



SCOTTISH LAND COMMISSION
COIMISEAN FEARAINN NA H-ALBA

Response to the Consultation on Future Grant Support for Forestry

The Scottish Land Commission ("the Commission") welcomes this consultation and the opportunity to better align the emphasis and resources of the Forestry Grant Scheme (FGS) with the [Scottish Land Rights and Responsibilities Statement \(LRRS\)](#), helping to ensure that Scotland's land serves the competing needs of communities, nature, the economy and the wider public interest.

A refresh of the FGS brings an opportunity to better leverage public funding to support the delivery of national outcomes, including responsible land ownership and management practices, such as effective community engagement and transparency of ownership. The [LRRS](#) provides a framework for this, setting out the vision for a strong and dynamic relationship between Scotland's land and its people, based on principles defining responsible land ownership and management. The Commission has developed a set of Protocols supporting the implementation of the LRRS in practice, which were written in consultation with key stakeholders. The Scottish Government's [Interim Principles for Investment in Natural Capital](#), and the Scottish Land Commission's [Protocol on Responsible Natural Capital and Carbon Management](#) set out further details in a natural capital context.

This is a timely opportunity with recent research demonstrating the role of forestry in driving high land values. Rapid afforestation is leading to conflict with communities in some areas where afforestation is quickly increasing. [Research by the Commission](#) concluded that public funding for forestry through the FGS, coupled with high timber prices, is a leading cause of the substantial rise in land prices; an update for 2022 indicates this trend is continuing (to be published May 2023 [NOTE: [now available here](#)]) with the value of land suitable for afforestation increasing significantly due to its highly investable nature. The rise of investment in nature for offsetting and insetting purposes is changing our pattern of land use and ownership, with more corporations and institutions entering the land market for this reason.

Where communities are already seeing rapid and substantial land changes they are understandably concerned about their impact, and this will likely increase as more communities start to see rapid land use change. There is some concern that this may have an effect which is counter to key LRRS principles, including the need for diversification of ownership, tenure and use of land, and greater opportunities for communities. Land use change for afforestation often commits the land to that purpose for up to 100 years - in effect, a permanent land use change. This impacts on current and future generations, restricting the use of the land to meet other needs which may be considered of greater value to the community, such as food production or housing.

Recent stakeholder engagement led by the Commission has concluded that some of the concerns arising about green finance and land use change can, in part, be addressed through conditionality of public funding (to be published June 2023). FGS or future equivalent support is one of the most effective levers Scottish Government has to shape a just transition in net zero land use change; a more discretionary and conditional approach to grant support could deliver greater impact and help target limited public finance.

Summary of recommendations

- Use the FGS as a lever to support the delivery of high-integrity projects that deliver multiple benefits across policy areas
- Align the guidance and scoring system of the grant scheme directly with the principles of the LRRS and the expectations of its accompanying Protocols
- Ensure that the grant scheme acts as a practical, accessible and viable support for smaller scale woodlands, including community woodlands, woodland crofts, woodlots, and agroforestry
- Consider routes to embed the FGS in more integrated thinking in land use decision making, including across sectors, or benefiting from local or regional land use planning.

Our response to the questions in the consultation paper

1 - Introduction and rationale for providing grant support for forestry

Question 1

Do you agree that grant support for forestry should continue to be improved and developed as a discrete scheme within the overall package of land support?

Please explain your answer in the text box.

It should be discrete in as much as it provides clarity for the forestry sector and helps regulate woodland creation to achieve the best value (in terms of multiple benefits) from investment of public funds. Principle 5 of the Scottish Government's Land Rights and Responsibilities Statement, states that: "*Land ownership, management and use should deliver a wide range of social, environmental, economic and cultural benefits.*" It is possible to move towards a more integrated approach while keeping schemes discrete, as long as there is cross-sector complementarity, and harmonisation of language that reinforces the impetus for policy goals which depend on a balanced approach to land use.

Future grant funding for forestry can help support innovation across sectors to achieve multiple benefits by:

- Increasing alignment of guidance and support with the principles of the Land Rights and Responsibilities Statement, to embed the delivery of multiple benefits and responsible land ownership and use.
- Creating more opportunity for diversifying approaches to forestry as an integrated aspect of other land uses. This is particularly important at the interface between forestry and agriculture; and between community benefit and large-scale productive forestry or natural capital-driven schemes. The FGS has the opportunity to best serve the public interest by funding high-integrity projects which help applicants deliver multiple benefits.
- Deepening connection with regional approaches to land use decision-making to ensure the Scheme best serves the regional context, as well as the wider public interest. In 2020, the Scottish Land Commission's advice to the Scottish Government to support the establishment of Regional Land Use Partnerships (RLUPs) recommended that RLUPs will work best if they connect directly to levers of funding and finance.
- In terms of a just transition to net zero, it is important to restate the relationship between community wealth building and the hard and soft infrastructure of a low carbon economy which will serve future generations. Principle 1 of the Scottish Government's Land Rights and Responsibilities Statement sets out that the overall framework of land rights, responsibilities and public policies should "*support sustainable economic development, protect and enhance the environment, support a just transition to net zero, help achieve social justice and build a fairer society for the common good.*" The framework and guidance for the new scheme should reflect this ambition.

Question 2

Are there any changes that would allow for better complementarity between the forestry and agriculture funding options?

Yes - Please explain your answer in the text box.

Clearly defining land uses and how they sit in relation to forestry and agriculture support. Land uses which fall between what is conventionally seen as pure agriculture or pure forestry should be clearly defined across funding options in order to ensure complementarity, and that applicants are able to benefit from opportunities at the intersection between forestry and agriculture. Where the aspiration is to encourage more small-scale woodland creation integrated with food-producing agricultural businesses, it is important that

land uses - such as agroforestry, woodland grazing, silviculture, or small woodlands as part of a nature network - are not discriminated against in the framework of wider agricultural support.

Increasing options for small-scale tree planting/woodland management as part of productive agricultural holdings: Simplifying support for smaller-scale woodlands as part of a mosaic of forest, diverse habitat creation, food production and other agricultural land uses could improve delivery and accessibility.

Consideration should be given to whether the FGS can better serve smaller scale forestry, woodland creation, and more diversified models of ownership or tenure, such as those that may be found in community woodland groups, or other community-based projects, projects as part of agricultural holdings, or joint ventures designed to create opportunities for wider community benefit.

Consideration is also needed about how payments could be viable for farm woodlands and other small scale woodlands. For example fencing costs can be prohibitive and front-loading payments may help reduce this barrier to viability.

2. Forests Delivering for Scotland's Climate Change Plan

Question 3

How can the support package for forestry evolve to help tackle the climate emergency, to achieve net zero, and to ensure that our woodlands and forests are resilient to the future climate?

Please explain your answer in the text box.

Funding support for forestry and agriculture are two of our most powerful levers to help ensure that land use decision-making supports this, keeping us firmly on track to tackle the climate emergency while meeting our needs from the land.

An integrated approach should be taken to ensure the right decisions are made about competing needs. To tackle the climate emergency and achieve resilience we must also achieve balance in relation to restoring biodiversity, growing food, timber and other essential resources, as well as sustaining soil quality, flood alleviation and other ecosystem services already impacted by climate change.

Key elements to aid climate resilience through the support package for forestry:

- The right tree in the right place: Increased consideration for the balance between different habitats to maximise biodiversity; as well as for the impact of species choice on biodiversity, disease control, the hydrological system; and soil erosion.
- Consider most appropriate land use in each location: Expectation (d) of the Scottish Land Commission's Protocol on Good Stewardship of Land, states that "*Where land is highly suitable for a primary use (for example, food production, flood management, water catchment management and carbon storage) this value should be recognised in decision-making.*" An example is the decision between food production and timber production, where it may best serve the public interest to prioritise food production on land classes that have the potential to deliver that most effectively (within an agricultural system which supports farmers to reduce their carbon footprint). It is important that the imperative to meet a target for tree planting does not negatively impact the priority to decarbonise other land-based industries such as food production (cutting emissions at source while delivering our needs as a society).
- Support for collaboration between landholders. Principle 7 of the revised Land Rights and Responsibilities Statement includes new reference to collaboration. It may be useful to consider adding a funding stream supporting collaboration between landholders to achieve objectives such as community benefit, community wealth building, climate change mitigation, adaptation and resilience. This might be a crossover fund between agriculture and forestry, opening the door to wider public benefit outcomes from landholders through collaboration making investment possible (for example, to help increase habitats supporting increased biodiversity, or to scale up a community benefit approach, or a cross-boundary climate resilience outcome). Specialist support could guide the establishment of the collaboration

(similar to that currently available via FAS or from Woodland Officers at the local Scottish Forestry Conservancy Office). It may be worth considering whether there are lessons to be learned from the Collaboration funding line which has been part of the Agri-Environment Climate Scheme in recent years. However, it would be important to ensure that the scoring system is accessible for smaller scale holdings to qualify.

- The role of community resilience in addressing the climate emergency. Resilient communities are a crucial part of a just transition, tackling the climate emergency and building a wellbeing economy. Supporting community engagement and opportunities for community benefit will help to create a positive feedback loop for the forestry sector as a whole and help to maintain the social licence Scottish Forestry and the wider sector need to operate.
- Wider support for decarbonisation of the forest industry. Support is needed to ensure that productive forests can deliver a sustainable, low carbon source of timber and other wood products to meet a range of needs. Action to decarbonise the industry will have the effect of reducing emissions at source. Measures can be taken starting with forest design, management, timber extraction, transport and processing of timber.

Question 4

Private investment through natural capital and carbon schemes can make a valuable contribution to climate change. Do you agree that the grant support mechanism should have more flexibility to maximise the opportunities to blend private and public finance to support woodland creation, and if so, how might this be achieved?

Scottish Government has stated its aim of attracting high-integrity, values-led investment for nature restoration. Their [Interim Principles for Responsible Investment in Natural Capital](#) set out their ambition for this developing market. Increased flexibility to blend private and public finance to support woodland creation could support this aim, however, it is important that public funding from the FGS also delivers on the Interim Principles and on the LRRS. As previously stated, the FGS is an important lever the Government has in encouraging responsible practice and the delivery of a wide range of public benefits, alongside private and community benefits. The Commission's Protocol on [Responsible Natural Capital and Carbon Management](#) sets out practical expectations for delivering the LRRS through private finance.

The following areas could be considered in the scoring, award and conditionality of funding through the FGS:

- Transparency of ownership (see question 12)
- Meaningful community engagement (see question 11)
- Creation of opportunities for diversification of ownership, tenure and use, for example by local and social enterprises, and community groups (see question 17).
- Ensuring that flows of finance directly or indirectly generated through investment in natural capital result in community benefit as per the Commission's [Protocol on Responsible Natural Capital and Carbon Management](#).

One of the expectations within the Interim Principles and in the Protocol is that benefits from investment in natural capital should be shared with communities. The Commission [published a discussion paper](#) earlier this year drawing together our current thinking on some of the key questions about community benefits from investment in natural capital. We have proposed a definition of community benefits in this context and a set of expectations about how community benefits should be identified and delivered. We will be publishing final guidance on community benefits alongside a policy paper examining the wider issues in June 2023.

The combination of public funding and buoyancy in the forestry sector risks adding heat to the land market (see introduction) and increasing inequity of opportunity from land use by concentrating wealth and control of land in fewer hands. This would be counter to the vision and principles of the LRRS. Increasing attractiveness of forestry for large-scale investors must not decrease opportunity for small-scale and community actors. It is important the FGS helps a diverse range of forest owners and managers to thrive, each playing their own part in delivering the needs of our society.

The design of a woodland creation scheme funded by carbon finance is inevitably strongly influenced by what is seen as measurable carbon, which favours woodland planting. This may discriminate against natural regeneration, which is seen as a sound route to a biodiverse native woodland and is a more cost effective, if slower route to naturalistic afforestation, but has historically been seen as risky by a forestry sector focussed on commercial planting. The Woodland Carbon Code models for assessing the carbon yield from natural regeneration are increasingly sophisticated but work needs to be done to encourage uptake of this method of habitat restoration. Recent changes to the Woodland Carbon Code to include restoration of remnant ancient woodland may go some way to improving this situation but that has yet to be tested on the ground and will benefit from support from the refreshed Forestry Grant Scheme which provides better incentives towards natural regeneration and improves models for realistically assessing any risks associated with natural regeneration.

Question 5

How could the current funding package be improved to stimulate woodland expansion and better management across a wide range of woodland types, including native and productive woodlands?

Please explain your answer in the text box.

The current scale and ambition of woodland expansion is meeting with some resistance in areas where it is having the effect of widespread permanent land use change. People are concerned about the impact on agricultural land, loss of views and amenity, impact on private water supplies, and impact on biodiversity. It is important that meaningful community engagement takes place to ensure that the final design of the scheme minimises negative impact and maximises benefits that can be achieved for the local community and the wider public interest. At the same time as addressing these concerns, this process gives the chance for FGS applicants and Scottish Forestry staff to help make the case for sustainable forestry and the role it can play in a thriving low-carbon economy supporting resilient communities.

Useful [research from the Forest Policy Group](#) gives an insight into community experiences of forest expansion. It includes a series of recommendations which could help ensure the best outcome for communities and help smooth the way for sustainable forestry to bring benefits to local communities and in the wider public interest. FGS guidance should align with the expectations of the [Protocol on Good Stewardship of Land](#), and the [Protocol on Community Engagement in Decisions Relating to Land](#). Applicants would also find the [Route Map to Community Engagement](#) a useful resource when planning their approach.

Our work delivering Land Rights and Responsibilities training for Scottish Forestry staff in the Conservancy Offices has shown that there is an appetite for more training on tools for successful community engagement for both Scottish Forestry staff and forestry agents. Staff report that routes and tools for community engagement were not part of conventional forestry training. Scottish Forestry may benefit from investing further in staff and agent training to improve outcomes through good community engagement.

Question 6

Do you agree that it should be a requirement of grant support that woodlands are managed to ensure that they become more resilient to the impacts of climate change and pests and disease?

How can the grant scheme support this?

It is wise to invest public money in approaches that build resilience to the impacts of climate change. However, good stewardship means ensuring that changes, such as in selection of species, must be made very carefully to avoid unintended negative consequences for existing biodiversity. Resilience in an ecological system tends to be strongly correlated with diversity, so a successful approach is likely to be staged and diverse to minimise risk to existing biodiversity and build in future resilience.

Messaging may help link mitigation with adaptation to build the case for actions which contribute to a just transition to net zero.

3. Integrating Woodlands on Farms and Crofts

Question 7

Which of the following measures would help reduce the barriers for crofters and farmers wanting to include woodland as part of their farming business?

Please select all that apply:

- Better integration of support for woodland creation with farm support mechanisms
- Knowing where to get reliable advice
- Clearer guidance on grant options
- Flexibility within options; Intervention level
- Support with cashflow Information on how current land use could continue with trees integrated throughout

Are there others not listed above?

All of the above, plus:

- Ensuring that the Scheme includes options tailored to the motivations and constraints faced by farmers and crofters.
- Payments reflect added costs of woodland creation and management at a small scale
- Application process and reporting is proportionate to the scale of grant
- Support for skills development and advice on farm woodland opportunities

Question 8 Establishing small woodlands can have higher costs. What specific mechanisms would better support small scale woodlands and woodland ownership?

Please explain your answer in the text box

Small scale woodlands can be ideally placed to deliver additional benefits, such as recreational, social and environmental benefits, given the right support. However they are unlikely to have a large financial buffer to overcome cash flow challenges. Therefore payments and milestones must be aligned to ensure viability.

Principle 2 of the Land Rights and Responsibilities Statement states that "*There should be a more diverse pattern of land ownership and tenure, with more opportunities for citizens to own, lease and have access to land.*" However, stakeholders report that currently public funding support tends to favour larger-scale holdings. Reform of the funding available for smaller scale woodlands is an important part of helping to deliver this Principle of the LRRS.

- The application process should be straightforward, reasonable and proportionate to the likely grant per hectare.
- The application process should take into account the capacity of likely applicants. It should be workable and viable for applicants at all scales. It could make provision for additional support where needed, for example, through specialist advice or professional services.
- Consider aligning with support for local enterprise in relation to small scale forestry.
- Consider support where community benefit is the primary aim – for example community woodlands.
- Consider FGS specific support for woodland crofts, woodlots and other mechanisms for diversification of ownership, use or control of land.

4 - Forests delivering for people and communities

Question 9

How can forestry grants better support an increase in easily accessible, sustainable managed woodlands in urban and peri-urban areas?

Please explain your answer in the text box.

The measures put in place to increase access to funding for small woodlands should be compatible with the urban context. It may also be beneficial to consider a funding line for woodlands for biodiversity and amenity on vacant and derelict land. The Vacant and Derelict Land Taskforce identified the damage vacant and derelict land can do to communities. The social, health and recreational benefits of transforming vacant and derelict land can be significant for communities. Guidance should reflect the [Protocol on Community Engagement in Decisions Relating to Land](#). Applicants would also find the [Route Map to Community Engagement](#) a useful resource when planning their approach.

Question 10

How can grant support for forestry better enable rural communities to realise greater benefits from woodland to support community wealth building?

Please explain your answer in the text box.

Community wealth building (CWB) is a people-centred approach to local economic development, which redirects wealth back into the local economy, and places control and benefits of assets and resources into the hands of local people. The LRRS provides a useful framework for understanding how Community Wealth Building can be delivered through the ownership and use of land.

The Scottish Land Commission's [guidance for public bodies on community wealth building](#) sets out practical actions that can be taken by Scottish Forestry to use and manage land productively and in the public interest. The Commission can provide support for Scottish Forestry to implement this guidance. In addition, while this guidance is targeted at public bodies, it could be refreshed for the private forestry sector and linked to the FGS guidance. Examples of how some key areas may be emphasised in the guidance of the FGS and rewarded by the scoring system include:

- Local procurement and recruitment of staff and contractors, based on a fair work policy.
- Help to create opportunity for more local and social enterprises (for example, connecting with support for business plans, training or market analysis – particularly to benefit smaller woodland enterprises)
- Ensuring that flows of finance directly or indirectly generated through natural capital result in [community benefit](#) as per the [Protocol on Responsible Natural Capital and Carbon Management](#).
- Encouraging landowners and managers to be open to approaches from community groups or individuals proposing: [Diversification of ownership, control and use of land](#); Collaboration, new governance models or joint ventures; Negotiated transfer of land. The Scottish Land Commission has produced a [Route Map](#) to support this.

We look forward to the publication of the results from current work on forestry and community wealth building by South of Scotland Enterprise in partnership with Scottish Forestry.

Question 11

How can the forest regulatory and grant processes evolve to provide greater opportunities for communities to be involved in the development of forestry proposals?

Please explain your answer in the text box.

The LRRS states that “*there should be meaningful collaboration and community engagement in decisions about land*”. It is important that everyone who may be impacted by a land use change receives the information they need and has access to meaningful engagement that is reasonable and proportionate to the level of impact they may experience. The principle is also intended to increase opportunity for community benefits by ensuring open communication where communities can expect to have their questions or proposals for collaboration considered and responded to.

The Scottish Government’s [Guidance on Engaging Communities in Decisions Relating to Land](#) provides helpful information on expectations about community engagement. It includes a very useful table (reproduced in the endnote¹) which clarifies what is seen as a reasonable and proportionate level of engagement in relation to expected levels of impact. It includes useful reference for forest managers in relation to assessing whether a land use change or activity will have moderate impact (with a requirement for informal engagement), or significant impact (with a requirement for formal engagement). Afforestation is often considered a significant change (especially at scale or where there may be a cumulative impact of multiple schemes). High levels of engagement are required for projects which may have significant impact.

Recommendations for the FGS:

- **Improve engagement standards.** Develop high standards and expectations of community engagement. Applicants to the FGS should demonstrate that meaningful engagement has been carried out. Build the imperative for meaningful community engagement into FGS guidance materials, and reward delivery using the scoring criteria and the ongoing assessment/reporting processes.
- **Agree with applicants/agents the level of impact a scheme is likely to have at an early stage,** and assess the level of community engagement which would be expected in that case.
- **Give support and guidance on delivering community engagement,** including identifying the community and stakeholders who need to be informed/engaged with, and designing an engagement plan. Ensure this is in-line with the Scottish Government Guidance (above) and the Commission’s Protocol on [Community Engagement in Decisions Relating to Land](#). Checklists on community engagement and transparency may be provided to applicants as part of due diligence. These could also be used as prompts for woodland officers when they discuss the project with applicants.
- **Upskill staff and agents.** If Scottish Forestry staff in the regional Conservancies are expected to provide this guidance, this will need to be consistent and it is important they are given training where needed to ensure they are sufficiently supported to do so. The Scottish Land Commission is currently working with Scottish Forestry (SF) Conservancies across Scotland to deliver training. This is a productive and positive collaboration. SF staff have regularly reflected on a need for training for themselves and for agents, to ensure community/stakeholder engagement is delivered to a good standard. SF staff have expressed a desire for more training in techniques and approaches to community engagement. They also note that parallel training for agents may help embed good practice.
- **Consider whether SF Conservancies might benefit from employing in-house community engagement/benefit specialists,** or bring in approved independent advisors who could provide specialist support to applicants, particularly in large or complex schemes.
- **Ensure all FGS guidance and scoring are aligned with the LRRS,** and protocols, particularly the Protocols on Community Engagement and Transparency to give clarity on consultation, transparency and engagement on land use decisions relating to forestry activities or woodland creation.
- **Signpost to further information.** Include links to the Scottish Land Commission’s Protocol on [Community Engagement in Decisions Relating to Land](#), and the [Route Map for Community Engagement](#) in FGS Guidance.

We also note that page 36 of the Forest Policy Group’s report on [Community Experiences of New Forest Planting](#)

[applications in Scotland](#) includes a useful list of actions towards good practice in community engagement, based on analysis of community experience of FGS projects, and which is in line with the Protocol on Community Engagement.

Ways to improve involvement of communities in the decision-making process

- Clear and accessible information on the decision-making process and expected standards of engagement should be easily available online, and in a format and language suitable for the general public.
- Support for smaller-scale forestry projects would enable smaller community and interest groups to lead projects.
- Regional Land Use Partnerships may be helpful in facilitating land use planning with high-levels of engagement at a regional scale. This is one way in which communities could be easily and effectively engaged in forestry proposals.
- Engagement should be expected early on in the development of significant forestry proposals. This should be at a stage when opportunities for collaboration with the community, which can help to meet local needs and aspirations, can be identified. It should be at a stage when the plans can be adapted to local needs and views.
- Work is needed to help the general public better understand the role of Scottish Forestry and other key actors in the sector. This would help prevent some misunderstandings and reputational risk to Scottish Forestry or the forestry sector, and it would create opportunity for effective, responsive communication and engagement to deliver a better outcome for communities. It is likely to have other positive effects, such as encouraging new entrants to the sector.

Supporting communities where there is limited capacity to engage effectively

- It may be useful to consider the role of FGS/Scottish Forestry in ensuring communities have the capacity to engage, perhaps in circumstances where capacity is limited by overload or lack of resources. This added support could provide funds for venue hire, promotion of engagement events, facilitation or other professional assistance. Examples of modest community-targeted funding streams which have delivered this type of capacity include Big Lottery Investing in Ideas. Another possible route would be something like the Farm Advisory Service Specialist Support. Both schemes offer a small, targeted fund of a few thousand pounds to help communities or individuals make a step towards a beneficial activity that delivers policy outcomes.

Other possible routes

- The recent report from the Forest Policy Group on community experiences of afforestation notes a proposal for an "Earned Recognition Scheme" in the Mackinnon Report (2016) which was not adopted but which recommends "a scheme whereby accredited forestry professionals would take responsibility for planting applications meeting the UKFS". The FPG report notes that **it includes a framework for using it for accrediting community engagement** (while acknowledging that UKFS approach to engagement does not go as far as the LRRS and Protocols). It may be worth considering whether this type of assessment by accredited professionals might help drive progress on practically including communities in the development of forestry proposals. While there is much regional variation in the extent of woodland creation, there may be benefit in funding an independent professional (bringing expertise in forestry and community engagement) to add capacity to communities facing multiple or significantly impactful afforestation projects.

Question 12

How can the forestry regulatory and grant processes evolve to ensure that there is greater transparency about proposals and the decisions that have been made on them?

Please explain your answer in the text box.

We welcome this question and the recognition for the need greater transparency on FGS proposals and the decisions made on them. Information about proposals and decisions should be easily and publicly available

online; maps can be helpful in making this information accessible. Information about how proposals are made, the role of communities in the decision-making process, and about how decisions are made and who makes them, should also be easily and publicly available. It is also important that when communities engage in consultation about proposals, they get feedback about how their input is or isn't reflected in the final proposal and why; this should be an essential part of the engagement requirements.

The Principle of Transparency in the LRRS is intended to ensure that key information about land ownership, use and decision-making is made publicly available.

It reads:

- *Principle 6. There should be transparency about the ownership, use and management of land, and this information should be publicly available, clear and contain relevant detail.*

This Principle is supported by the Scottish Land Commission's Protocol on [Transparency of Ownership and Land Use Decision-making](#). The Protocol sets out specific expectations that should be met by landowners and managers.

A refreshed FGS could support transparency by:

- **Improving accessibility and reach of the Scottish Forestry [Public Registers](#)**, making it easier for members of the public to access detailed information about the applications, and ensuring adequate timeframes for public responses once an application is on the Register.
- **Giving clear information and encouragement through its guidance**, and rewarding applicants for good practice in transparency, using the FGS scoring system.
- **Requesting a checklist on transparency of information from applicants to the FGS**. The Protocol on [Transparency of Ownership and Land Use Decision-Making](#) states that up-to-date information about who owns land or buildings and the extent of the landholding should be made publicly available. The information should be in line with the information that will be detailed in the Land Register and the Register of Persons with a Controlled Interest in Land. Applicants should confirm that they are providing this as part of their application as well as publicly available contact information..

Question 13

Forestry grants have been used to stimulate rural forestry businesses by providing support with capital costs. Do you agree that this has been an effective measure to stimulate rural business?

a. How could this approach be used to support further forestry businesses?

b. How could this approach be used to support further skills development?

Other respondents will be better placed to contribute to this question, but we are supportive of the need to stimulate rural forestry businesses as part of an approach to community wealth building.

Question 14

How could the FGS processes and rules be developed to encourage more companies and organisations to provide training positions within the forestry sector?

Please explain your answer in the text box

Other respondents will be better placed to contribute to this question. [See our recommendations for training in community engagement and facilitation in question 5.](#)

On a more general level, we note, through our work with the forestry sector, that there is a need for additional skilled and committed staff at all levels. Improving the public perception of forestry through meaningful engagement is likely to have a positive effect on bringing new entrants to the sector.

5 - Forests delivering for biodiversity and the environment

Question 15

The primary purpose of FGS is to encourage forestry expansion and sustainable forest management, of which a key benefit is the realisation of environmental benefits. How can future grant support better help to address biodiversity loss in Scotland including the regeneration and expansion of native woodlands?

Please explain your answer in the text box.

In addition to expectations set out in the [Protocol for Good Stewardship](#):

- Ensure grant support for native woodland is practical and adequate.
- Support for smaller scale native woodlands, and native planting as part of agricultural activities.
- Stocking densities take wider biodiversity benefit of native planting or natural regeneration into account. Some stakeholders have raised the issue that there may be a case for lower stocking density in native woodland or agroforestry.

Question 16

Herbivore browsing and damage can have a significant impact on biodiversity loss and restrict regeneration. How could forestry grant support mechanisms evolve to ensure effective management of deer populations at: Landscape scale? Small scale mixed land use?

Other respondents will be better placed to contribute to this question.

Question 17

If you wish to make any other relevant comments, please do so in the text box below.

Supporting diversification of ownership and tenure

There is significant opportunity for a refreshed Forestry Grant Scheme to help deliver diversification of ownership, tenure and use of land. This would benefit communities directly, while improving public perception of the forestry sector.

Principles 2 and 3 of the LRRS are intended to create more opportunity for citizens and community groups to benefit from access to land to meet their needs and priorities. They read as follows:

- *Principle 2. There should be a more diverse pattern of land ownership and tenure, with more opportunities for citizens to own, lease and have access to land.*
- *Principle 3. More local communities should have the opportunity to own, lease or use buildings and land which can contribute to their community's wellbeing and future development.*

The Principles are supported by the Commission's [Protocol on Diversification of Ownership and Tenure](#) and [Protocol on Negotiating Transfer of Land to Communities](#). These Protocols set out expectations to help landowners and managers deliver good practice. A key expectation which has relevance in the context of the FGS is that: "*landowners should consider whether land and buildings are managed in a way that contributes to their governance and management objectives and whether there are opportunities to work with others to make more productive use of land or buildings.*" In diversifying access to own and use land for local people, a more varied mosaic of land use can be created which may support wider objectives, for example increasing biodiversity and community resilience.

A refreshed FGS could support diversification of ownership and tenure through:

- Actively creating opportunities for diversification of ownership, tenure or collaborative models of governance as part of conditionality in cases of large-scale woodland creation. It may be worth considering the precedent in the planning system for the built environment, where it is standard practice for large scale housing developers to be obliged to provide infrastructure to contribute to wider

community benefit as part of obtaining permission for their development. In cases of large scale or aggregated afforestation schemes a similar contribution could be considered, such as offering a portion of the land for community ownership/use, other diversified enterprises including woodland crofts, or land for affordable housing. This could have the benefit of improving the public perception of the scheme, enhancing the community benefit from the scheme, and creating genuine [community wealth building](#) opportunities.

- Providing more accessible, practical and viable opportunities for small-scale forest businesses, agriculture and the community sector. High levels of community benefit can be achieved through small scale schemes, particularly when community led, and it is important that the FGS ensures that the funding routes accessible to these projects are proportionate to the available capacity within community groups and small businesses. This would not only help deliver the Scottish Government's commitment to diversifying land ownership and tenure, but it would also boost community wealth building, resilience and wellbeing.
- Raising awareness within the guidance about diversified approaches to ownership or tenure of forest land. This could include shared ownership, [Woodlots](#) (where small-scale practical woodland management under a woodlot licence agreement can support local households and small businesses as well as benefitting landowners through active ongoing woodland management and silviculture), [Woodland Crofts](#), [Community Woodlands](#), and mixed use smallholdings (at the interface between agriculture and forestry). [Community food growing](#) projects might also come within this support. Useful case studies could be drawn from existing projects such as Kilfinnan Community Forest Company, or North West Mull Community Woodland Company. In both projects, crofters were offered tenancy of woodland crofts on clear-felled land, which required to be replanted. The woodland crofts create an opportunity for local families to develop sustainable small businesses, investing in a resilient economy in areas where housing or land are often out of reach of most local people.

The importance of regional land use planning

- Public funding could best serve the regional context by being accountable to regional approaches to land use decision-making. In 2020, the Scottish Land Commission's advice to the Scottish Government to support the establishment of Regional Land Use Partnerships (RLUPs) recommended that RLUPs will work best if they connect directly to levers of funding and finance.
- The outcome of the pilot Regional Land Use Partnerships and the upcoming Regional Land Use Frameworks will be useful to consider, as will the role of Community Councils, which are often seen as the first port of call for community engagement. Assumptions are often made about the capacity of community councils to reach and represent the community. Enhanced guidance to support these representative community structures may be beneficial for achieving the best outcome

ⁱ The guidance from the Scottish Government is as follows:

| | Description | Examples | How to Engage |
|----------------------------|---|---|--|
| Good Neighbour | Most day-to-day decisions relating to land where the impact on the local community is small or non-existent . | Most routine urban and rural land management activities including day-to-day farming, forestry, estate management and business activities, when the activity is carried out with reasonable consideration. | When there is little impact on the community, there is no need to engage. However, regular contact is encouraged to help to prevent problems arising. |
| Informal Engagement | Decisions which can lead to moderately significant impacts on the local community. This includes: Short-term but disruptive activities Activities carried out in irregular circumstances Changes to regular activities | Decisions about: <ul style="list-style-type: none"> • Activities which disrupt transport or business activities • Activities causing significant light, sound or smell pollution • Activities carried out at unusual times, or causing more disruption than usual • Other disruptive activities in both the urban and rural environments | Informal engagement can include: <ul style="list-style-type: none"> • sending a letter or an email • a notice on a community notice board • posting on social media • a phone call • visiting in person • putting up a sign <p>Regular communication, even when no very significant decisions are being undertaken, can help to prevent problems arising, and build good neighbourhood relationships.</p> |
| Formal Engagement | Decisions which may significantly impact on the social, economic or cultural development of a community, access to a good quality environment, and community viability. This includes: Long-term or permanent changes with significant impact Long-term disruptive activities Activities which impact significantly on the local economy, society and culture, or environment Decisions likely to alter the local population level or structure, including through intergenerational impact | Decisions about: <ul style="list-style-type: none"> • Significant long-term changes to land use, for instance changes between agricultural land, forestry, nature reserves, green spaces, industry, housing, regeneration and development • Estate management, where a significant proportion of land in a community is controlled by one party • A business or service that significantly contributes to local employment or provides vital services • Decisions impacting on the viability of vital local institutions such as schools, doctors' surgeries, sports centres and cultural centres | Engagement about significant decisions is characterised by being planned and should include feedback to the community. Formal methods of engagement include: <ul style="list-style-type: none"> • Publishing a written consultation or survey • Holding local meeting(s) • Holding site visit(s) • Carrying out workshop(s), perhaps with a facilitator • Collaborating with the community to co-design a project <p>Once formal engagement is carried out, there should be feedback to the community on the decision taken and the reasons for it. The references section gives links to further guidance on different ways of involving communities in decision making.</p> |