Submission from Mr Charles Fforde

Part 1 – Land Rights and Responsibilities Statement: How can anyone possibly comment on the proposed Land Rights and Responsibilities Statement when it remains a blank sheet of paper to be filled in after the Act comes into force. This is insane.

On Arran, the evidence is that the Hamilton family built schools in all the villages and also the churches in the major villages, at their own expense. They also take the credit for having built all the Listed Buildings on the Island, some to house those finding alternative employment to subsistence agriculture. Legend holds that the family employed a doctor to look after the sick among the population in their care. Landownership and responsibility most often go hand in hand and I should say that there is evidence here of the landowners having done very well.

Part 2 – The Scottish Land Commission: It seems bizarre, although in line with Leninist principles, that there should be a need to appoint 6 Commissars to perform functions that are not yet defined. Also, it is insane to appoint persons to this task who do not have lengthy first-hand experience of land and estate management. Does the payment of these Commissars, their staff and appointees represent good value for money to the tax-payer?

Part 3 – Information about the Control of Land: It is obvious to all but the uninitiated that the control of land rests with the government agencies or, as a last resort, the judiciary (mostly owing allegiance to government). No one can develop or demolish without consent of the local planning authority; land disputes go before the Land Court or Land Tribunal, one cannot set out a groyne to capture sand from a long-shore drift (such as we have been trying to do at Brodick and Lamlash beaches) without consent from planning and Marine Scotland or risking arrest; one cannot crop ones farm without complying with SGRPID regulations; no tree can be felled without the consent of the Forestry Commission; no river maintained without a licence from SEPA, etc., etc. To consider that a landowner (now referred to as the land manager in government literature) has any direct control of the land in his/ her care is insane.

Part 4 – Engaging Communities in decisions relating to land: Communities are already engaged in the planning process and may object to or initiate any proposal. Indeed, local communities have caused the proposal for a biofuel plant on Arran being turned away (whilst the waste timber is left on the ground to rot). Similarly local communities are most usually welcome to discuss their ideas with the owners of land and it is to be hoped that this will continue in a co-operative manner, whereas the proposals in the Bill seem to steer towards confrontation. To substitute confrontation for co-operation is insane at a local level.

Part 5 – Right to Buy land to further sustainable development: Nothing is more inclined to cause distrust between local owners of land and the communities, of which they form a part, than such a provision, which is insane. It needs to be remembered that having aimed the first salvo of Land Reform at present
landowners, the next generation of owners (including communities) will be in the firing line, as the legislation lives on. It is insane to promote the politics of hate and envy where co-operation has prevailed in the vast majority of cases in the past. Does the purchase of land with grant funding, for the benefit of such communities, offer good value for the taxpayer?

**Part 6 – Entry in the Valuation Roll of shootings and deer forests:** For a government that wishes to be seen to promote Health and Well-being to seek to penalise those who go to the countryside to hunt (there is a minority among us that still have nature’s urge to hunt) is insane. There is little difference between a person going for a walk in the countryside and someone going for a similar walk with a dog and a gun and who really appreciated nature’s ways. Indeed, there are larger, more organised shooting businesses but these generate a quantifiable revenue to the rural economy, employment, benefits to the landscape and habitats (and revenue to the tax-man). To seek to charge Non-Domestic Rates on such activities is insane.

Equally, if not more insane is the proposal to charge Rates on deer culled for the public service of maintaining local habitats or the improvement designated areas. No deer are killed merely for fun but all are killed as part of a Management Plan or deer control measures. It is insane to penalise operators for doing this task, especially in areas where grazing pressure is evident. Better for the government to come to terms with the growing deer populations in and around suburban and industrial areas.

**Part 7 – Common Good Land:** This Part is too vague to draw comment

**Part 8 – Deer Management Plans:** We are fortunate on the Isle of Arran to have a relatively small Deer Management Group, where problems have always been discussed openly and decisions reached with mutual agreement and respect for the past 20 or so years. We have a Deer Management Plan completed in line with this legislation and it is with SNH for comment. Designated areas are in favourable condition and we now intend to provide for the enclosure of certain areas of native broadleaved woodland (birch, for the most part) but public funding is not presently available to assist with this task.

The embargo on shooting adult female red deer between 1st April and 31st August has caused economic loss, locally. Although put in place for “humanitarian reasons” it should be borne in mind that red deer drop their calves at the end of May and those calves are dependent upon their mother until the turn of the year. Also, during this period, the previous years calves (which will not be in-calf) become a year old. It is our view that the embargo should commence in mid-May and run till late September. Again, the State agency is in control.

**Part 9 – Access Rights:** No Comment. The local Core Path Network is being developed between local land owning interests and the local Council.

**Part 10 – Agricultural Holdings:** It is our view that matters concerning Agricultural
Holdings should (as is normal practice) be contained in an Act with that name and should not be included here.

That apart, it has to be said that it is insane to even consider that any private owner will lease an asset as close to his or her heart as land, to anyone, so long as the political climate is so unstable and there is a possibility of a tenant's Right to Buy! Regrettably the Scottish government has lost the trust of anyone who might otherwise have considered letting land and we consider it most unlikely that there will be any new lease granted in the near future. That being the case, there is no need even to consider the new MLDT in any legislation.

If the Scottish government is sincere in its wish to see a vibrant farming sector and more young entrants, then it needs to introduce something akin to the English Farm Business Tenancy, where freedom of contract prevails and what is agreed in the lease is what will happen, like any normal commercial lease. Agriculture is a business and it is going to be a hungry world in a few years time. The country needs economically viable farming and not endless security of tenure. Indeed there should be a set retirement age in a lease.

In Denmark it is illegal to allow a lease of agricultural land of more than 16 years and most leases are for eight. The quality of the farming is above average. Security of tenure and the result of ageing tenants can be seen on Arran to have ruined many formerly good holdings; the hedges have not been trimmed, fences allowed to fall down, ditches not cleaned, building not maintained. The emotional arguments are insane when trying to provide an efficient, vibrant farming industry with a strong letting sector.

Furthermore, the setting of rents MUST have regard to the landlords requirement to maintain the fixed equipment and the productive potential of the land. Historic or comparative rentals are not a sound basis for the above.

Moreover, whilst the Scottish government wishes to extend private ownership through the notion of a right to buy, it should be remembered that a rent, reached through agreement, is far more stable than bank or loan interest, which can double or treble in a few years and over which the farmer has no representation.

As to the proposals for wider assignation of tenancies, this is as insane as those for the right to buy. Scotland's recognised vital resource needs to be well looked after and secure tenancy, in any circumstance, will only see the land deteriorate. Why is this even contemplated?? A landlord might well consider a tenant's nominated successor, but always against the knowledge, hope and understanding that he or she will farm well – or could be asked to move over.

Evidence is given that the proposals are mostly insane and in some cases counter-productive (e.g. rates on a required deer cull and the hint of a tenant's right to buy
where no land will be offered to rent).

The Leninist notion of a proletarian utopia has not worked in Russia, Zimbabwe, North Korea, China or anywhere else. It is insane to think it will work in Scotland. A good deal more common sense and less bigotry are called for on this occasion.

In the words of the Roman Emperor Marcus Aurelius (AD 121-180)
"The object in life is not to be on the side of the majority, but to escape finding oneself in the ranks of the insane."
EXPLANATORY NOTE FROM THE CLERK OF THE COMMITTEE:

The following exchange of email correspondence between the author of the submission, Mr Charles Fforde and Mr Mike Russell MSP relating to this submission, has been included as an appendix to the submission with the consent of the author. Personal contact data has been redacted in line with the requirements of the Data Protection Act 1998.

Committee clerk
10 September 2015

Email from Charles Fforde to Michael Russell MSP - 10 September 2015 13:35

Dear Mr. Russell,
It is intended that the evidence I have offered is placed on the record and, I trust given serious consideration. The anomalies among the proposals, I have already pointed out. Thank you. I think our exchange of e-mails should also be on record.
Charles Fforde

Email from Michael Russell MSP to Charles Fforde - September 10, 2015 9:03 AM

Dear Mr Fforde
Thank you for this. I see no reason to change my original comments on your “evidence” but in the interests of transparency I think it would be good to ensure your submission is placed on the record for the Scottish Parliament. I presume I am liberty to formally pass it to the clerk to the Committee along with the associated correspondence?
Yours aye

Michael Russell

Email from Charles Fforde to Michael Russell MSP - September 9, 2015 3:30pm

Dear Mr. Russell,
The definition of “fact” (Pocket Oxford Dictionary) is “n. 1. Thing that is known to exist or to be true. 2. (usu. in pl.) item of verified information . . “ etc. Your assertion at the time of the crofting debate that the Duke of Hamilton used his influence in the House of Lords to extricate his Arran property from the crofting counties was certainly NOT true (see the debate in the House of Commons on the Crofters (Scotland) (No.2) Bill (Hansard)dated 19th April 1886, which gives the facts, contrary to your version, which would be called . . what?) , so you should study this definition well. If you have reason to assert that my evidence is not true, then I shall be pleased to have you identify where I have erred.

The drift of the Bill would no doubt be pleasing to Comrade Lenin and, as I have pointed out, the content of the Bill is, to a large extent, counter productive – like expecting owners of land to enter into a lease, with the prospect of the tenant being in a position to exercise a right to buy = no new
leases; charging Rates on the culling of deer, which the Scottish government want culled = minimum culling; trying to expropriate land where co-operation would yield quicker and greater advantages = fewer projects and longer delays, etc., etc. To this extent, much of what is proposed is insane, hence repeated use of that word (definition: *adj.* 1. mad. 2. extremely foolish).

I am trying to persuade the Scottish government against following in the footsteps of Zimbabwe (Mugabe’s policies have cost a great many lives), China (Mao’s policies cost the lives of 35 million people), USSR (Stalin’s policies, after the style of Lenin, cost over 30 million lives) and all these countries declined to a shadow of their potential as the result – facts that you can research yourself. Do you really mean Scotland to go the same way? If so it would be a pity - and extremely foolish.

Regards,
Charles Fforde

Email from Michael Russell MSP to Charles Fforde - September 9, 2015 2:09 PM

Dear Mr Fforde

Thank you for sight of this.

I am not sure you and I would agree on the definition of the word “facts”

I note that in the first three paragraphs of your submission you use the words “insane” and then “Leninist”. Those are words that express, in that context, your opinion of the proposals not any facts about them.

I further note that the word “insane” occurs in total 16 times in three pages and that you make comparisons between the Scottish Government, Zimbabwe and North Korea.

I am sure the committee will want to give due weight to your opinions, of course.

Yours sincerely

Michael W Russell
Argyll & Bute

Email from Charles Fforde to Michael Russell MSP - September 9, 2015 12:59pm

Dear Mr. Russell,

I was very sorry to have had to miss the meeting on Skye, to which I was invited, due to other pressing business at home. I have taken the opportunity to summarise the evidence that I offer and attach this for the Committees attention. I hope that the facts given are taken into account during consideration of the matters covered by the proposed Land Reform Bill.

Yours sincerely,

Charles Fforde