

The Scottish Government
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Dear Sirs

Consultation on the Future of Land Reform in Scotland

This letter sets out the response of the Cairngorms National Park Authority (CNPA) to the Consultation on the Future of Land Reform in Scotland.

CNPA welcomes the opportunity to comment on these proposals. We work closely with land owners, managers and communities to deliver the aims of the National Park. We bring partners together to deliver outcomes for:

- Conservation
- Visitor experience
- Rural development

Several of the proposed areas of reform are therefore relevant to delivery in the Cairngorms National Park. In this context our primary focus is on the use of land in the Cairngorms. We are working with a variety of private, NGO, public and community land owners to deliver an integrated approach to land use in the National Park. This is characterised by a landscape scale approach to conservation, realising the social, economic and health benefits of nature, connecting and empowering communities.

With regard to specific proposals in the consultation paper:

Land Rights and Responsibilities Policy

We support the principle of a statement that provides clarity on the government's vision and recognises the public interest inherent in the system of land rights and use. We suggest the

statement could provide a clearer articulation of how the public interest is defined, in order to provide a clear reference point that could guide implementation of some of the other proposals. We would also welcome a clear connection between these principles and the wider set of policy related to land use, particularly the Land Use Strategy, to ensure policy is well aligned.

Scottish Land Reform Commission

We support the establishment of a body, with clear terms of reference and appropriate expertise, to guide a consistent approach to consideration and implementation of land reform measures over the long term and collate, analyse and review evidence on the need for and effectiveness of measures.

Information on land, its value and ownership

We support proposals to ensure the availability of clear up to date and transparent information on land ownership across all sectors. Clearer information would help support our delivery of effective services, for example planning, community development, land management and visitor services.

Sustainable Development Test for land governance

We recognise and support the principle that Ministers should have a backstop power to intervene in the public interest. However, we suggest such a test would need to be clearly articulated with well defined criteria, as the definition of 'sustainable development' could be interpreted in many different ways. We would also welcome clarity on how such a power would add to or interact with existing powers such as compulsory purchase.

We recommend that any test for sustainable development should address the social, economic and environmental outcomes that the land use system is expected to deliver. In the Cairngorms National Park, we would view sustainable development including, for example:

- Provision of land to meet low cost local housing needs;
- Empowering local community planning processes and supporting community development;
- Good practice in land management contributing to biodiversity and climate change targets;
- Provision of public benefits beyond the immediate local sphere – e.g. catchment management benefitting downstream communities.

Whilst we recognise the rationale for a backstop power, we believe it is important to take a proportionate approach to balancing the use of such regulatory powers with other policy and incentives. We suggest the approach should also recognise and maintain space for the significant strengths that come from a diversity of ownership and management objectives.

A more proactive role for public sector land management

The consultation does not specify what additional roles or powers should be provided for. However, we support the principle of making it easy for public bodies to be proactive in using publicly owned land to deliver a wide range of benefits. We recognise the legislative purpose/remit of public bodies does not necessarily reflect the changing needs of public policy agendas over time and support the ability to respond more flexibly.

One of our primary roles is to bring together public bodies within the National Park to collaborate on delivering outcomes across conservation, visitor experience and rural development. For example, five public bodies (CNPA, HIE, FCS, SNH and The Highland Council) are collaborating in the Cairngorm and Glenmore Partnership, recognising that to make the most of the asset of these two adjoining public land holdings, we need to align remits and resources across these bodies.

Duty of community engagement on land management decisions to be placed on charitable trustees

This appears to formalise what should already be good practice and supports community empowerment. As the duty is currently described, we suggest guidance is required on the appropriate level of engagement that is expected. For example, is the duty intended to require engagement at a strategic estate planning level, or operational land management decisions? The duty will also need to reflect the wide variation of circumstances, presence and scale of communities in relation to different land holdings.

Removal of the exemption from business rates for shooting and deerstalking

If Ministers are minded to remove the current exemptions we suggest there is an opportunity to reinvest the revenues to support delivery of relevant public benefits including for example biodiversity and climate change targets, and reinvest funds locally to support community development.

Agricultural Holdings

It is important that reform of agricultural holdings builds confidence in the tenant farming sector and between land owners and tenants. We support reforms that will make the system more fit for purpose, providing more attractive letting mechanisms for tenants and owners, thereby stimulating the market. If legislation on agricultural holdings is to be taken forward through the Land Reform Bill rather than as a separate Bill, we suggest this is contained in a discrete section that allows the intention of reforms to be clearly set out.

Wild Deer

We support the proposal to provide a backstop in legislation given the very significant public interests affected by deer management. We would however welcome further clarity on the way in which such a power would add to and interact with existing powers in the Deer (Scotland) Act. We recognise there is considerable momentum at present in work to improve the current voluntary system of deer management and we are supporting land managers and Deer Management Groups within the Park in doing this. However, we support measures to enable the government to act quickly if in due course the current system is found not to be working in some places.

Public Access: clarifying core paths planning process

CNPA is an Access Authority under the 2003 Act. We recommend that the process for resolving objections in a core paths plan should be aligned with the Local Development Plan process, through which the authority seeks to resolve objections through negotiation, leaving only those unresolved to be considered through Inquiry. The advice of the Local Outdoor Access Forum is a critical part of the transparency of this process. We do not therefore agree with the proposal to require a further consultation period.

We do agree that the Act should be clarified so as a Ministerial direction is not required to initiate a core paths plan review.

We support a simple process for amendments, but do not see a strong need for such a provision given that the key test of the sufficiency of a plan and a five year review period should mean there is little need for substantial changes between reviews.

We would be happy to provide further information in support of our response if it would be helpful.

Yours sincerely



HAMISH TRENCH

Director of Conservation and Visitor Experience