to avoid unintended consequences. Land management is striking a balance between the
different land uses on a particular area of land, and practical knowledge of circumstances is often critical. Therefore it is surprising that the specification for the Land Commissioners does not include land management knowledge and experience. The appointment of the Tenant Farming Commissioner is welcomed, however the role seems extremely under-resourced.

There is a risk that the additional regulation and the structures merely add additional costs and bureaucracy. The increasing level of legislation and structures risks creating obstacles to sustainable economic development rather than assisting it. For example the introduction of sporting rates adds additional cost to precarious economic activities in fragile areas. Taxing deer stalking also seems to contradict and prejudice the intent to encourage effective deer control in part 8 of the Bill.

It is felt that an opportunity has been missed in promoting a collaborative, inclusive approach to rural land use. The principle of guidance on Engaging with Communities is welcomed. However this could develop how communities proactively engage in a long-term planned approach to economic and social planning for all the community. Without this, “community planning” risks being a short-term perspective of the then-most active local special-interest group rather than a long-term representation of the wishes of the majority of the community as a whole.

Hopetoun Estates will continue to try to foster sustainable economic development for the benefit of local and national economy and to work with communities to deliver their aspirations. However it is disappointing that the proposals seem to concentrate on burdening one sector of the community and creating further bureaucracy and regulation. It would seem that the opportunity has been missed to develop proposals which encourage all in the community to work together to deliver economic and social development for all.