

**Written submission from Historic Houses Association for Scotland****LAND REFORM (SCOTLAND) BILL – BRIEFING NOTE FOR MSPs**

The Historic Houses Association Scotland (HHAS) represents independently owned historic castles, houses and gardens throughout Scotland and has provided evidence previously on the Land Reform (Scotland) Bill. HHAS members, as well as owning their historic property, will often own land in the immediate vicinity of the property as well as potentially in the wider area. We would ask that members bear in mind our undernoted comments in considering the following amendments at Stage 2 tomorrow.

**Consideration of effect of exercise of right to buy on owner or occupier of land – Amendments 54 and 60 by the Minister, Amendment 87 by Michael Russell MSP and Amendment 88 by Alex Fergusson MSP**

HHAS welcomes these amendments which have been brought forward. A specific aspect of concern with the current drafting of the Bill is that no reference is made to the need for Scottish Ministers, in considering an application for community benefit, to have regard to the damage or harm to the owners of the land in question by its enforced sale and the loss of capital value to remaining land. This power will affect all owners of land of whatever size across Scotland and it does not seem equitable that the transfer of land is considered in terms of significant benefit or harm for the community, but that the significant harm to the owner's wider livelihood is not a material consideration. This is of particular relevance as the provisions as drafted will affect land which is already being used productively, whether agriculturally or in other forms of rural business, and HHAS members have strong concerns about the "cherry-picking" of land impacting both on their businesses which help support local communities and on the amenity of their historic property.

However, we do not feel that Amendments 54 and 60 by the Minister are by themselves sufficient to address this. Rather than simply being a consideration under the section 46 procedure, we believe that the impact on the owner should be a specific key test as set out in Amendment 88. This is only part-recognised by Amendment 87 which refers to viable agricultural units and land in productive agricultural use. Specifically sustainable development can be delivered in many ways other than simply productive agricultural use to prevent detrimental impact and we would highlight heritage and heritage tourism as a significant aspect. Owners of historic houses, castles and properties often run small to large rural businesses based around heritage tourism; the land associated with the property, such as historic designed landscapes or areas of parkland, is a significant element of the whole. While Amendment 87 is welcome, we strongly feel that Amendment 88 in fact is more suitable in scope.

HHAS would urge members to support Amendments 54, 60 and 88.

**Reversion of land bought under Part 5 - Amendments 114 and 118 by Alex Fergusson MSP**

The RACCE Committee report recommended that the Bill be amended to require applications to be reconsidered, post approval, where the original purpose is unable

to be fulfilled or in situations where there is an apparent divergence from the originally stated and approved purpose. HHAS would agree that it is only equitable that this is the case. It would seem contrary to the policy intent and spirit of Part 5 if land acquired to further sustainable development, in fact does the opposite and we are aware of transfers to community bodies which have resulted in development which is not planned.

Amendment 114 simply sets out that a former owner can apply, and that the Scottish Ministers can only consent if certain conditions are met and the drafting sticks as closely as possible to the style and wording used in section 47 of the Bill. It also permits Scottish Ministers to make regulations as to the detail of the process.

It is important that the legislation is proportionate and that safeguards are put in place and HHAS would urge members to please support Amendments 114 and 118.