

Land Business

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A stable future

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Update on coal site restoration

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Scottish Government

Matters came to a head for the Scottish surface coal industry in 2013 when Scottish Coal (Scottish Resources Group) and ATH (Aardvark) folded.

With these companies in administration, it soon became clear that there was insufficient bond money to restore sites to anything like full pre-mine condition.

A Coal Task Force was formed by the Scottish Government and one of the issues highlighted was the contractual arrangements between the land-owning community and coal mining companies.

Understandably, little is known about the commercial contracts drawn up between landowner, tenant and operator. However, joint liability responsibilities exist and, in the light of industry insolvencies, landowners are urged to move with caution in considering any new arrangements with operators.

The task force has now met nine times and while it is close to reaching the conclusion of its core work, further challenges remain. It is keen to emphasise that not only must sites be well managed, but it is important that landowners and communities have full knowledge of what goes on behind the weighbridge.

Fergus Ewing MSP, Minister for Business, Energy and Tourism, said: "No one can be complacent about



the difficulties we face with legacy sites. New sites may be few and far between right now, but I am clear that domestically produced coal still has a part to play in our energy mix.

"Scottish Land & Estates members have a crucial role in assuring decision-takers that they are aware of their obligations. Landowners and their agents have a full and active part to play during site operations, in negotiating legal agreements and securing financial guarantees, then beyond into restoration and aftercare.

"I am keen that we are all better exposed to awareness about coaling across Scotland. The task force has worked hard to secure better access to information, receiving routine monitoring reports on activities. I am keen to continue to see such reports as and when new sites are commissioned.

"Full restoration is good business sense for bringing estates back into former or productive uses."

Scottish Land & Estates Policy

Officer for Environment, Anne Gray, said: "It is important that members ensure they are completely satisfied with the arrangements, financial and practical, for restoration of land following lease to a surface coal operator or for any other land use that has a substantial impact on the land and surrounding communities."

Scottish Land & Estates members are welcome to contact their planning authority or the Scottish Government on any aspect of this article, site operations on their holdings or other matter regarding surface coal mining.

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An extended version of this article is available at www.scottishlandandestates.co.uk



Upland sheep support scheme

The new coupled support scheme for home-bred ewe hoggs will be open to applications from 1 September to 16 October.

The Scottish Upland Sheep Support Scheme will provide direct support to help maintain sheep flocks in farm businesses reliant on poorer-quality rough grazing (must have more than 80 per cent Region 3 land and no more than 200ha Region 1 land).

Eligible animals must be retained on the claimant's holding (including away winterings) from 17 October in the year of claim to 31 March in the following year and must be less than 12 months old at the start of the retention period.

The animals must be home-bred, meaning they cannot be purchased or transferred from another holding, and there is an upper payment limit of one ewe hogg to every four hectares of Basic Payment Region 3 land. See the Rural Payments and Services website for details.

New rent review guidance issued

Scottish Land & Estates has worked with the other industry bodies and the Independent Tenant Farming Adviser to issue guidance on the negotiation and conduct of rent reviews.

This new guidance replaces that issued in July 2014, and extends the concept of a systematic procedure based on full transparency of data sources. It retains but simplifies the

inflation-linked sense test, and it provides for concise procedural recording so as to create a basis for future audit of adherence to good practice.

Members are encouraged to familiarise themselves with the guidance, which is available on the Independent Tenant Farming Adviser's web page, and to adhere to it as appropriate.

At the launch of the guidance

David Johnstone, Chairman of Scottish Land & Estates, said: "Our organisation wholeheartedly supports initiatives such as this which aim to bolster confidence and collaboration across the industry.

"The Scottish Government's own research demonstrates that in the vast majority of cases, relationships between landlords and tenants are good.

"However, we also recognise there are exceptions and this guidance should help resolve any differences quickly and amicably.

"We firmly believe there is a lot more that unites the industry than divides it and this guidance shows that when we all work together constructively, it reduces the need for continual recourse to legislation, which is surely in no-one's interests."