Written submission from Lothian Estate

Land Rights statement

We support in principle the preparation of a statement by Ministers of their objectives for land reform. This statement however should be prepared with an open mind and impartial view with the focus on how best land can be effectively managed and used for the benefit of everyone and not on who owns the land.

Land Commission

We welcome the proposal that Commissioners will be appointed by Ministers and having relevant experience and expertise in land and not serving in the political arena for 12 months. It is important that the Land Commission should be politically independent from the Government and made up of representatives with the necessary expertise from both the public and private sectors. There should be some expertise within the Commission of rural and urban land management and property law to ensure that all aspects of the ownership and use of land can be objectively and consistently monitored. Their remit should not include promotion of land reform but rather promotion of Scottish land interests. Any policy decisions should only be made after detailed research, analysis and consideration of the impact of such policies.

Tenant Farming Commissioner

We fully support the aim of the Scottish Government, to achieve a vibrant tenanted farming sector in Scotland and to achieve this a much better working relationship amongst sector participants is vital. We believe it would be beneficial to keep the Scottish Land Commission and Tenant Farming commission totally separate to ensure an impartial perspective.

Right of access to information on persons in control of land and Power of Keeper to request information relating to proprietors of land

We fully support this proposal and welcome transparency and registration of ownership.

Engaging communities in decisions relating to land

We support in principle engaging communities in making decisions relating to land and welcome increased community engagement. Much can be achieved if all types of landowner work together providing there are caveats to assist achieving effectively managed land.

Right to buy land to further sustainable development

We oppose this measure as we believe that powers already exist to address this issue. If this proposal is adopted there needs to be detailed consideration given to each individual case with similar criteria to those of Compulsory Purchase Orders being met. A clear definition of what constitutes 'sustainable development' would be required.
Entry in valuation roll of shootings and deer forests

We appreciate that this proposal brings the sporting interests in line with other commercial subjects but the impact on rural jobs and businesses could result in a massive burden to rural communities. The Land Reform Bill is striving to benefit the communities in the rural sector and it would seem that this proposal would have the opposite effect. We believe it is crucial that a full economic assessment of the impact of this proposal is carried out prior to any decisions made as the economics of sporting interests are very fragile but the resulting employment and commercial benefits from sporting interests to local communities massive.

Deer management

No comment other than we feel SNH already has powers.

Access rights – support

We are in support of this proposal.

Modern limited duration tenancies

We are in support of this proposal but feel that the opportunity to consider greater freedom of contract should have been explored prior to making firm decisions on the terms of the new tenancy.

Conversion of 1991 Act tenancies into MLDTs

We support this proposal in principle as it would allow a tenant farmer to obtain funds to help him retire. This support however would be subject to the detail of this conversion being fair to the Landlord. We would suggest a term similar to that of the present Limited Duration Tenancies should be considered ie 15 or 20 years. The conversion of a 1991 Act tenancy does have a negative impact on Landlords who would otherwise receive vacant possession of the farm and this issue would need to be considered and addressed.

Tenant’s right to buy

We support this proposal subject to clearer detail on the trigger points.

Sale where Landlord in breach

We are supportive in principle to this proposal. All landowners should exercise high standards of management but if a landowner is found to be failing to comply with their obligations to prevent this proposal being possibly taken advantage of, the circumstances in which a Government Minister has the right to intervene and decide that a landowner is a barrier to sustainable development and forcibly remove someone’s property will have to be tightly and carefully worded. Protection for the landowner so far as valuation is concerned would have to be included to ensure that the system is not abused.
To ensure that the Bill is seen to be equitable, a landlord should also have measures more easily available to him should a tenant fail in his obligations. Perhaps a review of the good husbandry provisions should be undertaken.

**Rent Review**

The relationship between the landowner and tenant is fundamental to achieving a successful tenanted sector and therefore we will seek to make the amendments work.

**Assignation and succession**

We would oppose this proposal. The Bill is aimed at achieving efficient agricultural production in Scotland. By substantially widening the classes of people to whom a lease could be assigned, bequeathed or transferred on intestacy will not achieve this. Any successor to be considered should have at the very least a working connection to the farm. This proposal also represents a significant change in the landlord’s position.

**Compensation for tenant’s improvements**

We support the amnesty for notices for tenant farmer’s improvements.

**Improvements by Landlord**

We support this proposal.