

## WOODLAND CROFTS – FOREST MANAGEMENT GUIDANCE

*(whilst written primarily for community landlords and their tenants, some of the information included may also be useful to others involved in establishing woodland crofts)*

### **How do you manage a woodland croft?**

**Managing a woodland croft may involve a different approach to woodland management than is found in mainstream, larger-scale forest management. Depending on the objectives of the community landowner, and the tenant, the approach might be considered to have more in common with managing a traditional croft, in terms of its scale, equipment and outputs. Indeed, the origin of the woodland crofts model can be traced to those in communities who, recognising the many benefits that arose from the crofting system of agriculture, asked whether a similar approach, if applied to woodland management, might not yield similar benefits.**

**However, management of woodland on woodland crofts takes place within the same regulatory framework as applies to the largest plantation woodlands. Health and safety requirements, environmental regulations, and national forestry policy & regulation apply to a woodland croft just as much as any other woodland. So although the approach may be different, the obligations are the same.**

**At the heart of the process is the woodland plan<sup>1</sup>, explained more fully overleaf. Issues relating to the woodland plan will generally also be relevant to any wider woodland crofts project plan, so consideration of the plan will need to begin at an early stage in a project.**

### **The framework for forestry in Scotland: Regulation, Strategy & Certification**

Sustainable forest management is the basis for all woodland management in Scotland, and the standards required to achieve this are laid out in the UK Forestry Standard<sup>2</sup>. The Standard is supported by a number of instruments, such as grant schemes and legislation, which enable the regulation of forestry. This regulation is carried out by Forestry Commission Scotland (FCS).

Whilst the UK Forest Standard sets a benchmark for forestry in Scotland, the vision for forestry into the future is set out in the Scottish Forestry Strategy<sup>3</sup>(SFS), which may help inform management objectives for a woodland.

#### **Certification**

*The UK Woodland Assurance Standard (UKWAS)<sup>4</sup> is a voluntary certification standard for verifying sustainable woodland management in the UK. Consumers of wood and wood products are nowadays increasingly looking for assurances that the products they buy have been produced through sound woodland management; forest or woodland certification provides that reassurance, whereby management is independently verified against a published standard.*

*Many national certification schemes exist around the world and are the basis for certification under international schemes, of which the Forest Stewardship Council's (with its 'tick tree' logo) is the best known. UKWAS provides a single common standard for use by those forest certification programmes that operate in the UK. Generally the requirements of UKWAS go further than that of the UK Forest Standard. Certification is not mandatory but brings benefits, both in marketing products and through the enhanced management required to achieve certification standards.*

This summary may seem somewhat dry, but it serves to illustrate that in taking on the responsibility for managing a woodland there are really only 2 or 3 source documents which ultimately govern what should happen within it: all other guidance simply exists to refine further the subject matter within them. For example, UK Forestry Standard Guidelines give greater detail on topics such as Landscape, Biodiversity and Water (available from <http://www.forestry.gov.uk/ukfs>).

## **The Woodland Plan<sup>1</sup>**

A woodland plan is a long-term plan that describes the proposed management of a woodland over time. Key to the plan is the identification of the objectives for management, based on a clear vision for the woodland. It is an essential planning tool, emphasised by the UK Forestry Standard and a requirement under UKWAS certification. That said, the documentation and level of detail associated with the woodland plan should be appropriate to the size and nature of the woodland. The plan will include an assessment of the current state of the woodland, and also its management history.

Whilst always important, there are a number of reasons why a woodland plan is a critical part of a woodland crofts project. Almost without exception, communities establishing woodland crofts will be seeking to change the management of the woodlands which they are taking over. Creating woodland crofts will therefore involve a process of transition, and this process may be constrained by site factors including management history. The goal will be to take a pragmatic approach to managing the change, without losing sight of the underlying aims and objectives of the project. The woodland plan will give clarity during this process of transition.

Furthermore, there will be a number of stakeholders in the plan, whose needs must be balanced. These include the community, who will not simply be interested neighbours but are likely to be the owners of the woodland in question. The croft tenants must also co-ordinate their activities with each other, and balance wider community aspirations with their own, all whilst delivering the management outlined in the plan. The plan may also be the cornerstone of applications for funding which underpin the whole project.

**In such a potentially complex situation therefore, the woodland plan is key.**

### ***Types of woodland plans***

*There are a number of different types of woodland plan, which are variants on the general version outlined here. These can be used to highlight a particular aspect of the woodland – for example a semi-natural woodland plan, or a forest landscape design plan – or may be a particular form that gives eligibility for grant support. All share the same underlying principles however.*

*An example of the latter is the Long Term Forest Plan, currently supported by a Woodland Improvement Grant under the Scottish Rural Development Programme (SRDP) and hence likely to be relevant to many woodland crofts projects. Technical guidance on this type of plan, including examples of completed plans, can be found at: <http://bit.ly/1DvnFhv>*

## Structure of the Plan

A typical woodland plan will include the following sections:

1. Background information
2. Woodland information
3. Long term vision, management objectives & strategy
4. Consultation
5. Management prescriptions & operations
6. Work programmes
7. Monitoring
8. Maps

This framework also meets the requirements of UKWAS. Further guidance on drawing up woodland plans is available elsewhere and is not repeated here (also see below - 'Practicalities'); however certain issues for consideration in a woodland plan may be of particular relevance to a woodland crofts project, particularly in sections 3-5 above. Some of these aspects are highlighted briefly below:

### Long term vision, management objectives & strategy (section 3)

- the opportunity for and benefits of continuous cover forestry (CCF)<sup>5</sup>
- the integration of other activities with woodland management
- the opportunity to add value locally
- the role of alternative conifers and native species (a tree for every site, adding value etc)
- the production of non-timber forest products
- the opportunity to specialise and target niche markets
- the opportunity for low-carbon management – and lifestyles

### Consultation (section 4)

- consulting the community: as owners of the woodland
- consulting the community: as users of the woodland
- consulting the croft tenants

### Management prescriptions and operations (section 5)

- the transition from existing management towards the desired future alternative
- the introduction & management of open space
- use of 'appropriate' technology: small-scale, agri-based etc
- role of livestock: ground preparation, management of regeneration
- croft tenants as a management resource

(See also the woodland crofts benefits checklist<sup>6</sup> for further ideas in relation to possible management opportunities).

Two of the aspects of importance to woodland crofts listed above are worth more detailed discussion – the transition from the existing structure and management, to woodland crofts management; and open space.

## Changing the management approach

As mentioned earlier, new management objectives accompanying the development of woodland crofts will result in a process of transition. Often, one of the drivers for their establishment will be to help deliver an alternative system of management such as continuous cover management, under which harvesting might be considered to be 'a little and often'. This is likely to be suitable for smaller-scale techniques appropriate to local management.

However, woodlands managed under a clearfell-and-replant system often cannot be converted to continuous cover directly. This is because, in areas of poorer soils and high

winds (common in the Highlands), the trees are not stable (windfirm) once the woodland canopy has been opened up. This is especially true for older crops which have never been thinned. In this situation clearfelling some areas of the woodland may be inevitable, and a pragmatic approach to harvesting will be needed.

#### Woodland cover and open space

There is a strong presumption against deforestation in Scotland, as in much of the rest of the world. This means that when trees are felled they must generally be replanted – this will be a condition of any felling approval which is granted by the Forestry Commission. Full details of the Scottish Government’s Policy on “Control of Woodland Removal” can be found at <http://www.forestry.gov.uk/woodlandremoval> .

However the UK Forestry Standard recognises the importance of open space in woodlands for various reasons, and also recognises that in the past some woodlands were established with insufficient open space within them. Therefore the process of redesigning woodlands will often involve the introduction of open space. The removal of trees associated with such internal re-design of woodlands to meet the UK Forestry Standard is not considered woodland removal under the above Policy.

**The consequences of the above are that when woodland crofts are created from a woodland, continued management of the croft as part of that wider woodland is required. Although restructuring woodland to create up to 20% open space may be necessary to meet the UK Forestry Standard (and this open space might include associated sites for crofts, croft housing, infrastructure etc), additional woodland removal (e.g. for other purposes) beyond that indicative figure is unlikely to be acceptable unless compensatory planting is undertaken.**

It is important to note that the creation of woodland crofts involves a change in tenure, not land use.

#### ***What is woodland?***

*Woodland or forest is land predominately covered in trees (defined as land under stands of trees with a canopy cover of at least 20%), whether in large tracts (generally called forests) or smaller areas known by a variety of terms (including woods, copses, spinneys or shelterbelts).*

*(UK Forestry Standard 2011)*

## **Practical Issues**

### Preparing the woodland plan

Consideration of the plan will need to begin early in a project, but the concept may not be familiar to those involved in it. Private consultants are widely available who can draw up such plans, and the Community Woodlands Association<sup>7</sup> can also offer this service, as well as wider support. Writing the plan will involve information gathering, including field-based survey work, and consultation, both of which take time and may be affected by seasonal factors, so it is important to allow enough time to develop the plan. It is also a ‘live’ document, so even when complete will be added to or amended to reflect changing circumstances and the progress of work on the ground.

### Delivering the plan

It is always important to be clear about who is responsible for the plan and its delivery, as so much within it is timebound; this is a useful role for a project officer or community forester in a project who can ‘get on with the job’ once the plan is agreed.

Any community woodland project provides opportunities for people other than contractors to get involved in the delivery of the plan, depending on the nature of the work. In a woodland crofts project there is of course another resource – the croft tenants themselves. These people are likely to have particular woodland skills and experience, and a business interest in managing woodlands and/or using timber, and so represent an important local resource to help deliver the plan. Moreover, co-operation between tenants is very much in the tradition of crofting, which fits well with the need in forestry to often work as part of a team.

Clarity will be needed between crofters' communal responsibilities – where they may be working on behalf of the wider community – and their individual responsibilities to manage their own crofts. In particular, once a plan has been drawn up and agreed which integrates the crofters' individual objectives for their own crofts with the wider woodland, it is crucial that they then deliver what they have committed to. Community landlords may want to consider making this a condition of any tenancy agreement.

### **Some Issues of Crofting Law**

Crofting law does not recognise woodland crofts as a separate kind of croft: they are simply crofts. The legal requirement to cultivate the croft includes within its definition the use as woodlands. There are some aspects of crofting law relating to trees and forestry which are nevertheless of particular relevance to woodland crofts, and are highlighted below.

#### **Existing trees**

The right to manage and extract most existing trees on croft land rests with the landlord<sup>8</sup> (though trees established by the crofter, or his predecessors in the tenancy, belong to him).

Clearly however, a woodland croft tenant is likely to want to manage and use the trees on their own croft for themselves. A mechanism will therefore need to be agreed between community landlord and crofter to release these trees. This could be by including use of the trees within the tenancy agreement, and setting the croft rent to reflect this; or alternatively the trees could be sold to the tenant, either as a lump sum up front, or as and when used

#### **'Common woodland'**

As with traditional crofting, areas of woodland that do not comprise an individual crofter's own woodland croft can be used collectively. In developing a woodland crofts project, the community owners will need to decide whether to formally put the area for collective use under crofting tenure by creating a 'common woodland', or not (technically this will be a common grazings under crofting law, though for clarity we refer to it here as 'common woodland'). It would of course be possible to do both, in different areas, depending on the total area available.

A woodland area for collective use which is not under crofting tenure is really just a community woodland like any other, and the community are free to decide how members of the community (including croft tenants) can make use of it. This might or might not include an enhanced role for croft tenants.

A common woodland (common grazings) under crofting tenure will be governed by the same regulations which apply to common grazings and is managed by a committee<sup>9</sup>

elected by the shareholders (the shareholders are individuals having an interest in the land, which include, but are not necessarily restricted to, the croft tenants).

Both options have their advantages and disadvantages. For example, woodland which is not under crofting tenure might be felt to be more accessible to the wider community, or more flexible in its use, and thus preferred. On the other hand, a common woodland under crofting tenure comes with an existing framework for its regulation and management (including joint ventures – see below), which can be helpful. The community will need to weigh up these issues and decide which approach is best for them, as it will have a major bearing on both the content and delivery of the woodland plan.

### Joint forestry ventures

Crofting law makes specific provision for joint forestry ventures between the owner of the common grazings and crofters, either as individuals or the common woodland committee. This provides one way for crofters to access timber owned by the community landlord in the 'common woodland' areas – or equally provides a mechanism to deliver work programmes under the woodland plan. Other arrangements can also be devised to allow landowner and tenants to manage the woodland together.

Further advice relating to some of the issues contained in this note can be found in the guidance note 'What is a woodland croft?' available at <http://www.woodlandcrofts.org>.

### Contacts

Forestry Commission Community Development Policy Advisor	0300 067 6568
Community Assets team, Highlands & Islands Enterprise	01520 722988
NFLS Programme Manager, Forestry Commission	01349 862144
Crofting Commission, Inverness	01463 663439
Forestry Commission - Highland & Islands Conservancy, Dingwall	01349 862144
Forestry Commission - Perth & Argyll Conservancy, Perth	0300 067 6005
Community Woodlands Association	01309 674004
Scottish Crofting Federation	01599 530005

This guidance note has been produced to provide an introduction to woodland management planning on woodland crofts. While it is intended to provide an accurate reflection of the main issues involved, it does not cover all aspects of the subject and there is no guarantee of the legal accuracy of its content. We strongly recommend that professional and legal advice be sought for more detailed information and guidance on specific cases.

#### **Notes**

1. The term 'woodland plan' has been used throughout this guidance to refer to the documentation which outlines the general assessment and management of a woodland into the future; the term 'forest plan' has been avoided as this can sometimes refer to a specific type of management plan focusing primarily on felling and restocking proposals, which is included in certain grant schemes.
2. <http://www.forestry.gov.uk/ukfs>.
3. <http://www.forestry.gov.uk/sfs>.
4. <http://www.ukwas.org.uk>.
5. Continuous Cover Forestry is defined as the use of silvicultural systems whereby the forest canopy is maintained at one or more levels without clearfelling (UK Forestry Standard, 2011). As such it forms a subset of Lower Impact Silvicultural Systems (LISS), which comprise a range of systems in which clearfelling is not always avoided – though the size of such areas is small (under 2ha). Both systems are alternatives to the clearfelling of large areas and are suitable for windfirm conifer plantations and most broadleaved woodlands.
6. Available from <http://www.woodlandcrofts.org>
7. <http://www.communitywoods.org/>.
8. As per 'the statutory conditions' of let to which every croft tenancy is subject.
9. Referred to in law as the 'Grazings Committee', though in this case obviously referring to the common woodland.