

The National Forest Land Scheme

Introduction

This is a response from Reforesting Scotland (RS) to the consultation paper issued by the Forestry Commission Scotland and the Scottish Executive. It relates primarily to what has been labelled 'Community Acquisition' but has implications for the provision of 'Land for Affordable Housing' and 'Sponsored sale of Surplus Land'.

This document shows how the Forest Croft Community (FCC) model fits into the existing scheme and suggests changes to the scheme where it is felt necessary (see attached document 'Definition of Forest Croft Community').

Community Acquisition

RS see this as a very positive move by the FC, it could be of great benefit to many rural communities and has the potential to encourage people to stay and derive economic benefits from the Forest. With the flexible approach to community engagement, everything is possible from purchase through lease to simple management agreements and consultation. Depending on the strengths of the community they can engage at different levels in their local forest. However, many rural communities may no longer have the time, energy or skill base to take on management of Forestry, particularly when under-managed, as is the case with much FC land situated on the West Coast and elsewhere. Such a project requires a huge and ongoing investment of time and physical labour, particularly when access to heavy machinery may be limited.

It should be recognised that, although much of FC land is in good condition, some Scottish forestry can be seen as poor with extensive wind blow, rhododendron invasion, water logging and lack of access. The causes of this are either financial, where crops now maturing have little economic value in traditional markets for which they were intended, or where the land was planted with unsuitable species.

Land for Affordable Housing

It is excellent to see FC land being opened up for affordable housing which is so needed around rural communities in Scotland. Timber could for the most part be provided locally. This has the double benefit of adding value to the local forest resource and keeping down the cost of building such housing.

Sponsored Sale of Surplus Land

RS welcomes the fact that surplus land will be offered to the local community and other organizations before going on the open market.

Community Acquisition

At the Scottish Forestry Forum of 15th November 2004 the Minister Lewis MacDonald made reference to Forestry Crofts as part of a sustainable future for Scottish forestry. This is a dynamic solution that can fulfil all of the aims the FC states it has in the National Forest Land Scheme. This model has the potential to be a fully integrated, sustainable solution not only to the crisis in Forestry but also to

the wider problems of rural communities in Scotland. It could contribute significantly to achieving economic stability, social cohesion and environmental sustainability for rural communities.

The Application Process

There should be a mechanism that allows a FCC to apply for specific land in the same way as, or in association with a local Community Body (see also the section on 'who can apply' later in the document).

The Application

The application process seems somewhat long-winded.

What Evidence is needed?

The level of evidence needed to support the application requires that the valuation take place at an earlier stage than is suggested in the consultation document, as the information will be necessary to support any management plan; budget or local ballot. In addition, information held by FCS regarding the land in question, such as species mix and age structure, or any relevant contractual obligations should be made available to the Community Body before the formal application proceeds.

It is important that it is recognized that a FCC has a connection to the land even if many of its company members are not from the local area.

Consultation

It is envisaged that all parties involved in the consultation process will see a FCC as a positive thing because of the social, economic and environmental benefits it would bring to the area.

It is important that the consultation period is not allowed to drift. Applications for extensions to this consultation period should not be allowed. It is also unclear why FCS requires 60 days to forward the valuation and comments to the Community Body. This should be reduced if possible.

Involvement of the FDM prior to the consultation could be useful to the Community Body, however, as evidence of capacity to manage the land is provided in the application, the reasoning as to why they need to be involved here is unclear. The Community Body is unlikely to have a track record of management on such a large scale. It is therefore unlikely that the FDM will have direct evidence of the capacity of a Community Body to manage the land on a long-term basis. Therefore, any input would be subjective.

Valuation

The fact that FCS appoints the valuer under the current proposals could be seen as unfair by the Community Body. It is important that the valuer be seen as independent of both parties and listens to representations from both sides. The valuation needs to assess the current state of the forest. In particular, the Valuer should 'pull on the wellies' and thoroughly investigate the Woodland regarding

access; state of the crop; rhododendron infestation etc, not do the job with a map from the comfort of an office.

Valuation should take into account the net financial contribution of the land to FES, rather than blindly following a set of guidelines.

Making the decision

Decisions made whether to sell / lease land under the NFLS should be made by an independent evaluation panel rather than the final decision passing to the Director of FCS. This should ensure that both parties respect any decision reached. It is envisaged that all parties involved in the decision making process will see a FCC as a positive thing because of the social, economic and environmental benefits it would bring to the area.

Appeals

The appeals process appears comprehensive; however there should be a procedure for questioning the original valuation if it could be proved that it was based on incorrect information, rather than incurring the expense of an additional survey.

Approved Applications

Explaining the Criteria

1. WHO CAN APPLY

In many depopulated rural area's, there might be little time and energy to take on forestry management. In this case, if the land is suitable, then there should be a mechanism for the FCC to apply under the Community Acquisition Scheme.

Currently the rules require that a majority of the Company Members be from the local community. This criterion should be broadened to allow the members of the FCC who are intending to live on the land and therefore become part of the local community, to be treated in the same way as a local community member. In this way, the rules would also act to stimulate rural resettlement as well as preventing rural depopulation.

The idea of a Trust holding the land on behalf of a community is in line with thinking on how the FCC might be constituted.

2. WHAT LAND CAN BE ACQUIRED

Location of the FCC near to a community with existing infrastructure and services will be of great benefit. A more remote location would mean that the establishment of a viable FCC would be much more challenging.

3. CONNECTION WITH THE LAND

The FCC would be based on the land; the economic lifeblood of the FCC would be derived from the land, in a very real sense the FCC could not exist without the land.

This would be a symbiotic relationship where the community is benefited by the existence of the Forest and the Forest benefits from the existence of the community.

4. COMMUNITY SUPPORT

It is of course imperative that there is local support for any proposal to establish a FCC in and around an existing community. It would be possible to achieve this by indicating that:

an influx of new people would boost the local economy.

the FCC would create employment opportunities both directly and indirectly, further boosting the economy.

survival of local services such as health-care, schools and public transport would be positively affected.

in addition to providing for its own housing needs, the FCC could provide a source of low-cost housing for existing members of the community or to new families who wish to move to the locality.

many improvements to the environment would flow from improved management of the Forest.

access to the Forest would be improved /created to allow it to be used for recreation by the existing community.

5. CAPACITY TO MANAGE THE LAND

The FCC would be able to demonstrate that both its 'reason for being' and its ability to survive go hand-in-hand with success in managing the land. Therefore it has a very real incentive to continually develop its capacity so to do. The skills gained in the establishment of the FCC are the same skills needed to manage Forestry; its economy would be based primarily on managing the land. In this sense, it could be said that the FCC has a much greater chance of success than would an existing community where management of the land and survival of the community are not linked in the same way.

The project has the potential to be hugely diverse economically which would give it the ability to function and succeed where traditional forms of forestry are no longer meeting the needs of the market.

6. CONSISTENT WITH THE PRINCIPLES OF SUSTAINABLE DEVELOPMENT

The FCC model is founded upon three essential elements, earth-care (environment), people-care (social) and fair-shares (economic). It recognises that for sustainability, all these elements need to be given equal importance. In a very real sense, the survival of the FCC relies on its ability to develop sustainably.

7. IS COMMUNITY ACQUISITION IN THE PUBLIC INTEREST?

The FCC would have economic, social and environmental benefits for the whole local community, benefits that would potentially spread to the wider community.

8. MANAGEMENT OF THE NATIONAL FOREST ESTATE

The criteria appear to be somewhat restrictive and conservative. RS see these criteria as guidelines to the kind of information required in the application; they should be interpreted relative to the application rather than absolute grounds for rejection.

In particular;

Clearly, the management plan would need to be sensitive to sites of National importance; any statutory designations would have to be respected regardless of ownership. This should not lead to a rejection of the proposal. Preservation / restoration of the ecology of a locality would be a key factor in the FCC model, and therefore would be likely to have a positive impact in this area.

The management plan would need to take account of rights of access to adjoining land, whether in public or private ownership. Therefore as long as this is addressed, this should not be a basis for refusal.

A reduction in FCS staff should not be grounds for denial of the application. However the impact of the proposal on local jobs, including FCS staff, should be addressed in the management plan. By taking on areas of woodland with little benefit in terms of economic, environmental or amenity use, a FCC would be seen as making a positive contribution to local jobs.

As the land would no longer be under the management of FCS, the remaining land would necessarily have to take a larger share of any overheads if a rationalisation of staffing levels is not carried out. However, this should not be justification for the refusal of an application or it could potentially disqualify any and all applications to the scheme.

If the timber crop is required to discharge a contractual commitment, then arrangements should be made for the commitment to be taken on by the Community Body, or for FCS to meet the commitment from other sources, or buy back the timber crop from the Community Body.

Areas left not operationally viable by the proposal could be included in the sale / lease as per the rules set out in the NFLS document under WHAT LAND CAN BE ACQUIRED?

Land for Affordable Housing

Introduction

There is a great need for affordable housing in most rural communities in Scotland. This is in the most part due to the housing stock being bought for second homes or holiday houses. Because of this, house prices are inflated and it becomes increasingly difficult for people to remain in the locality. However, it is important that 'Affordable' does not mean high-density, poor quality housing but attractive well-designed houses that are appropriate to the locality and use locally sourced materials.

Use of Scottish timber in construction

There is great potential to use Scottish timber for construction of affordable housing, and there is no better place to use it than locally. This avoids heavy lorries transporting timber from one place to another on the rural road network.

Criteria

1. ELIGIBLE APPLICANTS

The FCC could either register as a housing co-operative and become a social housing provider, or work in agreement with an existing housing association.

2. AFFORDABLE HOUSING IN AREAS OF GREATEST NEED

A FCC will likely be in rural areas where housing need is acute and therefore would be ideally placed to provide such housing though there is also great potential to provide affordable housing for towns and urban areas. The proposed strategic framework for the supply of national forest land for affordable housing could be used to determine suitable sites for FCC's who could provide a means of providing affordable housing from the local forest resource.

3. COMMUNITY CONSULTATION AND ASSESMENT OF LOCAL HOUSING NEED

The FCC would already have a good relationship with the community and would therefore be in an ideal position to assess the housing needs of that local community and then build housing that meets their specific needs.

Sponsored Sale of Surplus Land

Introduction

It would be interesting to see how land is deemed to be surplus to the needs of FCS. Is it because there is no market for the current (or future) timber crop? Is the timber of such low value it is uneconomic to harvest? Or is it that the land is inherently difficult to manage? Perhaps the infrastructure needs to be improved and the investment is not available? The answer to this question perhaps should be addressed in the revision of the Scottish Forestry Strategy document.

It appears that this policy takes no account of the likely impact of the sale on the locality. It would be a considerable improvement to the scheme if the land went to the proposal with the greatest social; ecological; economic benefit rather than to the highest bidder.

The application procedure could be seen as very drawn out given that a successful applicant would still have to go through the community acquisition procedure, which would mean the total time taken would be in the region of 15 months.

Acquisition by Community Bodies

A FCC should be considered as a Community Body and therefore would be offered

surplus land before it is offered to NGO's or private sale.

Purchase by other organizations

It is not clear how the procedure copes with more than one application for the same parcel of land.

Valuation

Land bought for the FCC should be valued as forestry, not as Land for development. In this way, the FCC would be able to be more inclusive; people with limited resources would not find it an obstacle to their involvement.