



TEXT SIZE

The Highland Line: is it a U-turn or a three-point turn on Raasay?

Friday 1 March 2013

It has to be said that when the Scottish Government makes a mistake, ministers don't hang about before they correct it.



When asked to reverse the decision on the Raasay sporting rights at last week's First Minister's Questions, Alex Salmond refused and was left to rehearse arguments about upholding the Scottish public finance principles of best value for money.

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It was obviously not a question he wanted to answer, and equally obviously it wasn't an answer he wanted to give. But just seven days later when he stood up at this week's FMQs, he was clearly delighted to say there had been a change.

The Raasay crofters' lease of the sporting rights would be extended till November. After that the community would be consulted on longer term options, with no decision being taken without ministerial approval.

So inevitably there was a lot of talk of the SNP having had to make an embarrassing U-turn. But as political U-turns go, it wasn't really up there. The First Minister had never advocated removing the Raasay sporting rights and leasing them to a South Ayrshire stalking firm because they bid £1,850 a year more than the crofters. Neither did any of his ministers or his MSPs.

It was more of a three-point turn. Civil servants dropped the politicians in it, exposing them to comparisons with bad old days when the old Scottish office seemed hell bent on encouraging the worst sort of absentee land ownership on the island.

Ministers made clear they weren't responsible, but just as clearly ignored the numerous precedents of ministers resigning over mistakes made by their officials. Then they promptly assumed responsibility and found nine grand to persuade South Ayrshire Stalking to shoot deer elsewhere.

The speed of resolution was a welcome contrast to the tanker-like approach to changing course in stormy political weather, displayed by some other administrations. It certainly went down well on Raasay and allowed a warm welcome for rural affairs /environment minister Paul Wheelhouse, who visits the island on Friday.

However Andy Wightman, reform campaigner/land ownership authority, has been blogging on the matter under the fine heading of Asleep at the Wheelhouse – the latest was Still asleep at the Wheelhouse (now



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woken up).

He welcomed the announcement, but said it left important questions still unanswered. Notably "Should the minister have been involved (in the decision) but was kept out of the loop? I don't think so.

I think that ministers have failed to pay attention to their crofting estates, failed to uphold the 1999 Charter and have allowed civil servants the freedom to exercise their 'desires. The reason this fiasco happened is because of the failure of Scottish Ministers."

The 1999 Charter to which he refers is a commitment given in 1999 by the then justice minister in the Lab/Lib Dem Scottish Executive which was to set an example on their own estates. It said that Ministers and officials shall "Take account of the local community perspective when considering offers for sporting rights on the Scottish Minister's Estates."

This clearly was not done. Wightman also points out that the original justification for tendering the sporting rights lease, and then accepting the highest offer - which was £3,000 a year compared to the crofters at £1,150 - and questions "what ministerial rules justify the payment of £9000 to the tenant to buy them out?"

He suggests a "short" inquiry by the Scottish Parliament's Rural Affairs Committee into the episode, which is not such a bad idea.

Highland historian Jim Hunter, one of the vice-chairs of the Scottish Government's Land Reform Review Group, had another idea.

"Ministers shouldn't just be looking to get the Raasay sporting lease back into Raasay control. They should be discussing with the Raasay community how all the other assets the Scottish Government own on Raasay, the croft land as well as the forestry, could be got into community control as well - on whatever timescales make most sense in Raasay.

"Of course, I appreciate that these are ultimately matters for Raasay people, not for me or any other external observer. But I can't see what could be lost - and I think there could be big gains - from an urgent, ministerially backed, exploration of the possibilities."

Professor Hunter was not alone in suggesting a community buyout of all the publicly owned land.

However Anne Gillies, secretary of the Raasay Crofters Association said while there was genuine local interest in taking control of 711 acres of woodland the Forestry Commission is selling "as far as I know there is not the same appetite for pursuing a community buyout of the rest of the island.

The crofters on Raasay have had the government, as our landlords for 90 years and they have been good landlords (until the sporting lease tender). We are not dealing with a private landowner trying to control our lives. It is quite different. The government offered to pass over ownership of our crofts in 1990, but we didn't want to take up the offer. That hasn't really changed."

But the sporting rights and the woodland would be a good start.

We now know exactly what the market value of the sporting rights from South Ayrshire's offer which works out at - £57.69 a week. Village football teams raise more than that in a day on their raffles or pools.

The woodland is trickier. The islanders do have first refusal. But in the past many communities have sought to take over their local woodland only to find the best value principle, or Treasury Rules demanding market value as an insurmountable obstacle. In Scotland this approach is enshrined in the Scottish Public Finance Manual (SPFM).

However research by Community Land Scotland, the body that represents community landowners such as Assynt, Eigg and Gigha, has done some work on this and believe there is room for manoeuvre.

Its analysis says that the SPFM states that, in order to achieve value for money, any public sector assets that are surplus to requirements should be disposed of as soon as possible, and should normally be offered for sale on the open market, and continues:

"However, this presumption can be overturned. First, all potential disposals are required to be trawled round the rest of the public sector in Scotland to see if they can be used elsewhere. If so, the asset may be transferred to the other public sector body at the price determined by the District Valuer or other professional valuer without exposing the potential sale to the market.

"Second, it is allowable for an asset to be transferred elsewhere at less than market value. But in such circumstances the disposal should be treated as a gift, requiring the explicit approval of the Accountable Officer (and of Ministers if the value is significant), and must be reported explicitly in the disposing body's accounts, thus bringing it to the attention of Audit Scotland and the Parliament's Audit Committee.

"So, in strict terms of the rules, discretion does exist to dispose of land and associated assets outwith the open market and at less than open market value."

In addition there is now a Scottish Land Fund with £6m of Scottish Government money and a chairman who has already identified finding a way to help communities buy Forestry Commission woodland as a priority.

So if this week's expressions of political will are genuine, there could well be a new dawn for the 140 islanders on Raasay whose numbers have been declining as those of holiday home owners have been increasing.

But we can't leave the Raasay sporting rights saga - well more a short story really - without a mention of South Ayrshire Crofting's Chris Dalton.

He did nothing wrong in submitting a bid, nor indeed in accepting £9,000 to withdraw gracefully.

But when the Herald heard something was in the offing, we contacted Mr Dalton on Wednesday night to see if he had been approached by the Scottish Government in an attempt to buy back the rights, he said "No I haven't heard anything about that, but don't know if we would consider it. We have put a lot of work into the tender process, and really just want to crack on now."

This man could go far.

A competition to name the ferry

Meanwhile the people of Raasay are also awaiting the arrival of their new green diesel electric hybrid ferry. After a public competition it was named Hallaig after the cleared township on the eastern side of the island which was the inspiration and title for Sorley Maclean's great poem.

Its sister ship is due to be launched this summer and Caledonian Maritime Assets Ltd is running another competition for the public to vote to name it. It will be the second vessel in the Scottish Literary Class of ferries and will run from Tarbert to Portavadie .

There is shortlist of four:

Lochinvar, a poem by Sir Walter Scott

Catriona, a novel by Robert Louis Stevenson

Greenvoe, a novel by George Mackay Brown

Sunset Song, a novel by Lewis Grassic Gibbon

None of which have quite as close a geographic connection with its new home as did Hallaig.

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