Scottish Policy Forum: Community Woodlands Association response to Consultation paper on Communities

The Community Woodlands Association is very pleased to have the opportunity to respond to the Scottish Policy Forum Consultation Paper on Communities. The CWA was established in 2003 as the representative body of Scotland’s community woodland groups.

There are around 200 community groups across Scotland involved in or responsible for the management of thousands of hectares of woodland and open space. Scotland’s community woodlands deliver a huge range of public benefits, including:

- **Health and wellbeing:** providing wide-ranging opportunities for outdoor recreation, from informal paths and ‘all ability’ facilities to mountain bike trails and orienteering courses, and supporting a range of education and health initiatives;
- **Biodiversity & conservation:** restoring and expanding native woodlands, and carrying out habitat improvements within other forest types, to conserve and enhance Scotland’s biodiversity and contribute to climate change mitigation;
- **Economic development:** increasing the value of forestry to local communities, creating jobs and developing local processing and markets for timber and non-timber forest products;
- **Meeting local needs**, e.g. through the development of affordable housing, woodland crofts, tourism infrastructure, local food growing and green burials.
- **Renewable energy:** developing local supply chains and markets for woodfuel, to help reduce our dependence on fossil fuels and support sustainable forest management;
- **Social inclusion:** involving all sections of the community in planning and decision-making, and ensuring that the benefits of community woodlands are available to all.

We have not attempted to answer every question in every section of the paper, rather we have focussed on those points most relevant to the experiences and aspirations of our members. We note also the recently published “Land for the Many” policy paper commissioned by the Labour party and written by George Monbiot and others and we endorse many of the recommendations particularly with respect to tax reform, transparency around landownership, development and planning.

**Local Government**

**Community empowerment**

We recognise that austerity has severely impacted local authorities, constraining budgets for service delivery. However, we do not agree with the implication of the consultation paper that community empowerment has to be delivered by local authorities: “If we want to see vibrant, empowered communities we need to resource professional community development properly”. Whilst local authorities have a role to play in facilitating community empowerment, we believe that this has to be understood first and foremost as something communities do for themselves.

One key interaction between local authorities and community empowerment is asset transfer. Whilst we recognise that budget pressures impact on asset transfer, it’s also clear that the intention of the Community Empowerment Act was to make it much easier for communities to acquire assets from local authorities and other public bodies: experiences vary across the country, but it is clear that some authorities are not complying with the

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letter of the law and others are not in tune with its spirit: amendments to the Act are required to both streamline procedures and enforce the existing provisions effectively.

Structural Reform
There is a widely held view in the community sector that the size and scale of “local” government in Scotland is itself an issue, leading to over-centralisation and a democratic deficit. Whilst there is no unanimity as to the optimal structure, many look to the examples of French communes or Scandinavian municipalities as delivering more genuinely local government.

Local revenue generation
We note that the Council tax is particularly regressive and agree that a review is needed into local revenue raising powers. The “Land for the Many” paper mentioned previously includes a number of recommendations which have merit, including:

- The council tax should be replaced with a progressive property tax payable by owners, not tenants.
- The valuation of properties for tax purposes should be updated annually, and empty homes and second homes should automatically be taxed at a higher rate.
- There should be a surcharge for all properties owned by those who are not resident in the UK for tax purposes.
- Business rates should be replaced with a Land Value Tax, calculated on the basis of the rental value of local commercial land.

Housing
For many of our member groups the lack of affordable housing is the most pressing issue in their communities, not only in terms of retaining population but also in that it inhibits economic development: there is little point creating new jobs in remote rural communities if there is no housing available for new employees.

Several community woodland groups have attempted to address this issue, and have found it a uniformly difficult task to make headway against local authority planning officers – a much greater willingness to accept innovation and support community initiatives is required if there is to be any prospect of a meaningful solution to Scotland’s housing issues.

Rural Affairs
One common feature of Scottish (or more generally British) rural policy is the conflation of “farming” (or sometimes farming and forestry) with “rural”. In part this reflects the predominance of the Common Agricultural Policy which has played a crucial role in shaping intervention and investment, and also the mindset of the bureaucracy which administers it.

Brexit brings great uncertainty for rural communities and businesses, but it also provides a once-in-a-generation opportunity to rethink the basis of rural funding and support. However, the Scottish Government’s “Stability and Simplicity” proposals for a five year transition period for farming and rural support include some streamlining of processes, limits on payments and reduced inspections and penalties, but effectively represent business as usual.
We believe that a new rural policy framework is required which must be fully aligned with a broad range of objectives: land reform, climate change, human rights and intergenerational equity, and which also more fully reflects the reality of the rural economy, rather than privileging one sector.

Environment
Climate change is the biggest issue facing our environment and represents an existential threat to our society. Rhetoric from governments, including declarations of a climate emergency, has been encouraging however policy responses have, to date, been disappointing.

In particular, both the 2018 Climate Change Plan (CCP) and this year’s Committee on Climate Change’s (CCC) report place overwhelming reliance on and faith in technological fixes, whilst downplaying the environmental and other externalities arising from their deployment. At the same time, there appears to be great reluctance towards driving behaviour or lifestyle changes, unless they can be incentivised financially.

Thus in the CCP, the projection for the transport sector is a 27% increase in car kilometres by 2032, with an overall fall in emissions achieved by 30-40% fuel efficiency improvements for petrol & diesel vehicles while battery costs halve and performance doubles. Agriculture is given almost a free pass, with only a 9% drop in emissions anticipated, to be delivered by a number of marginal efficiencies, but with no attempt to address consumer diets despite clear health as well as environmental evidence of the benefits.

Whilst the CCC report demonstrates greater urgency, and recognises a range of actions that individuals can take the help reduce emissions, the government’s (UK and devolved administrations) role is presented as one of informing, promoting and encouraging behaviour change, rather than driving it or making significant structural changes.

We believe that getting to net zero should mean a fairer as well as a greener Scotland. Climate change mitigation policies, particularly those based around financial incentives need to be properly targeted and assessed to ensure that they mitigate rather than exacerbate income inequalities: to date the greatest beneficiaries of incentives for renewable energy, woodland creation, etc, have been large landowners.

As a woodland organisation we welcome the support for woodland creation. However there are wide ranging social and environmental benefits from woodlands, including climate change mitigation benefits from good management of in-forest carbon stocks, and we are concerned that the increased support for woodland creation should not be at the expense of support for woodland management.

Whilst woodland creation can and should be a significant component of climate change mitigation strategies, it is not a panacea, not least because of the sequestration profile over time of woodlands, with initial emissions from establishment and then 10-15 years of limited uptake. Woodland creation can help offset unavoidable emissions, but it is essential that we find solutions that reduce energy and resource consumption.
Social Justice and Equalities
We agree that “charity law has not kept pace with modern developments and charity governance needs strengthening” and we produced a detailed response to the Scottish Government’s consultation on charity law earlier this year which is available at https://consult.gov.scot/local-government-and-communities/scottish-charity-law/consultation/view_respondent?_b_index=180&uuId=167973052

We supported most of the Government’s proposals but argued that there were a number of issues where further measures or review were required, e.g. with respect to the charitable status of ALEOs, the list of charitable purposes and the interaction of these and sustainable development, and the publication of governing documents.

However, we disagree strongly with the proposal that “charities that receive public money should be required to follow Freedom of Information and procurement rules” and believe such a measure would be a very strong disincentive to involvement in volunteer activity. We are unclear as to what issue exposing charities to FOI rules is intended to address. We note that “public money” derives from public bodies which are themselves already subject to FOI rules so if the perceived issue is one of transparency it should already be possible to address this.

Most if not all public (and lottery) funding comes with extensive terms and conditions, typically covering a range of issues including equalities and procurement. If the perceived issue is one of compliance then the appropriate and proportionate way to address this would be to amend the relevant terms and conditions.

The great majority of Scotland’s 24,000 charities (and the majority of our member groups) are entirely run by volunteers, often using home addresses and emails. These groups do not have the expertise or resources to process and respond to FOI requests, which we know from discussion with public sector colleagues can often be challenging and in some cases vexatious. Faced with the potential exposure to FOI requirements we expect a significant number of charity trustees would stand down, leading directly to the dissolution of many groups, and it will be considerably more difficult for charities to recruit in the future.

Land Reform
Community woodlands and the CWA have been in the vanguard of land reform for many years, and we agree that whilst some progress has been made, there is much more to be done. We broadly agree that the Scottish Government should have powers to intervene in land issues to protect the public interest, however the key interventions are not regulatory but fiscal: addressing the economic drivers of current land ownership patterns, i.e. the raft of tax exemptions and subsidies that incentivise land ownership for non-productive ends and fuel a spiralling land market.

As the consultation paper notes, land ownership in Scotland is uniquely concentrated in the hands of the few. This impacts on social and economic justice, and also on the achievement of sustainable development. However, simply breaking up the largest land holdings, whilst notionally diversifying land ownership, would have minimal effect in delivering the desired objectives if the new owners acquired the land for the same old reasons.
Community land ownership can help with diversifying land ownership, whilst ensuring that land is managed for public benefit. Many community acquisitions take place by negotiated sale, but these can be encouraged by the existence, and effective operation, of formal mechanisms such as the Community Right to Buy and the Asset Transfer provisions.

As noted previously we do not believe that the Community Empowerment Act and Land Reform Act provisions are working effectively:

- The asset transfer provisions are in some cases being stymied by unsupportive public authorities, and in others inhibited by rampant inflation of land prices
- The “absolute” rights to buy land introduced by the CEA and LRA have been drawn so tightly as to be effectively unworkable
- Despite the amendments made by the CEA, the Community Right to Buy process is still unduly onerous

One very positive feature of recent Scottish Government policy has been the establishment of the Scottish Land Fund, without which few significant community asset acquisitions would take place. In the longer term addressing the fiscal issues noted above might reduce land prices, and also perhaps increase the area of land for sale, but there will be a need for a Land Fund, funded at current levels or higher, for the foreseeable future to support community acquisition. The Government should also do more to provide longer-term revenue funding to allow community organisations time to develop their asset(s) – this is especially true for newly emerging community groups who have fewer resources to call on.

In many cases ownership may be the most appropriate route for communities to achieve their aspirations, however this is not always the case, and leasing or partnerships may equally or more effective. Currently the Scottish Land Fund cannot provide revenue funding to groups for leased assets; allowing this would be a positive step.