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**FORESTRY COMMISSION SCOTLAND
CONSULTATION:**

The National Forest Land Scheme

SUBMISSION BY

SCOTTISH ESTATES BUSINESS GROUP

3rd February 2005



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1. BACKGROUND

SEBG represents a group of progressive land-based estates with significant agricultural and rural business interests. It aims to promote a modern business approach in the management of Scotland's land resource in ways which deliver social, economic and environmental benefits. The Group seeks to secure a sustainable and prosperous future for rural areas.

Estates are proven business models that assist the development of smaller rural businesses, and landowners and estates have a vital role to play in the ongoing and future development and prosperity of Scotland. SEBG is committed to rural economies and its members work hard across Scotland to stimulate enterprise and economic development.

2. OVERVIEW

SEBG recognises and welcomes the aims of Forestry Commission Scotland (FCS) to optimize the use of one of Scotland's valuable natural resources, its forest land. However, we would want to be reassured that measures will be put in place, when national forest land is being disposed of, to ensure that its woodland character will be preserved when in community ownership. Whilst any application must demonstrate the community's capacity to provide long term sustainable management, measures should be also put in place to ensure that such management is delivered over time, for example through obligations included in the title to the land to maintain the woods as woods.

3. COMMUNITY ACQUISITION

3.1 Criteria

SEBG welcomes the recognition by FCS that there may be occasions when FCS may wish to buy back land sold under the National Forest Land Scheme's Community Acquisition arrangements to a local community. However, we suggest that where land is sold FCS *will*, rather than *may*, retain a right of pre-emption, should a community body decide to sell.

SEBG also suggests that since the character of the woodland must be maintained, then the provision allowing a community body to apply for any land managed by FCS on behalf of Scottish Ministers should also apply to "excluded land" where such land is managed by FCS.

However, it will be important to insist that applications must be tested rigorously to ensure that their approval would be in the public interest and that a disproportionate degree of harm to neighbouring private interests is to be avoided. Similarly, proposals should not be significantly detrimental to the management of the National Forest Estate.

3.2 Community Acquisition Process

SEBG welcomes recognition of the need of owners of any adjacent land to be included as part of the process of community acquisition of National Forest Land, to be kept informed of developments, and to have the opportunity to comment on the merits or otherwise of applications. Similarly, the commitment to valuation at full market value must be central to any scheme for community acquisition.

The proposal to draw membership of the Evaluation Panel, set up to advise Director FCS whether to approve purchases or leases, from the 5 Regional Forestry Forums is welcomed, since it will be central to the inherent fairness of any adjudication of applications.

4. LAND FOR AFFORDABLE HOUSING

One key barrier, in the past, to the provision of affordable rural housing by Registered Social Landlords or Rural Housing Bodies has been the concern that such housing might subsequently be sold off and thereby removed from addressing local need. The requirement for applicants to demonstrate how the units will be retained as affordable local housing is an important test which must be strictly applied, if measures to address shortages in rural areas are to have any chance of success.

Whilst the work of FCS with Communities Scotland and other local housing partners to match the areas of greatest rural housing need with suitable FCS landholdings is to be commended, it will be important to ensure that the availability of FCS land for affordable housing does not divert scarce resources away from non FCS land areas where there might be a greater need for affordable housing. In addition, it should be remembered that most woodland within any area being considered for development provides valuable amenity and landscape to neighbouring settlements. It would be unfortunate if social developments were to be directed to areas which are already providing a valuable asset to existing populations.

Similarly, on the basis that housing is not affordable because of the market forces of supply and demand, the availability of FCS land should not be allowed to suppress planning approval for market led development in these areas. SEBG suggests that planning authorities should be urged to regard the availability of FCS land for affordable housing as additional to, rather than a replacement for, other housing developments which include an element of affordable housing as part of the package, particularly where the loss of woodland area adjacent to existing settlements would have a negative amenity or landscape implication.

5. SPONSORED SALE OF SURPLUS LAND

SEBG questions why FCS should be prepared to lease the land it has decided to sell. The role of the organisation as defined is to manage open land, forests, woods and other property on behalf of the nation, and not to act out a role as a national property company. However, should leasing remain a viable option, then the rent charged should reflect the capital foregone, for the same reason.

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