

Forest and Land Scotland's purchase of Glen Prosen in the Cairngorms and land reform

Description



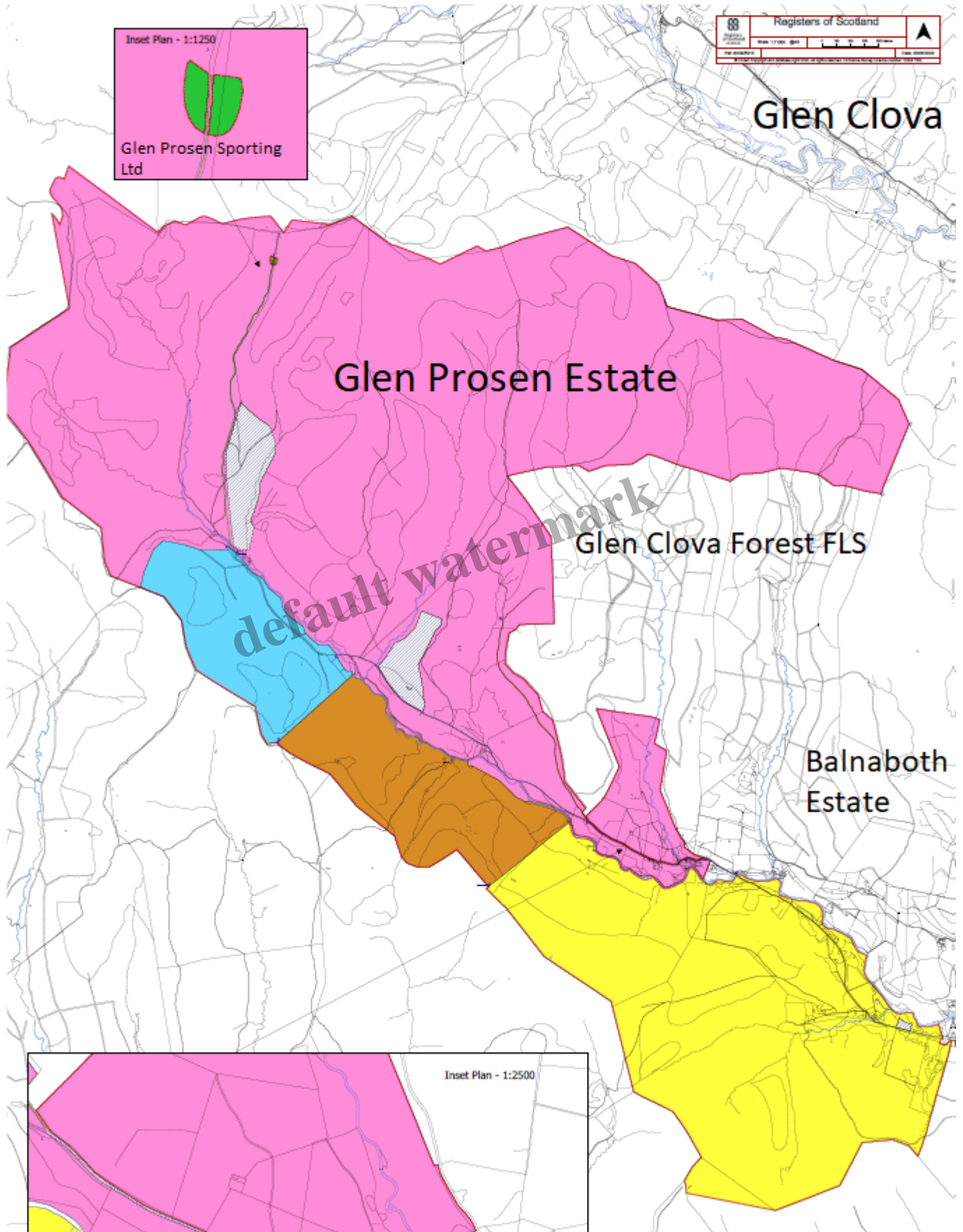
The destructive impacts of industrial forestry practices run of river hydro and sporting interests at the head of Glen Prosen which is supposed to be a Wild Land Area. Photo 2016.

Last week it was reported ([see here](#), for example) that Forest and Land Scotland (FLS) are to buy 16,500 acres from the Glen Prosen estate for £25m to plant trees. This raises a number of important questions about land ownership and land-use in the Cairngorms National Park. It also illustrates some of the weaknesses with the Scottish Government's proposals for land reform set out in a consultation which is due to close on Sunday ([see here](#)).

What has Forest and Land Scotland actually bought?

There is no information about the purchase on the FLS website and it not clear at present what they are buying. According to the Registers of Scotland, the Glen Prosen Estate covers 3453 hectares. This is equivalent to 8,532 acres or 8,000 acres short of the 16,500 acres reported in the press. Maybe Mr Batchelor also owned and is selling a neighbouring estate? But details for Balnaboth, for example, the 6000 acre estate next door where deer stalking appears to be managed by the Glen Prosen Estate, are still not available online on the Land Registry. It is therefore not possible to tell the extent of Mr Batchelor's landholdings in the area.

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The Glen Prosen Estate as recorded on the Land Registry

The different colours mark different burdens within the area, “the cadastral unit”, owned by Mr Robin James Hill Batchelor. The green shows two acres controlled by Glen Prosen Sporting Ltd, a company ([see here](#)) whose sole director and owner is Simon William David Baird, and appears legally to be a completely separate entity to the estate.

If the acreage in the press reports are mistaken and FLS has only bought the Glen Prosen Estate, Mr Batchelor would appear to have made almost £21m from this property in the 11 years he has owned it:

GLENPROSSEN ESTATE, GLENPROSSEN, KIRRIEMUIR DD8 4SD

Property details

Title number	ANG25213
Address	GLENPROSSEN ESTATE, GLENPROSSEN, KIRRIEMUIR DD8 4SD
Last purchase price	£4,012,000
Last purchase date	25 February 2011
Land register	Registered
Interest	Ownership What's This?
Property type	Agricultural What's This?

Historical prices for this property

Only purchases recorded in the land register are shown.

Purchase date	Purchase price
18 February 2003	£20,000

The title deeds refer to the Glenprossen not the Glen Prosen estate

I say “would appear” too because the £21m increase in the land value discounts the costs of any investments Mr Batchelor may have made in the estate, including the small hydro scheme. It is not yet public, however, whether the hydro and other proprietary assets such as the sporting rights are included in the sale and therefore what FLS has got for its £25m or the financial value to the public purse.

The state of the land



Clear-felled forestry and borrow pit Glen Prosen 2019

Most of the Glen Prosen Estate and FLS' Glen Clova Forest landholding lies within the Cairngorms National Park – the boundary runs across the yellow on the map above. To date, the Cairngorms National Park Authority (CNPA) appears to have had very little impact on the way the Glen Prosen estate has been managed. I have written previously about the level of trapping on the estate ([see here](#)) and the visual impact of the hydro and hill tracks on the wild land area at the head of the glen ([see here](#)) but there is a lot more.

The Glen Prosen Estate was included in Scottish Natural Heritage's Section 7 Agreement which was supposed to reduce the impact that red deer were having on the former Caenlochan National Nature Reserve ([see here](#)). According to the data I obtained about deer numbers on Caenlochan from an FOI in the summer Glen Prosen is remarkable, a deer free zone. What is more it helped reduce the average deer density across the area down to a mere 18 deer per square kilometre, just 8 more than the maximum recommended for Scotland!

Annex D – Census Data – August 2019

Property	Planar Area (Ha)	Stags	Hinds	Calves	Total	Density (Deer/Km ²)
Properties within the Section 7 Agreement Area						
ALRICK	1545	315	1	0	316	20.5
AUCHAVAN	810	152	545	130	827	102.1
BACHNAGAIRN (BALMORAL)	3401	327	444	141	912	26.8
CLOVA (SOUTH)	1230	327	364	124	815	66.3
FCS GLENDOLL	702	18	54	17	89	12.7
GLEN PROSEN	5689	2	0	0	2	0.0
GLENCALLY (FERGUS & GLENMARKIE)	2075	104	29	10	143	6.9
GLENHEAD/GLEN DAMFF	2827	24	218	62	304	10.8
GLENISLA HOUSE	1544	176	287	71	534	34.6
INVERCAULD (GLENSHEE)	4062	629	239	70	938	23.1
INVERCAULD GLENCALLATER	6973	980	654	182	1816	26.0
SNH CORRIE FEE NNR	166	16	0	0	16	9.6
TULCHAN OF GLENISLA	4926	168	380	116	664	13.5
Total	35950	3238	3215	923	7376	20.5
Remaining Properties within South Grampian DMG						
AIRLIE WEST	2496	40	161	52	253	10.1
AULDALLAN FARM	603	0	0	0	0	0.0
BALINTORE	1689	134	53	17	204	12.1
DALNAGLAR	141	2	0	0	2	1.4
HARRAN	283	0	0	0	0	0.0
LEDNATHIE	1315	0	0	0	0	0.0
PEARSIE	1260	0	0	0	0	0.0
Total	7787	176	214	69	459	5.9
Other						
BALMORAL (PART)	N/A	6	32	7	45	N/A
Overall Count Total	43737	3420	3461	999	7880	18.0

NB note how the area given for Glen Prosen, almost twice that given in the Registers of Scotland but still not 16,000 acres!

Unfortunately, the figures are either pure tosh or someone made an extraordinary effort to drive deer out of the area before the census!

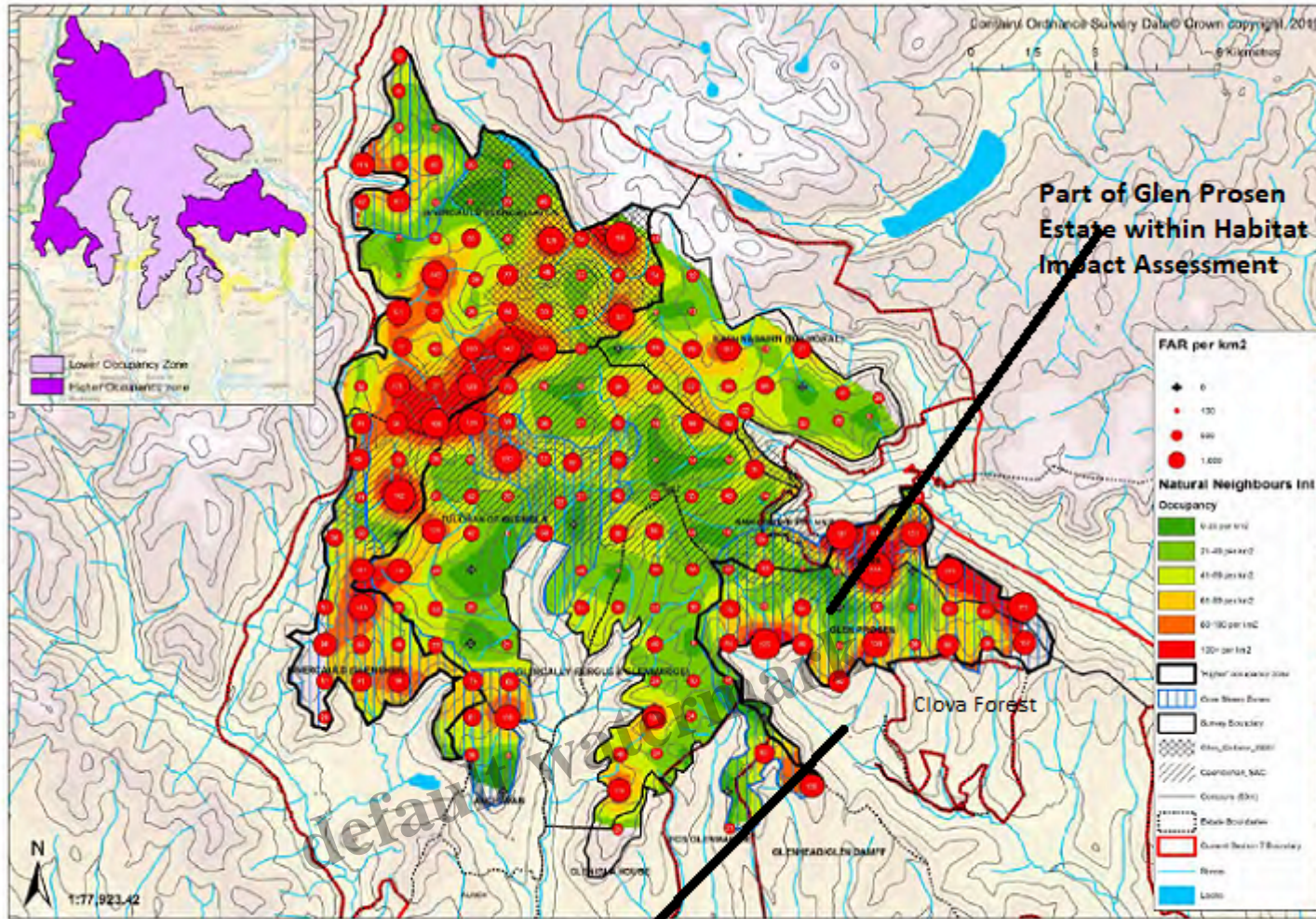
The final draft report from Strathcauldih on Caenlochan, dated June 2020, which I also obtained through an FOI request provides lots of evidence to support my contention:

Year	Season	Month	Count ID	Area (ha)														Total count	Apparent coverage of the count?	Include in analysis?
				Airick	Audhavan	Balmoral-Bachnagalm	Crova	EE land	SNH Corrie Fee	Glen Isla	Glen Prosen	Glencally/Fergus /Maris	Glenhead/Glen Darniff	Invercauld-Callater	Invercauld-Glendhee	Tuichan	Unattributed			
1966	Winter	2	None	5	447	321	88			-	299	5		672	353	620		2,510	Insufficient	Historic interest
1975	Winter	2	None	9	209	799	253			606	537	624	27	1,761	1,524	328		6,577	+/- Complete	Yes
1979	Winter	3	None	183	390	606	248			731	20	126		1,413	882	194		4,793	Marginal	Historic interest
1986	Winter	2	None	754	520	618	690			1,899			438	1,687	848			7,454	Insufficient	No
1994	Winter	3	None	506	199	647	218	8		980	410	948	488	1,329	2,041	581		8,355	+/- Complete	Yes
2000	Winter	2	None	546	299					1,386	496	848	1,216	1,521	2,263			8,575	Insufficient	No
2002	Autumn	11	None	658	658	1,076		27		1,399				1,863	2,011	1,666		9,357	Insufficient	No
2003	Winter	2	None	557	388	1,083	297			371		800		1,461	2,053	984		7,994	Insufficient	No
2003	Summer	7	None	119	1,742	1,555						752		2,601	2,182	2,423		11,374	See footnote*	Yes
2005	Winter	2	84	504	673	999		101		1,081	521	1,543	707	1,437	1,921	500		10,337	Marginal	With caution
2006	Winter	3	111	185	504	968		45		594	962	1,992	442	1,642	905	55		8,294	Marginal	With caution
2006	Summer	7	123	246	345	704					1,813	531		2,434	771	2,888		9,732	See footnote*	Yes
2007	Winter	1	124	305		565	184		3	420	576	640	22	1,406	1,400	1,162		6,883	+/- Complete	Use March count
2007	Winter	2	125				82			875	204	912	638		861	274		3,946	Insufficient	No
2007	Winter	3	202	69	24	610	368			935	556	199	199	1,340	1,340	616	85	6,141	+/- Complete	Yes
2007	Summer	7	134	102	375	791	694	11			1,182	420	158	1,895	2,056	678		8,342	Marginal	With caution
2008	Winter	3	135	7	99	735	52			640	1,103	486	678	1,213	1,465	254		6,732	+/- Complete	Yes
2008	Summer	7	143		17	955	748				435	2	328	2,051	4	2,936		7,476	Marginal	With caution
2009	Winter	3	154	42	87	581	72			300	980	676	401	1,217	1,697	63		6,225	+/- Complete	Yes
2009	Summer	7	175	649	90	903	493				362	585	710	1,684	1,110	1,230		7,816	Marginal	With caution
2010	Winter	1	177	32	990	1,021	35		64	1,092	333	70	275	992	806			5,630	Insufficient	No
2010	Summer	8	186	23	191	685	411				1,081	687	171	1,785	244	1,726		7,004	Marginal	With caution
2011	Winter	1	194		78	1,035	56	10		195	1,115	520	32	1,142	919	1,480		6,580	Marginal	With caution
2011	Summer	7	200		294	1,350	807			2	522		28	2,107	3	2,644		7,757	Marginal	With caution
2012	Autumn	11	220	139	94	761	544		6	9	343	622	384	803	524	2,199		6,428	+/- Complete	Wrong season
2012	Winter	2	205	132	96	599	88	57		224	1,130	165	485	892	1,409	1,082		6,359	+/- Complete	Yes
2012	Summer	7	218	251	98	861	370			15	1,019	668	260	1,574	2,016	1,462		8,594	+/- Complete	Yes
2013	Autumn	10	237	29	513	663	121	9	2	530	605	161	318	995	1,344	1,232	43	6,505	+/- Complete	Wrong season
2013	Summer	7	232	58	45	790	528			127	678	1,137	123	1,940	1,743	1,576		8,745	+/- Complete	Yes
2016	Winter	1	273	271	111	1,123	220	20	49	866	560	423	447	921	1,624	21		6,556	+/- Complete	Yes
2018	Winter	1	None	453	1,366	1,346	786		72	211	637	1,402	361	951	758	97		8,440	+/- Complete	Yes

SNH's Deer Count data for Caenlochan as presented, with lots of qualifications, in the Strathcauldih report

The most recent figure of 637 deer for 56.89 square kilometres, though better than ten years ago, still gives a deer density of 11 per square kilometre, above the maximum recommended in the report of the Deer Working Group. Moreover, evidence from Strathcauldih's Habitat Impact Assessment, which looked at the land that had been designated for nature conservation within the Caenlochan Section 7 Agreement area, found that the greatest number of grazing animals were on the western and eastern sides of the area, including land managed by the Invercauld and Glen Prosen estates.

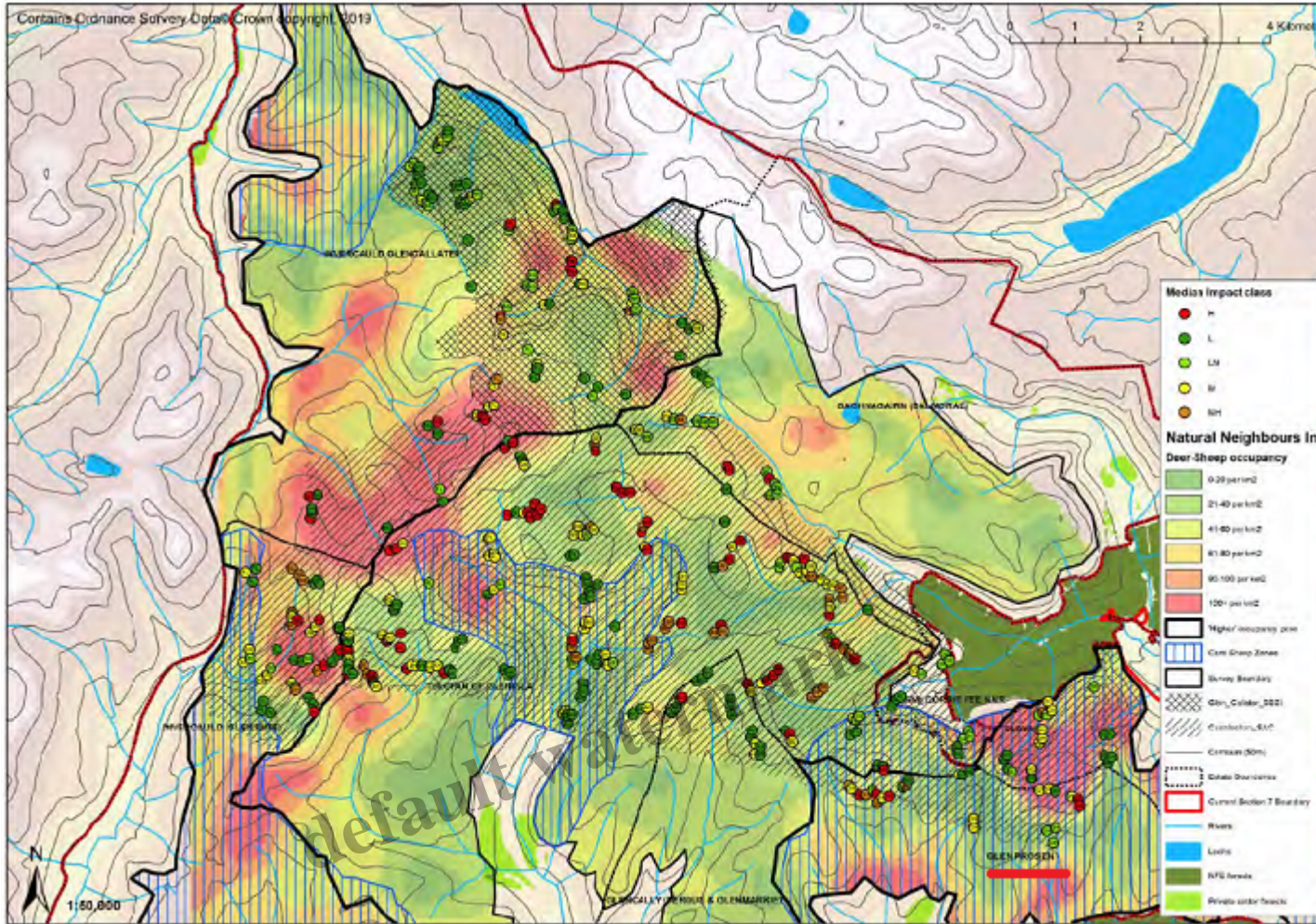
Strathcauldih conducted a number of different surveys (trampling, browsing, dung, animal counts) before reaching their conclusion:



Part of Glen Prosen outwith study area

Map 12 The deer/sheep faecal accumulation rate per km² per day over the period June-October 2018, along with a 'density surface' in the Glen Prosen area. The black lines mark the edge of the study area and the estate boundaries within it. The size of the red dots marks the amount of dung left by grazing animals.

These surveys took account of sheep and hares as well as deer and show high levels of sheep grazing takes place round the head of Glen Prosen. Any reduction of deer numbers on the Glen Prosen estate in recent years will have made no difference if they have simply been replaced by sheep.



Map showing deer and sheep occupancy within the areas where habitat impacts were assessed (the red line marks the outer boundary of the Section 7 agreement). The Glen Prosen estate is bottom right. The shading indicates the number of grazing animals, the coloured dots the level impacts on vegetation recorded.

If this picture was not bad enough, the parts of the Glen Prosen estate that have not overgrazed or used for industrial forestry have been burned.



In short, Glen Prosen is well and truly trashed and the case for public conservation ownership very strong.

But why should the public purse pay the landowner £25m for land that has been abused in this way? Surely, it should be the landowner that is paying the public to remedy all the damage they have caused not the other way round?

The message the Scottish Government appears to be giving through FLS is disastrous, that landowners can continue trashing the land for field sports for as long as they want but, if they ever do decide to stop and sell, the state will then step in to award them obscene profits.

What are Forest and Land Scotland's Plans?

At present, the only clue as to FLS' intentions are the press reports that it wants to plant trees and

there has been no mention of any wider conservation purpose. This is important. If the sporting and/or grazing rights are not included in the sale, there will be nothing to prevent the sorry history of land mis-use continuing outside the planted areas, while the public will incur yet more expense erecting fences to protect trees.

FLS' purchase of Glen Prosen appears to have been opportunistic, rather than being part of a coherent plan, since they were approached by the landowner. FLS may have responded positively because it fitted their acquisitions and disposals strategy ([see here](#)), a large part of which is about consolidating landholdings to increase "efficiency". FLS also appear to have been sitting on large wads of cash, both from the disposal of other public forests and the £30m Low Carbon Investment Fund awarded to them by the Scottish Government. Add to that the pressure to plant trees, to meet Scottish Government targets, and Glen Prosen presented an opportunity to tick lots of corporate boxes for very little effort by managers.

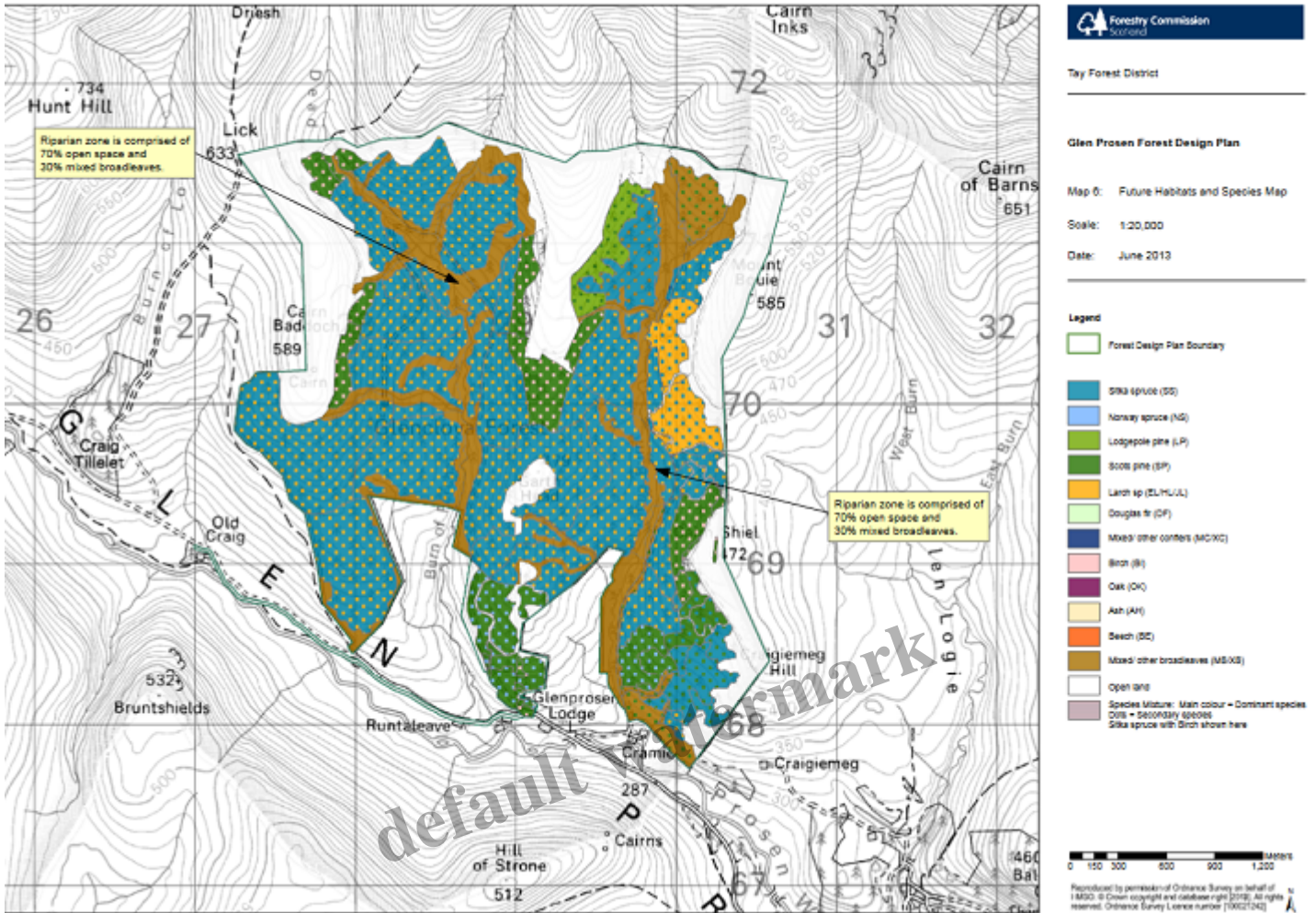
The purchase allows FLS to add considerably to their existing landholding in the glen, Glen Clova Forest ([see here](#)), which is being managed as a productive forest and is mainly planted with Sitka spruce:

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Clear felling in Glen Clova Forest, currently managed by FLS, photo 2016.

In the absence of statements to the contrary, there is a real risk that FLS intends to manage the whole of Glen Prosen in this way, adding to the environmental damage rather than restoring it.



Recently FLS asked the public to revise their expectations of how long it would take to “re-open” forests after Storm Arwen ([see here](#)). This was effectively an admission that the current model of intensive forest planting and clearfell has failed and is no longer economic under the market system.

The opportunity at Glen Prosen

Glen Prosen could therefore provide a perfect opportunity for the FLS to show it has changed course and to adopt a new model of woodland creation based on natural regeneration.

To enable this to happen the first thing that would need to happen is to stop muirburn and reduce grazing to very low levels (two deer per square kilometre and with any sheep grazing restricted to stock enclosures). FLS could then start planting trees without protective fencing outside the wild land area at the head of the glen. Such planting would need to be in small quantities and over several years to prevent the number of voles and hares exploding as a result of the new food source. Numbers of small browsing mammals would also be limited by the return of predators to the glen (the removal of all those traps).

Once the woodland became established, FLS could rely on natural regeneration to enable it to develop

with a mixed age structure (what is called continuous cover forestry). The job of the forester would then be to weed out unwanted trees (which should include stopping sitka spreading into the wild land area and other areas designated for nature conservation) until the first productive trees reached maturity.

All this would be best managed by local foresters based in the glen and permanently on site, rather than through remote contractors. That would help show up the claims by sporting estate interests that the only viable jobs in the remoter parts of the Cairngorms involve game-keeping.

Such an approach would fully accord with the aims of the Cairngorms National Park. However, at present it is not even clear that FLS bothered to consult the CNPA before deciding to make the purchase.

Glen Prosen and the Scottish Government's proposals for land reform

Many of the proposals included in the Scottish Government's current consultation on land reform concern large hand holdings over 3000 hectares. Glen Prosen would meet that threshold but interestingly there appears nothing in the proposals that would affect how this sale has been managed or how the land might be managed in future.

The Scottish Government is proposing to restrict foreign ownership of land over 3000 hectares in size. That obviously doesn't apply to the Forest and Land Scotland purchase at Glen Prosen. But if FLS has spent £25m on 16,000 acres or 6474 hectares that comes to £3861 a hectare. To buy 3000 hectares at that price would cost £11,584,800. The 3000 hectare proposal is therefore only likely to affect billionaires and been made redundant by recent land price inflation.

Where people do have the cash to buy estates over 3000 hectares in size, the proposal is they should be subject to a public interest test. That sounds good until you realise that the entire test is about the concentration of power that comes with large landholdings. If FLS's purchase of estates like Glen Prosen is not regarded by the Scottish Government as being an unwarranted concentration of power, it is hard to see how the courts could judge against any other prospective purchaser!

What is needed of course, as I have previously advocated on parkswatch, is a public interest test into HOW the prospective landowner intends to manage the land. In my view in protected areas like National Parks this should include all but residential and industrial land-holdings and should include FLS just like everyone else. In other words before committing to buy Glen Prosen FLS should have had their plans vetted by the CNPA to ensure they were compatible with National Park objectives (eg the new National Park Partnerships Plan commits to natural regeneration and contains a presumption against deer fencing). The Scottish Government's proposals include nothing to make this happen.

The Scottish Government is also proposing that all these large landholdings should have to produce land management plans and cites FLS's forest plans as a model of good practice. The problem, however, is that the proposals contain no means of redress should these plans not meet broader policy objectives (like tackling climate change, the nature crisis, promoting the right to roam etc). The assumption is that by making landowners talk to local people about plans they will then do the right thing! Neither is there means of redress should the landowner, having produced a plan, then decide to

do something contrary to it.

A good example for Scottish Ministers of why such means of redress are required is FLS's recent decision to exclude the Aviemore and Glenmore Community Trust from managing the Glenmore campsite on the opposite side of the Cairngorms ([see here](#)). Why is it that the Scottish Government has allowed FLS to hand over £25m to a private landowner, siphoning money out of Scotland, but has been quite content that FLS exclude the AGCT for the sake of an unknown sum of money that would then have been invested in the local community?

As for transparency, there is nothing in the Scottish Government's Land Reform proposals to improve the way information about landownership or use is recorded and provided on the Registers of Scotland or anywhere else. I have spent a day trying to assemble and make sense of the information provided in this post and that has only been possible because a successful FOI to Scottish Natural Heritage.

The timing of the news that FLS is intending to close a £25m deal on Glen Prosen could not have been better, it shows that the proposals in the Scottish Government's consultation that is due to close tomorrow are not fit for purpose.

Category

1. Cairngorms

Tags

1. Deer
2. Forest and Land Scotland
3. forestry
4. landed estates
5. NatureScot
6. Scottish Government

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