



Eadha Enterprises

Submission in response to

Land Reform Review Group call for evidence

Eadha Enterprises

www.eadha.co.uk

January 2013

The experiences of a Community Company looking to acquire land in southern Scotland

Eadha Enterprises was set up in April 2011 by a community group based in Lochwinnoch, Renfrewshire with Innovation funding support from Oxfam. Our aims are social, economic and environmental:

- Create partnerships to deliver partner tree nurseries and community woodlands
- Enable communities to secure land for management or ownership
- Assist communities in establishing new woodlands to supply future resources
- Identify opportunities for woodland based social enterprises including training and employment opportunities
- Promote the use of value and use of aspen and other rare native pioneer species

In working towards these aims, in particular endeavouring to secure land for an initial community nursery site Eadha Enterprises has gained experience of different types of landowner and the challenges which can be faced in securing land for the purposes of planting and growing trees for community benefit. These experiences have been documented to inform the Land Reform Review Group as they gather evidence and look to making land acquisition and management more accessible to all communities.

Eadha's proposition – since establishing their social enterprise company almost two years ago Eadha has approached over 30 land owners with a view to either renting or purchasing a small area of land to establish a local nursery for its clone collection of aspen trees and to date we have not yet been successful in securing even a small pocket of land locally. We currently house our growing tree collection courtesy of a friend!



Eadha has done a significant amount of work with schools and partners in Renfrewshire and we would like nothing more than to have a small patch of land locally where we can house and grow our aspen collection which demonstrates how a small scale model nursery can be a viable and secure means of propagating and providing trees, particularly with the current threat of ash die back. This model nursery would act as a plan for replication in other communities looking to grow their own tree stock for woodland development in their areas.

The benefits of land being given over to woodland have been highlighted over the last year with the publication of significant studies such as the Independent Panel on Forestry -

*"We urge society as a whole to value woodlands for the full range of benefits they bring. We call on the government to pioneer a new approach to valuing and rewarding the management, improvement and expansion of the woodland eco systems for all the benefits they provide to people, nature and the green economy."*¹

*"By the second half of this century, people are benefiting from Scotland's trees, woodlands and forests, actively engaging with and looking after them for the use and enjoyment of generations to come. The forestry resource has become a central part of our culture, economy and environment".*²

Research suggests that only about one third of Scotland's forests are owned by the Scottish Government³ (Forestry Commission), the remaining 67% is privately owned; of this 91% by landed estates or investment owners, 55% by absentees and 32% private owners living outside Scotland.

Community acquisition of land for small scale community woodland in Scotland is fraught with challenges and requires a long term commitment. To date there have been 13 successful community purchases under the National Forest Land Scheme in the last 6 years⁴. Andy Wightman⁵ points out the tradition of land ownership in Scotland for forestry use favours large scale parcels of land (50 – 100 ha) unlike our European partners where much smaller areas can be brought into useful woodland (1- 5 ha). **An auditing of forest ownership in Scotland** would provide a much clearer picture of ownership and how improved principles of

¹ The Right Reverend Bishop James Jones, the Bishop of Liverpool, Chair of Independent Panel on Forestry, July 2012

² *Scottish Government vision for forestry*

³ Forestry Ownership in Scotland – a scoping study www.forestpolicygroup.org (Asset management review of rural land, Annexe B NFI 26 May 2011)

⁴ Community Ownership in Scotland- a baseline study, September 2012. Community Ownership Support service (DTAS)

⁵ Forestry Ownership in Scotland – a scoping study www.forestpolicygroup.org

community ownership could be applied to increase smaller scale woodland development recognised as good for people, nature and the green economy⁶

Reclaiming land for woodland

Eadha secured funding from GSGN to explore the restoration of a major site in East Ayrshire – the investigation enabled trial planting of aspen as a means of reclaiming relatively poor post mining land as well as a mapping of the ownership of this land with a view to developing community enterprises and wildlife habitat corridors as part of the restoration plans. The outcomes of this work highlighted challenges in Scotland in determining who owns land and the potentially significant costs of finding out via the Registers of Scotland – there were 8,087 titles in the specified area and a search of the records would have cost £3 per record (£24,260) plus three days of staff time (£780) a whopping £25,041, needless to say we were not able to proceed with this search. The original communities based on this land have long since gone, moved on as a result of the industry to extract resources. Plans are now underway to restore the land from its current scared and ravaged state but it is almost impossible for local communities to develop a stake in this process as there is no obligation to inform or consult them of changes afoot or active promotion of the community right to buy a stake in the process. The Scottish Government is keen to support community ownership and an enhanced stake in regeneration but the reality of how these processes work make it almost impossible for communities to get involved, easier low cost mechanisms for finding out who owns land would assist with the development process as well as making new opportunities easier to identify. Support to communities in exploring these opportunities would help to level the playing field.

Publicly owned land

Eadha has approached a number of local authorities regarding accessing land for a nursery site – one particular site in their local area was identified early on as an ideal location – but for a variety of reasons this has proved elusive – initially on account of not have the correct planning consent, then not being available for less than market rent. Public bodies are seen as the custodians of land for communities – this view is seen as somewhat outdated but a conflict of existing statutes around best prices, discretion and precedent for handing over at less than market value act as barriers for both communities wishing to take on land assets and local authorities seeking to support such developments.

Privately owned land

A range of private landowners from small scale farmers to large country estates have been approached and all have their own challenges – an internal market operates between key

⁶ Independent Panel of Forestry, Final report 2012. www.defra.gov.uk/forestrypanel

players with communities excluded or at best tokenistically consulted. In the case of windfarms and mining companies communities are often bought off with relatively small amounts of cash rather than incentivised to develop longer term sustainable solutions which they could benefit from. Funding streams are also kept apart for example social funds are kept apart from environmental mitigation funding, with ecological issues often having a higher priority than people – there is no real interest in engaging with communities when communities can often identify alternative models for development which are based on long term local knowledge and can create sustainable futures as is evidenced on the Isles of Eigg and Gigha.

Questions and Issues

- **What do we mean by community?** Is this a geographical area defined by postcode or other boundaries or is it a community bound by ties? What happens in areas such as Skares in East Ayrshire where there are no longer people living on the site only small communities living around the area. The experiences of many of the rural communities which have moved to ownership of their lands suggests that there are still challenges when it comes to defining community for purposes for progressing towards ownership with artificial definitions often being imposed to satisfy statute
- **Temporary Greening** – development of vacant or derelict land can sometimes take a long time particularly in the current climate where investment resources are in scarce supply. There have been a number of temporary measures in communities to “green” space for community use with the benefit of making it more attractive but also safe to use by communities and example of this can be found in Craigmillar, Edinburgh where the local community development trust in partnership with a range of partners including the local regeneration company (PARC), the local authority and Edinburgh and Lothian Green Space came together to fund and deliver a temporary greening project. The challenges of actual asset transfer could mean that some kind of interim temporary status could be made easier to enable environmental improvements particularly in urban settings. This could also be applied to areas of contaminated land particularly in deprived areas where temporary foresting could bring land back into meaningful use whilst greening the environment and creating amenity space and wood fuel.
- **Urban land transfer** – the transfer of assets and land in urban settings is still an area to be explored as increasing numbers of development trusts move to taking their roles in the regeneration of inner city and post industrial areas. Local authorities have a role to play in opening up such opportunities but could benefit from a review of the regulation affecting their ability to transfer land at zero or less than market rent to open up regeneration opportunities not currently open to local authorities but open to communities thus enabling them to develop a greater stake in regeneration.
- **Urban planting** – using trees as a means of temporary greening or even community woodland on vacant/derelict sites has had its challenges – while in principle trees

provide an excellent option for bringing sites back into productive use (phytoremediation)⁷ preparing the ground to even a minimum level where trees can be successfully planted and grow is problematic on account of the cost. Consideration of responsibility for and management of vacant and derelict land which is contaminated with clear incentives to adopt creative approaches bringing such land back into useful tenure should be considered as part of the review

- **Viability of Small scale tree cultivation** – growing trees on a small scale basis is not currently encouraged despite the recognition of the huge benefits to health and well-being of growing and planting trees, sustainability, education and therapeutic benefits bring us back in touch with the basics of growing things and the added value of having control of smaller scale versions of doing this in Scotland. The onset of Ash Die Back Disease has further focused this thinking with increasing interest in smaller scale producers as a sounder means of bio security. Looking to our European neighbours where relatively small plots of woodland (under 5ha) can be operated viably and sustainably is food for thought!

Conclusion

- A full audit of forestry ownership in Scotland with consideration of how smaller scale woodlands can become an established feature of increased community ownership, with incentives and resources targeted at community groups, working farmers and resident land owners rather than absentee financial investors. This would have the benefit of opening up the management of forest estates to a wider range of bodies and models of tree production as a sustainable resource for the future benefitting a wider range of communities
- Greater transparency and accessibility of data on land and ownership in Scotland with more mechanisms for notifying potential change in ownership could enable a fairer approach to ownership changes particularly when it comes to community engagement in the process. Increased mechanisms for supporting communities to explore and develop such opportunities would increase the likelihood of successful new ventures
- Consideration of the experiences of rural communities under the community right to buy provisions when exploring how urban communities can benefit from land ownership as they take forward the Scottish Government's Community Empowerment agenda, particularly how we define community, value assets and the terms of transfer particularly of local authority assets held in trust for communities.
- A longer term holistic vision which is sustainable with appropriate drivers to support community engagement in ownership and management

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January 2013

⁷ Phytoremediation is the restoration of land through the planting of trees such as aspen which can over time extract contaminants and enhance the soil <http://www.eadha.co.uk/services/landreclamation>