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A Consultation on the Future of Land Reform in Scotland

The Association of Deer Management Groups has given careful consideration to the Consultation and our response to the Consultation questionnaire is attached. It was a surprise to learn that the proposals were to include measures relating to deer as the Scottish Government already has a programme in place to develop and review deer management based on the recommendations of the RACCE Committee following their 2013 Review. Would it not have been sufficient and consistent to have referred to this separate process as has been done in the cases of Agricultural Holdings and the Fisheries, and to have left matters for the 2016 review as agreed by Paul Wheelhouse, the Minister at that time.

Proposals 7 and 10 bear directly on the management of wild deer. In regard to proposal 10 ADMG would wish to reserve its position until specific proposals are available. If however what is envisaged is some clarification of the existing powers granted to Scottish Natural Heritage under the 1996 Deer (Scotland) Act, as amended, we see some value in that. It has long been questioned whether Section 8 in particular is enforceable and it would be beneficial for that to be clarified.

We oppose proposal 7, to remove the exemption from business rates for shooting and deer stalking, for the following reasons:-

- The control of deer numbers to secure their welfare and ensure that potential negative impacts on the environment are minimised is in the public interest, yet deer management is largely privately funded. To propose to tax what amounts to a public service at limited public cost seems perverse as this will act as a disincentive and a drag on deer related employment and associated community interests. If this proposal is implemented it should, at the least, incentivise rather than penalise sustainable deer management with an exemption/rebate for landholdings which participate in Deer Management Groups with an effective Deer Management Plan which addresses the public as well as private interests.

- Deer management is necessary on most if not all landholdings and most deer culls are not “sporting”. The “sporting use of deer” is difficult to separate in practice from management culling. In any case the revenue generated from sport stalking and from the sale of venison contributes to the costs of deer management as a whole.
- All sporting rights have a nominal value and the removal of the exemption from business rates would require assessments to be carried out in respect of all land where deer are present as a basis for an appraisal as to whether their management is “sporting” or not. Deer are likely to be present on any land holding throughout rural and urban Scotland, including on public land. Is it intended that public bodies, such as Forest Enterprise Scotland, which let a proportion of their annual cull for sport, will be liable to pay Business Rates on that proportion of their cull?
- It is possible that the costs incurred in carrying out initial valuations, subsequent reviews and collection of sporting rates will not be covered by the amount of revenue raised by local authorities. If the Scottish Government maintain present reliefs under the Small Business Bonus Scheme, depending on valuations, a substantial proportion, probably most, sporting subjects are likely to fall below the present threshold RV of £35,000 and thus be fully or partly relieved of the requirement to pay business rates. Should this prove to be the case it is difficult to see what public benefit will be achieved in terms of value for money. Furthermore business rates are intended to contribute to the cost of local services. Many businesses engaged in deer management are remotely located and suffer restricted access to public services.
- It has been stated that the present exemption from business rates of shooting and deer stalking is anomalous. It is also anomalous for the treatment of sporting subjects to be changed while other land-based enterprises, for example, farming and forestry, remain exempt. Is wildlife management not to be considered an equally legitimate land use?

In regard to the more general proposals, we would find it helpful for the Scottish Government to adopt a Land Rights and Responsibilities Policy. However the premise behind the Vision and Principles appears to be that the status quo fails to promote “fairness and social justice, environmental sustainability and economic prosperity”. We consider that the present structure of ownership and management contributes a great deal to the rural economy and to those who live in rural Scotland and that any proposals for change should be based on an objective and fully researched assessment of the benefits and costs of the present arrangements set against any gains or losses likely to be achieved by the changes proposed. Prior to such an appraisal clear definitions are required of the themes of “fairness, social justice, environmental sustainability and economic prosperity”.

ADMG has commissioned an independent study of the economic value of the deer sector as a whole and will publish this in 2015.

ADMG represents Deer Management Groups across the Highlands and islands of Scotland. Many DMGs include among their membership not only private owners but also environmental charities, community bodies and public agencies. We consider this mix of ownership and management objectives to be healthy and to create a positive dynamic for the future. In particular community ownership has a role to play but community acquisitions should be based on a sound business case and provide a realistic economic return on any public investment required at both capital and revenue level.

We are in favour of transparency of ownership and of accountability by all landholdings, including landholdings owned by charitable bodies (proposal 6). The obligation to support and engage with local communities and to collaborate with neighbours is essential in the context of deer management and an obligation on all those engaged in it.

In conclusion ADMG acknowledges that land management in Scotland is undergoing a process of rapid change and that ownership is an integral aspect of that process. We do not accept that the present arrangements create unfairness and social injustice nor do they, in general terms, act as a barrier to sustainable development. The changes put forward in the Consultation and those likely to follow them in future are of great importance in terms of the balance between private and public interests and of securing both a thriving rural economy and a healthy environment for the benefit of all. It is vital that any programme of reform should not be driven by an enthusiasm for change for its own sake or based on ideology which overlooks the public benefits provided by the present mix of land ownership and management, both private and public. As noted above our hope is that any legislative proposals should be based on an objective, evidence based assessment of the costs and benefits of what is and what might be. It would not be in the interests of Scotland as a whole to throw out the baby with the bath water.

Yours faithfully

R M J Cooke

Chairman ADMG