

Cabinet Secretary for Rural Affairs, Food and the Environment  
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Rob Gibson MSP  
Convener  
Rural Affairs, Climate Change and Environment Committee  
Scottish Parliament  
Edinburgh  
EH99 1SP



26 November 2015

Dear Rob

### **AGRICULTURAL HOLDINGS MEDIATION etc.**

I am writing as requested to provide the Committee with a further update.

Following the meeting between the mediators and representatives of the Scottish Government, tenants and landlords to discuss the arrangements for the mediation process which I mentioned in my last letter, mediation began on 23 November and continued yesterday.

In line with usual practice, those participating signed an agreement on the terms of the mediation which included provision that the process would be kept confidential. It was agreed that the Scottish Government's involvement would be on the basis that the Government has not accepted liability for ECHR claims already intimated by Andrew Stoddart or the Colstoun Trust.

I am pleased to confirm that the following statement was issued earlier today:

#### **Statement on behalf of Mr Andrew Stoddart and The Trustees of The Colstoun Trust**


Mediation has taken place between Andrew Stoddart and the Trustees. Representatives of the Scottish Government were in attendance but have not accepted liability for claims already intimated to them by either Mr Stoddart or the Trustees and did not mediate on these aspects.

Mr Stoddart and the Trustees have agreed the terms for payment of Mr Stoddart's waygoing claim. They have agreed that Mr Stoddart may continue to have the use of the house, grazing land and farm buildings at Colstoun Mains Farm, Haddington, until January 2016.



Given the particular circumstances facing Mr Stoddart our focus has inevitably been on the urgent consideration of what could be done to ease his situation.

However, I am of course aware that a small number of others tenants have yet to reach agreement with their landlords and I have asked my officials to continue the discussions with the mediators and representatives of tenants and landlords on their specific cases. The situation for these tenants is not quite as time critical as it was for Mr Stoddart given that the Remedial Order provides some security of tenure by setting a minimum notice period of 3 years or, for the small number of cases already in the Land Court, the period set by the Court. However, I am hopeful that progress can be made with mediation as quickly as possible.



**RICHARD LOCHHEAD**