Written submission by J D A Williamson on behalf of Alvie & Dalraddy Estates and associated businesses

Land Reform (Scotland) Bill

Part 1 - Land Rights and Responsibilities Statement

No comment

Part 2 – The Scottish Land Commission

As a nation we depend on our land for food, wood and fuel production, minerals, energy and recreation. To maintain and sustain the goods and services that we require from our land it is essential that the Commission includes Commissioners with relevant land management experience and expertise. (Part 2, Chapter 1, Section 9(1a)).

The powers and remit of the Tenant Farming Commissioner should not discourage landowners from offering farming tenancies on their land. To encourage younger farmers into the industry we need more tenancies not less.

Part 3 – Information about Control of Land

We are in favour of information being available on who controls land by those with a legitimate interest in the land. Where practical we would like such information to be readily available whether or not the person seeking the information has an interest in the land.

Part 4 – Engaging Communities

We support Communities being engaged and kept informed of land use changes and proposed development of land in which the Community has a legitimate interest. The ultimate decision on land use changes or development should be made through the planning process or by those who own or otherwise have control over the land.

It is important that engaging communities does not result in pressure groups or others blocking or otherwise preventing further sustainable development of a landholding or the local economy.

Part 5 – Right to Buy Land to Further Sustainable Development

“Sustainable Development” is not defined.

We support the use of land to make our nation more self sufficient and sustainable which should include the production of goods and services that we consume and require.

We are against the expropriation of land or other assets from one owner in order to sell or gift to another owner other than government.

The compulsory purchase of land must be clearly in the national interest and full compensation paid to the owner forced to sell. The government must ensure that the
recipient of such land is capable of managing the land sustainably and in the best interests of the nation indefinitely. The recipient of land should be capable of surviving economically without ongoing government support.

It would be equitable to allow the owner disposed of his or her landholding through a forced sale, to be given a right of pre-emption. This would provide a backstop in the event that the new owner fails to be economically viable.

The right to buy should not be used to sterilise land from development or otherwise prevent further development (re-wilding).

Compulsory purchase of land along with associated rights and assets should be used as a last resort only when it is clear that the current owner is unable or unwilling to manage the land sustainably or where the owner of the land is blocking further sustainable development of the land. It must not be used to block sustainable development or just to transfer land and opportunities from one owner to another.

Where an offer to buy the land is opposed by the current landowner; the decision as to whether the current land use is unsustainable and the proposed future land use is sustainable should be made independently by an agreed panel of experts. In the event of the landowner or tenant appealing the decision of the panel of experts the decision to proceed with a right to buy should be the subject of a Public Local Inquiry.

An owner of land must be given the opportunity to manage it in an agreed way before a right to buy is considered.

The perception that a Community body can force a landowner to sell without good cause would be detrimental to attracting future investment in our rural economy.

For a Community body to exercise a right to buy, such action should first have the support of the majority of the Community in which the land is located.

Part 6 – Valuation of Shootings and Deer Forest

Much of Scotland’s most marginal land for farming and forestry is used for field sports. Land owners and tenants interested in such activities are willing to own and operate shooting and deer stalking activities on land they control even though these activities and the land holding operate at a net financial deficit. This is a valuable source of investment and income in many of Scotland’s most economically marginal rural areas. Such activities can also benefit local hotels and guest houses, self catering accommodation, shops, game dealers and processors. Tourists coming for shooting, deer stalking and fishing tend to come outside the peak tourist season thereby extending the tourist season and improving the financial viability of many rural based businesses. However very few landholdings make a net financial return from field sports alone.

Taxing (rating) those landholdings that attract owners and guests for shooting and deer stalking will make marginal rural land holdings even more marginal. It will impact most on resident landowners and tenants who depend on their landholdings for their livelihood and economic survival. It will force some resident landowners and
tenants to sell up which will result in a greater proportion of our rural land being controlled by absentee owners. A reduction in shooting, stalking and fishing clientele will adversely impact on local hotels and shops that depend on an annual influx of these relatively high spending visitors. If sporting estates are sold they are more likely to be purchased by absentee owners who wish to retain shooting, stalking and fishing for themselves and are willing and able to run their landholdings at a financial loss. Absentee owners seeking field sports are less likely to be interested also in farming, forestry or commercial field sports. It will have an adverse impact on the economy of our most marginal rural areas.

**Taxing the Sport**

If the tax is based only on game and deer culled for sport, many properties where the resident owner depends on income from commercial shooting and stalking will abandon field sports as an activity. This will result in a loss of employment in some of our most economically fragile rural areas. Deer will continue to be culled for control purposes and meat but additional income from stalking clients will be lost. Local services, shops and tourist accommodation will lose out. It will reduce the incentive to cull deer. Jobs will be lost and on many landholdings, deer will become a liability rather than an asset.

Culling game and deer with paying clients adds significant value to the activity. It is of more value to our rural economy than culling only to mitigate damage or for the meat.

**A Land Tax based on Culls**

If the tax (rates) are based on the number of game birds and deer culled, this will provide a disincentive to cull deer. A greater proportion of the deer culled will be carried out by contractors that are partially funded by government organisations such as Forestry Commission Scotland and SNH. A greater proportion of game birds and deer will be culled without informing the government.

Rating and taxing shooting and stalking will adversely impact on grouse shooting which in 2013 was estimated to have been worth £32 million to Scotland’s economy supporting 1,072 jobs. It is likely to result in a reduction in wild deer culled which could adversely affect our rural environment. A reduction in wild red deer culled will reduce income and increase imports. In 2013 the UK imported 29,000 deer carcasses to meet the shortfall between supply and demand.

**The Impact of this Type of Tax**

If the tax levied is high the adverse impact on our rural economy in our most fragile rural areas will be greater. If the tax is low it will be more expensive to administer than the tax collected. It is difficult to see that such a tax will be of net benefit to our economy.

The Scottish Government should accept that shooting and deer stalking attracts private investment in some of our most fragile rural areas for little or no net financial return to the investor. It provides employment and attracts high spending visitors outside the peak tourist season in our most economically fragile areas. Deer stalking
provides an unsubsidiised lean meat that would otherwise need to be imported. It controls a species that would otherwise need to be controlled and culled at a net cost to the government and landowners.

We believe taxing shooting and deer stalking will adversely impact on our rural economy. It will not be of net benefit to our Scottish economy. It is a tax based on prejudice rather than sound economic impact assessment.

Part 7 – Common Good Land

No comment.

Part 8 – Deer Management

Deer Management Plans

Deer management plans are not a panacea to managing wild deer within the balanced best interests of our rural economy and environment. Of more importance than Deer Management Plans is implementing the SNH Code of Practice on Deer Management which obliges deer managers and SNH to take into account the impact their decisions will have on neighbours and our environment.

Land managers will invest in their land holding in a way that achieves the objectives of their ownership or tenancy. Insisting on the production of a deer management plan that has to be approved by SNH and reflects the objectives of SNH, not the objectives of the land owner or tenant, will adversely affect further investment on many land holdings.

Insisting on SNH approving all Deer Management Plans assumes that SNH and government always know best how to manage deer on a particular land holding. Experience has shown that government organisations are not best equipped to decide how a particular landholding should be managed.

We disagree that Deer Management Plans approved by SNH must be produced. It will discourage further investment in economic activities in many of our most economically fragile rural areas.

We consider the penalty for failure to comply with a control scheme is excessive.

Further Regulation and Control

The recent increase in regulation and control by government of deer and their management has discouraged landholdings to invest in deer as an asset. An increasing number of landholdings now perceive deer as a liability. Further regulation and control by government as detailed in this part of the Bill will discourage further investment in utilising deer as an economic asset. Introducing new regulations now would appear to be incongruous with the Rural Affairs, Climate Change and Environment Committee intention of reviewing the industry in 2016.

Most Deer Management Groups have responded to the demand for Deer Management Plans, greater transparency over their proceedings. Imposing so much regulation and control on this industry so fast before the impact of recently imposed
additional regulations and controls can be assessed will damage and could destroy this industry.

Deer are an iconic species that attracts tourists to both watch and cull deer outside the peak tourist season. Wild deer are an unsubsidised organically produced lean meat where UK demand far exceeds the supply. Red deer are better adapted to our climate and are better converters of protein than either sheep or cattle.

In the Highlands sheep numbers have reduced by 1.4 million over the last 10 years. In Scotland over the last 20 years sheep numbers have declined by 30%. On moorland where sheep have been removed and heather is not being burnt or otherwise managed for grouse, vegetation has become under grazed and rank increasing fuel loads resulting in an increase in the number and intensity of uncontrolled heath fires. The reduction in sheep and red deer on our moorland combined with a reduction in moorland management for grouse is reducing rural employment and economic activity while at the same time increasing the risk and damage to habitats by wild fires.

When the reduction in farming activities on our hills is combined with a reduction in grouse shooting and red deer stalking and an anticipated reduction in further wind turbines and hydro-schemes, the overall impact in employment and economic activity on our more fragile and remote rural areas could be serious. This goes against the desire for a stronger rural economy.

Under grazing of heather moorland results in rank vegetation crowding out smaller species and the regeneration of shade intolerant species. The perception that peat erosion has been caused by over grazing by sheep and red deer is now being questioned. Experiments are demonstrating that in many areas peat erosion is primarily the result of climate change not herbivore impacts.

Instead of treating red deer as a liability, it benefits our rural economy when wild red deer are managed as an asset for food production, as a tourist attraction and as a means of managing moorland vegetation.

Over the last 150 years we have increased Scotland’s tree cover from under 5% to over 18% of Scotland’s land area. This has been largely achieved through fencing. The most cost effective way of managing growing crops and livestock in close proximity to one another is by fencing one from the other. A presumption against fencing and a lack of fence maintenance by Forestry Commission Scotland and others has been detrimental to our rural economy.

The section on deer management would be a retrograde step in managing habitats and improving our rural economy.

Part 9 – Access Rights

We welcome the proposal that land owners and occupiers must be consulted on reviews and proposed amendments to core paths on their landholding.

Part 10 – Agricultural Holdings
We welcome any steps that will free up the regulations surrounding agricultural tenancies and encourage more tenancies to be created. We do not believe this will be achieved by the Modern Limited Duration Tenancy (MLDT) as proposed.

More agricultural tenancies will be created when and where it is perceived to be within the interests of both parties to create a tenancy. The reasons for eviction by the landlord and right to buy by the tenant must be fair and reasonable to both landlord and Tenant.

We consider the ability for the tenant to exercise a right to buy or assign the tenant without the agreement of the Landlord will discourage Landlords from offering tenancies. In a situation where a Trust owns the land, we believe a Trustee offering an MLDT under the conditions as proposed could be in breach of his requirement to act within the best interests of the beneficiaries. A Landlord must have the ability to accept or reject a prospective tenant on assignation or succession.

We have some concern over compensation for tenant’s improvements. We have for example a tenant growing strawberries in poly-tunnels. The business is financially marginal, it is unlikely that a successor would grow strawberries or produce the crop in the same way. An improvement that enhances current production is unlikely to have any value if the person succeeding the present tenant decides to make use of the land for something else or produce strawberries in a different way. The legislation should recognise that a tenant’s improvement at waygo may be of no value to the succeeding tenant or the Landlord. Any compensation at waygo for such an improvement should at best be nominal.

We are concerned that what is proposed will discourage the creation of further tenancies as it is on balance too biased against the land owner.