

Community Woodland Association

Response to National Forest Land Scheme Consultation

The Community Woodlands Association welcomes the opportunity to comment on the proposed National Forest Land Scheme. We strongly support the principle of transfer of forest land to community groups, and making land available for affordable housing. We have a number of comments to make on the consultation document and the proposals for management of the schemes.

I Community Acquisition

The “Community Acquisition” element is an extremely positive initiative, however, we feel that the tone of the consultation document is unduly negative, with too strong a focus on criteria to exclude or restrict community acquisition, and too little focus on the positive reasons for and anticipated benefits from community acquisition. It would be beneficial for literature published to promote the NFLS to take a positive approach and for the aims and potential benefits of the Scheme to be more clearly articulated.

Preparation of the application, & compilation of supporting evidence.

For “substantial” applications, the body of evidence (management plan/10 year forest plan, business plan) required to demonstrate community capacity to manage the land will involve considerable work on the part of the community (and/or their specialist advisors)

We recommend that this preparation work should be eligible for support through SFGS 8 (although WGS / SFGS monies are not generally thought to be available for work on FES land, the precedent has been established that FES land is eligible where it can be demonstrated that FES will not receive any financial benefit.) Alternatively, a separate pot of money should be established for this purpose

We recommend that FES should be required to co-operate with the community body, and provide, on formal request, information necessary for the compilation of management plans, etc, e.g. inventory data, production forecasts, long-term contractual commitments for timber supply, details of environmental/ancient monument designations, third party rights, wayleaves, mineral concessions, etc.

Consultation - FES

FES is asked to advise on two of the eight criteria: would the proposal be significantly detrimental to the management of the national forest estate, and does the community body have the capacity to manage the land on a long term basis.

“management of the national forest estate”

As phrased on p11 of the NFLS document, the bullet-pointed criteria seem unduly restrictive and conservative.

We recommend that this list should be regarded as a list of issues to be addressed by the Community Body in their plans for the land, rather than as grounds for refusal of an application.

- There is no overriding reason why sale or lease of sites of national importance for conservation or recreation would be detrimental to the management of the National Forest Estate. The key issue here is site management, not ownership: the Community body's management plans etc would naturally have to demonstrate the commitment and capacity to continue and enhance existing management of such sites, and where conservation importance was underpinned by statutory designation (SSSI, Natura, etc), SNH would of course retain its regulatory powers.
- Where land is critical for access, transport or implementation of plans for the wider forest, this should be recognised and addressed within the community body's plans, and satisfactory agreement on operational matters reached with FES. Likewise, issues relating to leaving parcels of unmanageable land should be dealt with by discussion, or covered by FCS' right to require their inclusion in the sale (as per p9 of the document).
- "will result in local staff reductions" should be reworded as "will result in a net loss in local employment" – quite reasonable for FES local staff to be re-employed by community body, and it's hard to envisage that a proposal which required net local job losses would have much community support.
- "will result in significantly increased management costs on remaining land" – as phrased, this could be taken to rule out any substantial community acquisition, which would inevitably impact on the ratio of FES hectares per FES management staff member
- "will compromise long-term contractual commitments, e.g. for timber supply" – firstly, of course, such commitments should be disclosed prior to the formal application. The community body should then have the option to take on the commitment itself as part of it's management of the forest, or to lease-back part of their acquisition for FES to discharge their commitment.

"capacity to manage the land"

As phrased on p6, this seems to be inviting FDMs to comment negatively, and it's not clear why FDMs should be commenting at all. Where substantial areas of land are involved, it may well be that the community does not have a significant track record of land management on the same scale, however, these issues should be addressed within their management plan. Partial lease-back may well be advantageous.

We recommend that consideration should be given to partial "lease-back" arrangements, which could go a long way to meeting some of the key concerns over community capacity to manage the land, and the impact on management of the National Forest Estate.

We recommend that the assessment is done with a light touch, especially if it is a small scale application, and applications should be kept simple. Consultation would help here. Scottish Land Fund makes decisions to support applications regularly without the need for elaborate funding hoops and sometimes you just have to have faith in people. Perhaps the criteria should be tried out on a couple of likely applicants.

The evaluation panel will need to have a positive ethos of support and not find reasons to say no.

Consultation with external stakeholders:

We recommend that community bodies should be encouraged to make contact with interested third parties, particularly statutory bodies, before a formal application is made.

We recommend that extensions to the 60-day consultation period for external consultees should NOT be permitted.

Valuation

We are concerned about the proposed timing of, and the instruction of, the valuation. It is normal practice for community bodies considering land purchase to carry out both a feasibility study and a valuation at an early stage. This allows the community to make an early informed choice (via a public meeting or ballot) on whether to proceed with a purchase or not.

Under the proposals presented, FCS are to instruct the valuation only after the community has formally applied to purchase the land. This would not give the community sufficient information to make an informed choice, and would prevent a community considering a range of areas and options of land to purchase and/or lease. It might also lead to a situation whereby the community would have to instruct their own valuation prior to the formal NFLS application – potentially creating divergent valuations and therefore possible conflict and appeals.

We recommend that the valuation to be carried out at an earlier stage than suggested in the proposals, and certainly prior to the formal application to the NFLS.

We recommend that the valuer be instructed by an independent party, with both FCS and the community body being approached by the valuer for representations prior to the valuation report being issued. This valuation would be passed to both FCS and the community body.

There is a good case for selling to communities at below market value, if it facilitates the delivery of wider public benefit. We recommend that this should be considered.

Leasing

The consultation document contains very little detail of leasing arrangements (how will rates be set?, by whom?), although this may well be a preferred route for many community acquisitions, particularly given the finite resources available through the Scottish Land Fund to support land purchase.

We recommend that valuation for lease should be based on the net financial contribution of the land to FES (rather than calculated as a proportion of the estimated market value). In practice, given FES's overall budget deficit, this would imply that a significant proportion of the National Forest Estate would have a nominal rental value. This would be consistent with other Government agencies, who have set the standard for nominal values for leasing (e.g. SNH at Dunnet).

The Decision.

In the proposed scheme, FCS (through FES) operates as both landowner & vendor as well as the organisation administering the NFLS. Decisions are to be made by the Director of FCS, with advice from an evaluation panel appointed by the FCS National Committee for Scotland from membership of the 5 Regional Forestry Forums and an FCS staff member. This system has an inherent potential for conflict of interest, and thus the danger that the decision making process will not be seen as independent and unbiased.

We recommend that the NFLS decision-making process be separated from the administration of the scheme, and that the final decision be made by an independent body or panel, appointed by Scottish Ministers, with clear representation from community interests.

2 Forest land for affordable housing

We support the proposals for “forest land for affordable housing”, and trust that the use of the National Forest Estate to meet affordable housing needs will demonstrate affordable, environmentally sensitive housing using alternative energy sources and suited to a forest landscape rather than ‘cheap’ housing crammed into a clear felled site.

We recommend that applications are sorted quickly at local level between officers of Community Scotland/Local Authorities and FCS, rather than the evaluation panel. This is vital specialist work and needs swift/careful handling. We have a generation to house, and this land is urgently needed. It is going to become vital.

3 Sponsored sales of “surplus” land

We believe there should be greater logic, consistency & transparency to the system by which land is deemed “surplus”: FCS (and Executive) policies and priorities (and the non-market values of woods) evolve – just because a block of land is considered surplus now, doesn’t mean it will be so in a decade hence. Additionally, the “rationalisation” of the National Forest Estate has been on-going for 15 years or so – we question how it is that FES can still keep finding bits that are “surplus”?

We recommend that there be a moratorium on surplus land sales until such time as a logical, consistent and transparent system has been devised. Regional Forestry Forums may have a useful role in developing such a system.

4 Forest Crofts

One option not been mentioned in the consultation document is the concept of forest crofts. This is where a group of prospective tenants, or a crofting organisation, can apply to buy or lease FCS land to establish crofts that will be run as per agricultural crofts. The following principal should apply that; that the bulk of the crofts and the common forest area associated with them are managed as woodland and not cleared for grazing or other forms of agriculture, but may be developed along silvo-pastoral or agro-silvicultural lines. There will be a strong overlap with the ‘Land For Affordable

Housing' and crofters should either work full time on the crofts or work part time within the local community and the crofts should not be managed as holiday homes.

We recommend that the NFLS be developed to take account of the possibility of the creation of Forest Crofts.

We recommend that provision should be made for bodies such as Forest Croft Trusts to be able to acquire land under the provisions similar to the Land for Affordable Housing element of the NFLS.

We hope that you find these comments helpful, and look forward to seeing the National Forest Land Scheme enacted in the near future.