Written submission from Dormont Estate

LAND REFORM (SCOTLAND) BILL 2015

PART 1 – Land Rights and Responsibilities Statement

I do not feel that a Land Rights and Responsibilities Statement is necessary but, provided the Statement is clear on the definition of Land Reform and presents an appropriate vision or aspiration for Land Rights and Responsibilities, then I support it. I would not support it if all it is is simply an emotive ideological statement. It would also be very disappointing if it is to be limited to a statement on land rights which does not deal with land use issues. The Statement should be applicable to all of Scotland and respect the rights of property owners.

PART 2 – The Scottish Land Commission

In principle I have no objection to the establishment of a “Scottish Land Commission”, but that is subject to the circumstances, structure, type and remit of the Commission being considered extremely carefully. I support, in principle, the appointment of a Tenant Farming Commissioner but would wish to see much greater clarity over how the Commissioner will operate within the existing legislative framework.

PART 3 – Information about Control of Land etc

Whilst I support openness and transparency in landownership I would contend that data on land values is of little use simply because value says nothing about the size of the landholding or its productivity.

PART 4 – Engaging Communities in decisions relating to land

I support this part of the Bill.

PART 5 – Right to Buy Land to further sustainable development

Powers already exist that support this aim and I suggest these be used rather than further powers added. Any power of intervention would need to be clearly defined, proportionate and based on robust evidence and not simply left to the discretion of a Minister.

My main concern is that this proposal takes no account of the many barriers that exist to rural development, none of which involve landownership, for example access to finance and town planning constraints.

PART 6 – Sporting Rates

I do not believe that the current business rates exemption should be ended. The shooting and fishing element of my business makes a significant contribution to rural tourism, local employment and the environment. Before this Part of the Bill is enacted Scottish Government must undertake thorough research into its economic and environmental impact.
PART 7 – Common Good

I have no comment to make on this proposal.

PART 8 – Deer Management

This Part of the Bill is unnecessary not only because SNH already has powers but also because Scottish Government already has a programme in place to develop and review deer management based on the recommendations of the RACCE Committee following their 2013 Review.

I also believe that the penalties for non-compliance are excessive.

PART 9 – Access Rights

I support this part of the Bill.

PART 10 – Agricultural Holdings

It is not clear to me why agricultural holdings is being included in this Bill when its importance clearly merits separate legislation. There is no advantage in my mind in taking forward any recommendations of the Agricultural Holdings Legislation Review Group within the proposed Land Reform Bill. Indeed there would be serious and significant disadvantages.

Where the Modern Limited Duration Tenancy is concerned I would support the principle of conversion (despite retrospective nature of the change) on the grounds that it moves towards an end of 1991 Act tenancies but only if the term is shorter; that there is acknowledgement of the negative impact on some landlords, especially those where the tenancy is their only asset; and if compensation issues are acknowledged and addressed.

I would propose that a tenant wishing to buy their holding must be required to register their interest and that there needs to be much greater clarity on trigger points.

I am supportive in principle of a sanction on failing landlords but would argue for parity with sanctions on the tenant because the proposal as it stands is imbalanced; a review of good husbandry provisions where the tenant is in breach; and protections to ensure proper value to the landlord in order to avoid abuse of the system.

I am opposed to the assignation and succession proposals as this will lead to a significant loss of landlord rights. I am, however, supportive of the proposals for compensation for tenant’s improvements and landlord’s improvements.