

**CLIMATE CHANGE
AND THE
NATIONAL FOREST ESTATE**

A response to consultation on forestry provisions in the Scottish Climate Change Bill

The Evaluation Panel for the National Forest Land Scheme are pleased to have the opportunity to consider the proposals outlined in the Climate Change and National Forest Estate Consultation Paper and offers the following comments.

We note that the consultation urges local communities, the forestry sector and private landowners to help to identify new ideas and opportunities to make the NFE work harder and that the creation of more jobs is vital for a Greener and Wealthier Scotland. The Panel believes that during the past 5 years applications to the Scheme have demonstrated innovative thinking, a desire for local control whilst continuing to work closely with FCS, an intention to maximise value by changing the ownership of the woodland assets and an intention to improve the quality of economic, social and environmental benefits. We are concerned that the confidence in the Scheme should at the very least be maintained and would hope that by publication of Case Studies and by monitoring approved sales benefits may be even further developed. Some of the comments below reflect our concern that the proposals in the consultation should continue in the FCS spirit of growing local sensitivity and co-operation. We would welcome safeguards that ensure enhanced local control and accountability.

Primary Legislation

The Panel believes that should the legislation as proposed be enacted it should be appropriately worded to address not only the economic benefits possible from leasing but also to protect the social and environmental benefits that would, amongst other outcomes, support the continuation of the NFLS. The Panel is concerned that without such checks and balances a potential lessee might not continue to operate in a sustainable manner. For instance it may be useful, for the NFLS remit, for community acquisition and social housing to be specifically recognised as options to be considered before land is leased. Prior to leasing, the organisation created to manage the process might be legally required to offer the land to the community either for community acquisition or as a potential for housing. The Panel believes that FCS/FE has demonstrated an ability and willingness of to adapt to the development of communities and the needs of the Scottish people and would not like to see this work compromised. The Panel noted an increase of enquiries to the Scheme from communities and social housing landlords during the recent repositioning programme. We believe that the current proposals are likely to increase the amount of latent demand and that

staffing levels and staffing roles may have to be adjusted to cope with such demand.

Further safeguards might be to ensure that leases may be of varying length depending upon site and local demand in order to maximise the opportunities for developing communities and local businesses. The inclusion of break clauses would support this flexibility.

The Panel wonders whether it would be helpful to stipulate a maximum limit on the amount of the national forest estate that may be leased in order to safeguard the public interest.

Joint Ventures

The Panel believes that legislation proposed in the consultation enabling Joint Ventures could provide exciting opportunities for some communities. The Panel would seek reassurance that applications to develop renewable energy schemes wholly owned by communities would not be resisted by FCS.

Funds

The Panel is concerned that any funds raised through the proposed legislative changes should contribute to the future of forestry. The Panel suggests that key to the proposal for a not for profit trust will be the membership, powers and duties of the Trustees to access otherwise unavailable funds, adding value and ensuring that the objectives of the Trust are maintained and adhered to. Conversely it will be important not to add another layer of bureaucracy – this may mean changes in existing delivery mechanisms whilst ensuring the quality of what is delivered by the new Trust.

Urgency and sustainable development

The Panel understands the urgency of taking action with regard to Climate Change but would hope that the outcomes of this consultation will allow some flexibility to be built in to take account of changes in land use following the Land Use Seminar, to allow for changes in the delivery of SRDP and permit continuity for communities and organisations that are only just beginning to understand the significance of the NFLS.

Priscilla Gordon-Duff,
Chair, The National Forest Land Scheme Evaluation Panel
26th January 2009