

Cairngorms National Park Authority Response to Land Reform in a Net Zero Nation Consultation

1. The Cairngorms National Park Authority welcomes the opportunity to comment on the Land Reform consultation. The [National Park Partnership Plan 2022 – 2027](#) sets out the strategic context and objectives for the National Park and the expectation is that any of the proposed changes would help to deliver the long-term objectives of the Park. This Plan has been approved by Scottish Ministers and was launched on 23 August 2022.

Criteria for Large-Scale Landholdings (Part 4)

2. The criteria for large-scale landholdings (3000ha) would cover at least 87% of the area of the Cairngorms National Park. There are about 40 landholdings that are above this threshold in the National Park. The Park Authority thinks that the threshold seems about right for the level of influence estates can have on their surrounding communities and their influence on delivering net-zero and biodiversity targets or helping to deliver on the economic transformation agenda.
3. However, the Park Authority would also like to highlight that smaller land holdings in strategic locations (around villages) can have a disproportionate influence and so the Park Authority proposes that a criteria should be added that if an owner has more than 50% of potential development land around a village this would also be covered.
4. At present the consultation suggests that even if family farms are over 3000ha they are exempt. There does not appear to be a strong rationale for this as a family farm over 3000ha still has the potential to cause the same issues as an estate. There is also the issue of when does a family farm become an estate? If there is a 3000ha size threshold this should apply to all land.

Land Rights and Responsibilities (Part 5)

5. There is a lot of good practice in the land rights and responsibilities statement and the more that estates follow this the better relations will be between estates, local communities and stakeholders. The Park Authority thinks that there is a good opportunity to integrate this part and the compulsory land management plan element together to make the process more streamlined. This would then link any enforcement aspects and again potentially make the system more streamlined.

Compulsory Land Management Plans (Part 6)

6. Having a transparent Land Management Plan for major holdings within the Park would be a huge step forward. The Park Authority strongly supports this approach. Within the National Park every 5 years a National Park Partnership Plan is produced that is the statutory management plan for the place. This is approved by Scottish Ministers. It would seem sensible if Land Management Plans for estates were reviewed every 5 years and within the National Park had to show how they were delivering the National Park Partnership Plan as the expression of government policy in the area.

7. The Land Management Plans will need to be done to a template to allow comparisons across holdings. Our understanding is that an estate must have a Land Management Plan to be able to access public funding. Within the National Park it would make sense for the Park Authority to be the lead body for ensuring that Land Management Plans are produced and deliver on the 'public interest' as defined in the NPPP. There are however a number of questions that need to be thought through in developing this approach.
 - a) How strategic/operational should these plans be and how specific?
 - b) How are they amended within the 5 years?
 - c) What happens if ownership changes?
 - d) How does this affect tenants (farming and sporting) on larger estates?
 - e) Is there a sign off process for the Plans?

Public Interest Test (Part 7)

8. The Park Authority supports the principle that there should be a Public Interest Test in acquiring land in Scotland. As it is currently worded this test is only applicable in terms of scale/concentration rather than whether the use of the land is in the public interest. The use of the land is covered by the Land Management Plan. As currently worded it potentially could be used to intervene if a landowner was buying a neighbouring estate and this would potentially lead to issues of scale/concentration. However, new entrants into the market would face less issues with the way the test is currently set out.
9. The Park Authority welcomes the notice to sell as a good idea for transparency (some current sales are off market transactions). However, with the cost of land being very high it would seem unlikely that 6 months would be enough time for a community to raise the funding and there is a question about how it links to the current community buy-out legislation. Overall the extremely high cost of land is a major barrier to community or other groups purchasing land (see recent sales in Cairngorms NP).

New Conditions for Public Funding (Part 8)

10. The consultation proposes eligibility requirements for landowners to receive public funding from the Scottish Government for land based activity. This seems a sensible piece of cross-compliance to ensure that public funding goes to those estates that can show they are delivering the public interest.

Transparency: Who owns, controls and benefits from Scotland's Land (Part 11)

11. The consultation proposes to introduce a requirement that those seeking to acquire large-scale landholdings in Scotland need to be registered in an EU member state or in the UK for tax purposes. This would aid transparency of ownership and would seem a sensible approach at a strategic level.

Other Land Related Reforms (Part 12)

Fiscal and Taxation

12. The Park Authority believes that Scottish Government and UK Government should look at the tax regime around community purchase to provide additional support to communities.

Community Benefits and Natural Capital

13. How Scottish Government uses investment from natural capital to maximise community and national benefit is a key issue for the Park Authority.
14. This is a crucial question for the future of rural Scotland. There is a need to ensure that a % of all carbon credits generated in Scotland are taxed and that this funding is ring-fenced for use on delivering a just transition (as defined in the Just Transition, Fairer, Greener Scotland), climate mitigation and adaptation and nature restoration within the local area where it is raised. The benefits of the carbon market cannot just be to landowners and/or companies. There needs to be benefits to communities as well.
15. As rural Scotland will need to be a carbon sink for urban Scotland if we are to meet net-zero by 2045 this provides the financial incentive to do this and would make sure rural Scotland benefits from the carbon market. The Park Authority is piloting a model locally and if similar principles were applied nationally there are potentially millions of £ of investment that could be raised for rural Scotland. This would also potentially save significant public funding in the long run freeing up resources to be focussed on other areas of public expenditure.

CNPA

23 September 2022