

LLTNPA's decision to keep land-use plans secret is indefensible

Description

C7 Land Management Plans	The development of long-term land management plans that help to guide investment in land-based businesses is considered a high priority. This has been successfully trialled during the existing Park Plan period and should be rolled out. There is a potential link to any new support scheme and to long-term forest plans.	By 2017 25% of all private land in the National Park has a long-term management plan.	<ul style="list-style-type: none"> • National Park Authority • Forestry Commission Scotland • Private Land Managers 	<ul style="list-style-type: none"> • Scottish Government • Scottish Natural Heritage • NGOs including RSPB, SWT, WTS, NTS etc • National Farmers Union of Scotland • Scottish Land and Estates • ConFor
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One of the priority

actions under the last Loch Lomond and Trossachs National Park Partnership Plan was to develop long-term Land Management Plans across the National Park, an objective that everyone with an interest in land-use and landscape should support. Interested to understand what progress had been made, I asked the LLTNPA for copies of all plans that been agreed and in June the LLTNPA informed me ([see here](#)) that plans had been agreed with 18 private businesses “which equates to 29% of all privately owned land in the National Park” – exceeding their 25% target. However, they refused to release any of the Plans that had been agreed on the grounds they were commercially sensitive. To me, this seemed bizarre, surely how land is being managed in our National Parks is a matter of public interest and should be public?

I therefore asked for a review of this decision [EIR 2017-043 Review request](#) and this week received a response, [EIR REVIEW 2017-043 Response estate plans](#). This claims that these land management are so full of commercially sensitive information – which can be exempt from publication under the Freedom of Information Act in certain circumstances – that they cannot be released. The implications of the Park's claims for Land Reform and land-use management are profound. What the Park is in effect saying is that because the plans contain commercially sensitive information they will not release the information these plans contain relating to the Park's statutory objectives to conserve the landscape and wildlife, promote public enjoyment of the countryside and sustainable use of resources. Among other things the following would now appear, according to the Park, to be state secrets:

- agreements made with landowners to manage deer numbers and reduce the impact of deer grazing on the environment
- agreements made with landowners to improve recreational infrastructure, such as car parks or campsites
- agreements made with landowners about how land could be managed to reduce the risk of flooding
- plans to protect vulnerable species or to control predator
- plans for future developments, such as hydro schemes

In effect the Park is claiming that agreements it makes with landowners on how land should be managed are secret and not a matter of public interest. This is totally wrong and contradicts National

policy.

The Scottish policy position

Last year the Scottish Government issued a revised Land-use strategy for Scotland 2016-21 <http://www.gov.scot/Resource/0050/00505253.pdf> under the title “Getting the best from our land” – note the “our”. Here are some relevant extracts:

a) Under “Principles Land Use” *“People should have opportunities to contribute to debates and decisions about land use and management decisions which affect their lives and their future.”*

How can people, including local communities, contribute to land-use decisions in the National Park if information about land-use is secret?

b) Under “Our Vision” *“A Scotland where we fully recognise, understand and value the importance of our land resources, and where our plans and decisions about land use will deliver improved and enduring benefits, enhancing the wellbeing of our nation.”*

How can we know if decision the Park is making with landowners about land-use are delivering *“improved and enduring benefits”* if these decisions are secret?

c) The Land Use Strategy also supports the three underpinning principles in A Stronger Scotland, The Government’s Programme for Scotland 2015-16. The third of these is *“making sure that we encourage and facilitate participation by everyone in the debates and decisions that matter to them most, regardless of their circumstances or backgrounds”*

How does the LLTNPA’s secret agreement with landowners support this objective?

d) Under “Our Objectives” *“Urban and rural communities better connected to the land, with more people enjoying the land and positively influencing land use.”*

How do secret management plans enable more people to positively influence land-use?

e) *“Our Objective to maximise the opportunities for land to deliver multiple economic, environmental and social benefits is still valid and at the heart of this second Land Use Strategy.*

In 2011 we published an information note on Applying an Ecosystems Approach to Land

Use.....(which)..... “summarised the three key steps which are important when using an ecosystems approach, these are:

- *considering natural systems;*

- *taking account of the services that ecosystems provide; and*
- *involving people.*”

How does keeping management plans secret involve people?

f) 2.5 Land Use and Communities *“We are all part of a community. A community can be based on its location (for example, people who live, work or use an area) or common interest (for example, the business community, sports or heritage groups). Both need to be at the heart of decisions about land use because land is at the core of our communities. It provides places for us to live, work, and enjoy recreation.....When people can influence what happens in their community and contribute to delivering change, there can be many benefits. Pride in the local community can increase, people may be more inclined to go outdoors and be active, or have the opportunity to grow their own fruit and vegetables and eat more healthily. All of these things improve people’s physical health, mental wellbeing and overall quality of life. It has also been shown that most people feel that they should be involved in local land use decisions beyond the rights already provided by the statutory planning system; this is why we need to encourage better connections between communities and the land.”*

So according to the Scottish Government involving people should be central to land-use – except in the Loch Lomond and Trossachs National Park it would appear. The LLTNPA is not only failing to consult on land-use decisions, its keeping information about the basis of those decisions secret. And our National Parks are supposed to demonstrate best practice! Its worth noting here that the Cairngorms National Park Authority does publish estate management plans. While they are far from perfect, in fact in many cases so general as to be meaningless, at least what the CNPA is doing is public and provides a basis for debate. It appears that the LLTNPA would prefer that not to happen. Its hard to avoid the conclusion that at some level the LLTNPA has in effect been taken over and is being run for landowner and business interests rather than the public interest.

Land management plans and freedom of information

The Park makes two interesting statements in its Review Response refusing to make land management plans public.

The first is that *“there is commercially sensitive information throughout the documents, such information is not discretely held within one part of the document. The plans also contain copies of reports provided by third party consultants on the viability of businesses and future plans.”* Now, while I am sceptical about how far landowners have provided commercially sensitive information to the National Park, if there is indeed commercial information inserted throughout the plans, the obvious solution – apart from redacting the commercially sensitive information which would be a lot of work – is to redesign the plans so that business information is held in a separate document which would not need to be made public. This would make it easy to publish plans which set out the agreements made with landowners – e.g deer numbers, extent of woodland restoration, plans for new paths – without the financial information that underpins the delivery of this. Having said this, where work is to be financed through public funds, I see no reason why this information should not be public. Its should be in the public interest, for example, to know what Forestry Commission Scotland intends to grant aid.

The second is the LLTNPA’s statement that *“the ILMPs have been put together with businesses within the National Park on the understanding that this information is not shared publically (sic)”*. My understanding of Freedom of Information law is that this is totally wrong: public authorities cannot get round the Freedom of Information Act by making private agreement with landowners or anyone else

that the information will not be public. That is why in every public tender and contract clauses are included which state that any information provided is subject to the provisions of Freedom of Information law. The LLTNPA statement suggests once again that its being driven by landowning and business interests, not the public interest.

What needs to happen

While I will appeal to the Information Commissioner – the National Park cannot be allowed to drive a cart and horses through our Freedom of Information legislation – this is a matter that the LLTNPA Board need to address. I believe they need to:

- Require staff to re-design estate management plans so that information that is legitimately confidential is separated out from decisions that are being made about land-use
- Consider how to consult and involve the public in the development of land management plans as per Scotland's Land-use Strategy
- Commit to publishing all plans that have been agreed so far as soon as possible

Category

1. Loch Lomond and Trossachs

Tags

1. conservation
2. Freedom of Information
3. land reform
4. landed estates
5. LLTNPA
6. secrecy

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