Background to the John Muir Trust and its position on land reform

The John Muir Trust is a conservation charity with over 10,500 members dedicated to protecting and enhancing wild places and helping people to connect with them. One of the ways the Trust achieves its charitable objectives is by managing areas of wild land through ownership and partnership, to protect them from damaging developments, to restore natural ecological processes and to encourage local people and visitors to access and enjoy them. The Trust owns nine estates totalling 24,400 hectares which includes four crofted estates with 200 crofts. Visitor facilities include toilets, car parks and 120 km of footpaths. Over 150,000 visitors a year visit Trust managed land including Ben Nevis, Schiehallion, Blaven and Sandwood Bay. The Trust also works in partnership with the community owned Knoydart Foundation, Assynt Foundation, West Harris Trust, North Harris Trust, Urras Oighreachd Ghabhsainn and in wider partnership as part of the Coigach Assynt Living Landscape (CALL) and Nevis Partnerships.

Through its John Muir Award programme, the Trust promotes access, education and enjoyment of wild places to over 30,000 people a year. The Award has generated strong community links and helps to instil a sense of pride, value and connection to Scotland’s land and its natural heritage value in particular.

Since its inception in 1983 the Trust has been heavily involved in land reform and community engagement. The Trust worked to ensure people had access to wild land (prior to the Land Reform Act of 2003). It also worked with local communities living on and near wild land, and assisted the Knoydart Foundation, Assynt Foundation and North Harris Trust in their community buy-outs, both financially and through logistical support. This contribution has been in excess of £500,000. The Trust continues to support community led schemes through its own Conservation Fund.

Working constructively with communities is written into the Trusts constitution, vision and corporate strategy and the Trust welcomes proposals for renewed support and encouragement of community ownership, sustainable development and self-determination.

Part 1 Land Rights and Responsibilities Statement (LRRS)

The Trust agrees with the principle of a Land Rights and Responsibilities Policy Statement to give over-arching policy direction to all who have a role in managing Scotland’s land. The Trust believes that how land is managed is key to both its environmental quality and the social and economic benefits it provides, regardless of who owns it. An LRRS is the opportunity to align land management with government’s sustainable land management aims. Government policy should fully reflect the considerable and legitimate public interest in the management of land. Rectifying the damage to the ecology of the uplands would contribute to the collective benefit of the people of Scotland. The statement should therefore refer to both current and future generations and not just be set in the context of benefits to people in the present.

Incentives and regulation

We believe the land reform debate should trigger a review of land management incentives and regulation, linked to the LRRS, to ensure better care and use of the land for public
benefit. This should include the extensive areas of wild land, peatland and uplands in Scotland. Improving the ecological condition of the land and restoring its natural capital – for example, by repairing damaged peatlands and bringing back native woodlands - will increase the resilience of our natural systems to the impacts of climate change and provide communities with a more sustainable basis for development. In addition to economic benefits, this investment will also benefit the health and wellbeing of the nation. No public money should be used to further degrade Scotland’s natural capital.

Part 2 Scottish Land Commission

The Trust favours a Land Reform Commission which could ensure implementation of policy. It is essential that the Commission is independent of government and political parties in the interests of openness, impartiality and fairness and Commissioners must have the necessary skills base, or access to such advice, including environmental expertise.

Part 3 Transparency of Land Ownership

The Trust strongly supports the principle of transparency of ownership and the proposed improvements to publicly available information. Transparency and accountability should be fundamental requirements from any individual, group or legal entity who owns land in Scotland. This would help in many ways – for example, for landowners such as the John Muir Trust, with several estates and many neighbours, having contact details for neighbouring landowners is helpful during consultations and increases opportunities for collaboration and joint working.

Improved access to information on neighbouring estates and landholdings will also be helpful to communities and NGO landowners like ourselves in developing landscape-scale environmental initiatives such as the CALL project and Nevis Partnership. Detailed information about all our properties is already available to the public on our website (www.jmt.org/properties.asp). Environmental information on all our properties is already shared through the National Biodiversity Network (https://data.nbn.org.uk).

Part 4 Engaging communities in decisions relating to land

The John Muir Trust welcomes the inclusion of the principle of community engagement. However, the lack of detail on how this will work in practice, relying on Guidance from Ministers issued later could lead to unforeseen consequences. More detail about what engagement is required and how the Minister would act in certain circumstances would help all parties. It would be regrettable if a local community’s view that land was not being managed as they would like were to be interpreted by Ministers as “not being sustainably managed”. The Trust has always engaged with the local communities on and around its properties and will continue to do so. This does not mean that there is always a consensus shared by all about the use of land but the process is worthwhile.

Whilst the Trust sees no problem with public engagement over the transfer of land, the requirement for public consultation regarding use and management of land must be proportionate. It is unclear whether the Bill means that Trustees of a charity with paid staff would have to personally engage with communities or what level of engagement over management is intended. It is essential that land managers are not restricted in their activities by constantly having to consult over every management decision.
already have to operate for public interest and in an open, transparent and consultative manner under charity law.

Definition of “communities”
The Bill very specifically defines “community” by postcode and electoral district. However many people feel part of communities around common issues or circumstances, and join together to form ‘communities of interest’. The John Muir Trust is one such group with an interest in wild land – others include mountaineers, nature conservationists and anglers. These communities should also be considered. As an example, it makes sense for the John Muir Trust, who own the summit of Ben Nevis, to consult not just the people of Fort William about the access path to the top of the mountain, but also the mountaineering and outdoor activities interests that are the major users of the summit and the path up to it. We believe that “best practice” would be landowners, whether private, public, NGO or community, consider “communities of interest” as well as locally living communities.

Communities of interest are increasingly recognised in both academic research and government policy as an important, and often under-recognised, component of civic society. Joining together in organisations like the Trust and becoming landowners can allow significant investment to be brought into local areas, with an approach to land management that generally delivers extensive public benefits.

Public interest beyond the locality
It is important to recognise that management of land has impacts well beyond those of the immediate geographical community. All life (including humans) depends on protecting and enhancing the environment and natural resources. The Trust believes that all landowners should have a specific duty to protect any habitats, species, natural features, landscapes or archaeological sites that have been recognised by society as deserving special protection (e.g. Special Areas of Conservation, Special Protection Areas, Sites of Special Scientific Interest, National Scenic Areas, Wild Land Areas, Scheduled Ancient Monuments, etc.).

Part 5 Right to buy land to further sustainable development
The Trust sees benefits in reform facilitating some essential local developments, such as social housing and microbusiness developments, where there is a proven need in the interests of local people, and where a landowner may be reluctant to release relatively small areas of land in and around existing settlements.

The importance of wild land was recognised by the Scottish Government in the revised Scottish Planning Policy and National Planning Framework, published in 2014. These should provide significant protection for the new Wild Land Areas identified by Scottish Natural Heritage. However, the Trust would be concerned if the protection of Wild Land Areas (and other areas of wild land) were to be undermined by proposals which resulted in a presumption in favour of any projects proposed by developers, regardless of how intrusive or inappropriate these projects may be. In our view, this would result in a loss of public benefits for private gain.

Increasing opportunities for ownership should include opportunities for such communities of interest to own buildings and land. This is of interest to a wide range of NGOs interested in acquiring sites of special interest to the wider public as well as a local community. Often this may be a way for natural heritage of national importance to be
protected and enhanced without cost to the public purse. Consultation with local communities as part of the acquisition process would be best practise.

Defining “sustainable development”
Definition is important, as sustainable development can mean many things to many people. A correct definition should recognise that a healthy environment is essential to our social and economic well-being and explicitly recognise that people have a range of different needs – social, environmental and economic – and sustainable development should encompass all of these.

It should be recognised that conservation NGOs already manage land in the public interest by protecting some of our finest habitats and landscapes, restoring the ecological health of their landholdings, and repairing footpaths and supporting public access. Managing land for wider public benefits need not result in economic loss – indeed, the opposite is often the case. NGO landowners in Scotland deliver strong economic benefits to their local communities – research by the University of the Highlands and Islands, for example, showed total direct annual expenditure by NGOs on site management equating to over £37 million.

The nation’s wild land is a vital environmental, social and economic asset that delivers multiple public benefits. Scottish Natural Heritage estimated in 2010 that the direct economic impact of nature based tourism (i.e. tourism that is related wholly or partly to Scotland’s wildlife, habitats, landscapes and natural beauty) was worth £1.4 billion per year, supported 39,000 full time equivalent jobs and accounted for 40% of all tourism spending in Scotland. The same study found that the economic value of visitors touring and enjoying Scotland’s scenery was £420 million. Much of this expenditure will have taken place in areas close to wild land, as these include many of Scotland’s most dramatic and popular landscapes.

How the public interest is assessed
The assessment of the public’s interest should be transparent and inclusive and should include communities of interest as well as geographically local communities, reflecting the fact that the use of land is a common interest and concern to all the people of Scotland.

Part 6 Entry in Valuation Role of Shootings and Deer Forests
The Trust supports the recommendation on Sporting Rates. In particular, we agree that business rates for shooting and deerstalking should not be used solely to raise revenue, but also to promote good environmental management of the land.

Part 8 Deer
The John Muir Trust welcomes these proposals, which recognises that Scotland’s biodiversity needs stronger regulation to give urgent protection from damage caused by high deer numbers, but believes they should be strengthened.

The Trust believes that improved regulation of deer management in Scotland is necessary to improve the ecological health, economic value and wider social benefits of large areas of the Scottish Highlands. The Trust supports the measures proposed in the LRRG report that landowners should apply for a consent specifying the number of deer they intend to cull in coming year and SNH should determine the cull levels in each Deer Management Group area. The aim of such measures would be to ensure that SNH could require that
landowners have in place detailed sustainable deer management plans that protect the public interest and that the plans are fully carried out. The Trust also believes that Deer Management Plans should be in the public domain and that it would assist sustainable deer management if there was a formal consultation process / register (as is required for forestry).

The Trust supports increased regulation of the deer industry, as we believe that the voluntary approach is failing to deliver sustainable and effective management of the country’s deer populations. We agree that Scottish Natural Heritage should be given enhanced powers to intervene in deer management in the public interest, and support the suggestion that these should include requiring landowners to put in place, and carry out, sustainable deer management plans that protect the public interest.

However, we also emphasise that, in exercising its powers in relation to deer and the environment, SNH must focus on protecting the natural heritage and not use their “balancing duty” to take decisions which will further degrade designated sites and the natural heritage.