Written submission from Merkland Estate

Part 1: Land rights and responsibilities statement

We do not feel this is necessary. Government and Parliament may enact policy through normal channels. It may also apply policy flexibly in the myriad different circumstances of urban land, rural land, farmed land, forestry, hill and grazings.

The statement should not be an ideological and emotive publication or it will not obtain widespread support.

The concept of widespread access to land and land resources is understandable and desirable but as a part of a fair use of existing public finance and with respect to private property.

Land ownership cannot be determined simply on the basis of the public interest. Without allowing for private interest there is no incentive for private investment and stewardship. A mix of public and private interests, as exists presently, is workable and desirable. Both forms of interest can be recognised and are not mutually exclusive.

Any policy should promote the understanding that not all land is equally productive and that some of Scotland’s less productive (but of high environmental value) land requires different forms of support and care and that can often be found in the current system of private ownership with widespread public access and involvement from public sector agencies.

Part 2: Scottish Land Commission

Such a creation may be desirable depending upon its remit and composition. It should not be used to promote divisive and economically damaging niche agendas.

There should be an evidence base for all analysis. It should examine the success, challenges (and on-going level of public support) of existing land reform cases, particularly of community buyouts which have not benefited from renewable energy or other state subsidies.

It should answer to Parliament as to use of resources when there are areas of Scotland with far greater poverty which require regulatory or State assistance.

Part 3: Information about Control of Land

It is not clear how more information will assist development. The identity of owners is almost always known, and is not a major factor in analysing success or otherwise of ownership.

Policy makers must be made aware of the wider context and not just rely on narrow data points such as ownership or purported value.
Part 4: Engaging communities in decisions relating to land

We welcome this. We engage with local environmental and deer groups and local businesses in the fishing and hospitality sectors.

Part 5: Right to buy land to further sustainable development

Powers of purchase already exist.

The power of intervention is not sufficiently clearly defined. We have also not seen suitable evidence to support this potentially wide ranging power. In particular we have not seen evidence to show that change in ownership of itself will improve development prospects.

Our primary objection is that “sustainable development” is a highly subjective term – indeed it is not clear what it means in this context. Any interpretation provides a court / tribunal or commission with too broad a discretion. Land is being singled out as an asset class whereas other forms of property or capital are not.

It is not clear how this inter-relates with environmental considerations or property rights.

Part 6: Sporting rates

We do not support the ending of the exemption for shootings and deer forests. Such practices are economically marginal at best. We would struggle to maintain spending on employment and contractors at present levels if there were such a tax.

As such, estate spending would remain at a similar level but with a proportion going to central taxation and lower sums being spent locally.

It seems highly likely that there would be widespread job losses and reductions in capital spending in rural areas.

We have not seen nationwide economic analysis. Edinburgh should carry out this analysis before adopting a policy such as this.

Further, the cost of valuation will be high, wasteful and such valuations will likely lead to widespread challenge, just enriching lawyers! Yet further it is not clear how deer controlled for deer management purposes are to be distinguished from those controlled for sporting purposes.

Part 7: Common Good

We do not have a submission.

Part 8: Deer management

The new powers are not necessary, and would in fact disrupt the programme already in place to develop and review deer management.
The existing Wild Deer review has taken time and detailed scientific analysis. The present system of review and Deer Management Groups should be allowed time to bed in. Experience seems to show that local stakeholders bring knowledge, interests and commitment that cannot be matched by other methods. Application of its recommendations will take time due to the nature of herds and grazings. Change now will not allow any evidenced based analysis or review. Further, the test of 'public interest' is subjective and poorly defined. Environmental and social objectives are already covered by statute and should not be over-regulated and re-regulated due to a section of commentators being over eager for change before the systems can be analysed as working or not.

**Part 9: Access Rights**

We do not object to this proposal

**Part 10: Agricultural holdings**

We do not have a submission.