Written submission from Adrian Walker

Responses are invited to the different parts of this wide ranging Bill. I will focus most of my comments on Part 6 (Sporting Rates) but will first briefly touch on the other Parts.

Some Parts of the Bill seem unnecessary or superfluous and don’t reflect where a large number of communities have already reached. Part 4 (Engaging communities) is already practised for significant issues which impact local communities, for example Forest Plans, where large scale felling is anticipated. Where development is sought adjacent to towns or villages engagement is already a part of the planning process. Part 8 (Deer Management) again is designed to address issues which are already in place voluntarily or will be shortly.

The Bill is stated to be concerned with ownership, management and use of land but actually it is mainly focused on ownership. This is the wrong emphasis. Use is the key factor. An asset needs to be used to its full potential and this is more important than who actually owns it. Land is an interesting asset because it can be used simultaneously by different people and for different purposes. What is essential is for arrangements over the use of land to have a great degree of flexibility and for stability of contract. This Bill offers neither. Part 10 is designed to weaken or remove an owner’s rights over his property. It creates a direct path from tenancy to loss of effective ownership for landowners. If there was ever any idea that reform would lead to new tenancies this removes any chance of that happening. Farming will polarise into owners and hereditary tenants with virtually no prospects for new entrants which is unhealthy. Seasonal grazing arrangements have become the only farming contracts which provide real flexibility and allow land use to be optimised.

Part 5 provides another pathway for transfer of ownership this time for communities and with the aim of furthering sustainable development. This in practice seems to represent a widening of the crofting communities right to buy to potentially all communities. Definitions of what represents sustainable development become difficult when one balances short term goals against long term ones. They are not necessarily the same.

Moreover land ownership brings considerable costs now, not least from increased regulation, and the ability to make a living from it is not getting easier, particularly in rural Upland Scotland where the quality of land is often poor. The first estates to be transferred to West Coast communities are struggling with the costs of managing them. It is widely reported in the press that they have not been a financial success for those involved. It is one thing to exercise a right to buy and acquire land, particularly when public funding is made available, but it is also a heavy cost to then run and find capital to invest in them. Most upland estates are not profitable and require either considerable diversification, which itself needs investment, or funding from outwith the estate to keep going.

This reality makes Part 6 (Sporting Rates) particularly difficult to understand. Shooting, if looked upon as a stand-alone business, does not make a profit in Upland Scotland. The gap between income and expense fluctuates from year to year according to the success or otherwise of the shooting season and is bridged by income from other sources and often from non estate sources. The expenses
associated with shooting have increased in part because of greater regulation, which means we employ more keepers, but also because landowners have willingly taken on more and more conservation work. In point of fact the wider environment has always benefited from good land management but now this natural by-product has a status of its own.

The exemption from paying non domestic rates has in my view represented recognition of this wider conservation role played by shooting estates and a form of contribution by Government to the extra costs of that role. Private keepered estates are recognised to be the most effective deliverers of conservation improvements in Upland Scotland and all with virtually no call on public funds. The removal of the exemption is therefore completely illogical in that it punishes an industry which is already in the main loss making and which delivers substantial conservation benefits to the whole community.