

Paul Wheelhouse  
Minister for the Environment and Climate Change  
St Andrews House  
Regent Road  
Edinburgh EH1 3DG

8<sup>th</sup> November 2014

Dear Paul,

### **Land Reform and Small Landholders**

I am writing you again on behalf of Small Landholders. You will recall that we corresponded in the issue last year and subsequently met at the Scottish parliament with some small landholding tenants from Arran on 24<sup>th</sup> January 2014.

At that stage we outlined our concerns regarding the hopeless position that small landholders found themselves in and Mrs May Macdonald and Mr Stewart Lambie illustrated the difficulties they had experienced in attempting to follow the statutory route of conversion to crofting status which had been granted to them through the recent Crofting Acts. These difficulties were recognised by you and your officials at the time.

The anomalous situation that small landholders find themselves in has been well documented but nothing done about it until the 2007 Crofting Reform Act which granted small landholdings in the crofting or newly designated crofting counties the right to convert their holdings to crofting status. As demonstrated at our meeting in January, the process of conversion to crofting status has proved to be overly cumbersome and prohibitively expensive to achieve and small landholding tenants find themselves no better off than before.

At the meeting in January you informed us that although the Crofting Acts had been used to create the croft conversion route, any further reform to small landholdings would fall within the remit of the Agricultural Holdings Review Group (AHLRG) although it had already been examined under the land reform banner by The Land Reform Review Group (LRRG). However, the AHLRG has only considered the small landholding situation in context of its remit within the tenanted sector. The AHLRG is only likely to recommend minor changes to legislation which may bring small landholdings more in line with 1991 tenancies, such as a pre-emptive right to buy. This does not address the core problems experienced by this group of tenants, now estimated to number 87 according to Scottish Government research.

The LRRG has already made some recommendations on small landholdings in Section 28 of its report published in May 2014. In particular the report recommends that all small landholdings who have certification of their tenancy under the 1911 Act should, like crofters, be granted a statutory right to buy their holdings.

The Crofting Sump has been gathering evidence for necessary reforms to the crofting acts and will be considering amendments which would simplify the provisions for Small Landholders to convert to crofting status. In the event of amending legislation we would recommend that government should grant Small Landholders in the crofting designated counties an automatic right of conversion on proof of their status under the 1911 Act.

We would ask you, as Minister, to consider including the recommendations of the LRRG in the proposed Land Reform Bill. We will also be advising the AHLRG that the most equitable solution for small landholders, who do not wish to exercise their statutory right, would be to enable them to retain the right to convert to crofting whilst being given the same status as 1991 Act tenants with similar rights of pre-emption and also the right to full waygo compensation for their investment at the end of tenancy. Proper waygo compensation provision would allow the tenant to be properly compensated in giving up the tenancy whilst also being guaranteed proper allowance for the value of improvements in valuing the landholding for either purchase or croft conversion.

I hope that you will take advantage of the opportunity created by Land Reform and the current review of agricultural holdings to honour the pledge given in Lamlash by your predecessor Mike Russell MSP in 2007 to right the wrongs inflicted on the Island of Arran 121 years previously.

With regards,

Angus McCall  
Director Scottish Tenant Farmers Association.