Submission from RSPB Scotland

Summary
RSPB Scotland notes the general policy objectives and terms of this bill. The bill, as introduced, proposed modest changes to the 1991 and 2003 Acts that will not affect RSPB Scotland’s interests. We therefore have no comment to make on the substance of this bill.

However, this legislation is constantly under review and debate, through for example the Tenant Farming Forum (TFF), and legislative updates are regular occurrences. Given this, we urge the Committee to recommend that the Scottish Government, the TFF and others consider the options of establishing “conservation tenancies” in the next legislative update.

RSPB Scotland and our land management
RSPB Scotland manages 79 nature reserves across Scotland, totalling over 70,300ha. 26 of these reserves are managed in collaboration with 56 farmers or crofters, who are tenants, graziers, and/or carry out cropping under contract farming arrangements appropriate to the conservation circumstances on over 5,000ha. Although we do farm “in-hand” at some large sites, it is our policy to work with partners as much as possible.

RSPB Scotland’s land management role relates to the sound management of our assets acquired with charitable funds. By virtue of the Society’s responsibility to its members and Scots charity law, we are obliged to manage land for the benefit of conservation, albeit with procedures in place to ensure full participation of local communities in our management planning. Moreover, our conservation objectives for these sites are also public policy objectives, defined by the EU, the Scottish Government and/or Scottish Natural Heritage – this is often recognised by the designation of many sites as SSSI, SPA and/or SAC. As a result of meeting these public policy objectives, we are also fortunate to receive some grant support for the acquisition and management of land, from the state and/or HLF and others – these grants will usually be on condition that the land is managed for these public conservation purposes.

Thus, our land management options, where a (pre-2003 Act) limited partnership or an existing agricultural tenancy does not exist, excludes the establishment of either new tenancies, SLDTs or LDTs. This is because such arrangements would permit the tenant to carry out management in contradiction to the charitable or grant conditions referred to above. Under these circumstances, our partnership approach to management is restricted to annual grazing lets and/or contract cropping. Nevertheless, there are places and occasions where it would be desirable to enter into longer term agreement with partners. This would reduce overheads, but also provide greater security for both parties – as well as more certainty in delivering conservation (public policy) outcomes.

“Conservation tenancies”
For these reasons, we believe that, in future, it could be useful (to RSPB Scotland and other conservation landowners, including other NGOs and Government agencies) to create a scheme of “conservation tenancies.” Such a scheme might be like SLDTs/LDTs but amended so as to ensure that conservation requirements can be secured. A precedent for such an approach exists in the Abolition of Feudal Tenure (Scotland) Act 2000 and Title Conditions (Scotland) Act 2003 which allows Ministers to approve “conservation bodies” who may attach “conservation burdens” on land.

While it may be inappropriate at this stage to amend this bill, we would be very pleased to discuss this concept with the Scottish Government and other stakeholders. Accordingly, we urge the Committee to recommend that the Scottish Government, the TFF and others consider the options of establishing “conservation tenancies” in the next update to agricultural holdings legislation.

For further information please contact:

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RSPB Scotland is part of the Royal Society for the Protection of Birds, the UK-wide charity which speaks out for birds and wildlife, tackling the problems that threaten our environment.

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