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Creating Woodland Crofts

- A study on ways to govern the rural

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- A study on ways to govern the rural

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Abstract

Crofting is a form of small scale, agricultural land tenure, unique to North and West Scotland. Since the launch of the Crofting Reform Act in 2007, the creation of new crofts in woodland environments is possible. These so called woodland crofts encompass small-scale woodland management and are essentially applying the traditional concept of crofting to a woodland context. This master's thesis explores the policy instruments deployed through the legislation and policy for woodland crofts and different actors' experiences of the process of creating new woodland crofts. Furthermore, the study discusses how the policy for woodland crofts can be understood in relation to ways of governing the rural. Through a literature review and through interviews with crofters, community groups and representatives from public and civil organisations, the study shows how community groups are given a prominent role in some of the policy instruments. The study further shows how different governmental approaches to govern the rural can be seen in the policy area of woodland crofts. Indeed, certain aspects of woodland croft policies are observed as being governed through detailed legislations and regulations, while there are also other approaches, of governing through less direct intervention, and instead 'govern at a distance'. The study also describes how the policy areas of woodland crofts and land reform, are closely connected and shows how woodland croft policies seems to have emerged within the political rationality of the Scottish land reform agenda. The focus on community groups in the policies, is seen as an indication of governmental strategies of 'government through community'.

Keywords: Woodland Crofts, Community, Government at a distance, Land Reform

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1 Introduction

A dynamic land reform debate has taken place in Scotland over the last few decades. With approximately 432 landlords owning more than half of Scotland's privately held land, Scotland has been claimed to have one of the most concentrated land ownerships in the world (Scottish Government 2014; McKee et al. 2013). This unequal land distribution has for centuries raised questions regarding people's rights to own and access land, which is argued to be a critical issue for rural development (Hunter et al. 2014).

Crofting is a form of small-scale agricultural tenure system, which is unique to Scotland. The official definition of a croft refers to a unit of land which is subject to crofting regulations¹ (Crofting Commission 2017a). Crofting can further be understood as small scale land use, often on marginal lands, sprung from traditional part-time, self-sufficiency farming in the North and West of Scotland (Warren 2009). The croft units are often rented in combination with a share in grazing commons that are held jointly with other crofters in a township (Scottish Crofting Federation 2017a). Crofters have had the right to buy their croft land from the land owner since the 1970's, and an increasing number of crofts are owner-occupied (Scottish Government 2014).²

Today's crofting system retains many of its original features, but it has also taken on new forms. One of the more recent developments of crofting is the introduction of woodland crofts. In essence this applies the traditional concept of crofting to a woodland context. In legislative terms, woodland crofts were introduced in 2007, as the Crofting Reform Act was passed by the Scottish Parliament. This act, which came into force in 2008, opened up the possibility for land owners to create new crofts, both in the previous crofting counties, as well as in new designated areas (Act of Parliament 2007)³. Furthermore, it allowed the possibility to create crofts on woodland areas and manage these by woodland based businesses. Even though the establishment of trees on common grazings had already been permitted since 1991, and on other croft land since 1993, it was through the 2007 act that new crofts could be registered (ibid.). Thus, woodland crofts could from this point be divided

¹ A 'croft' primarily refers to the land unit which is under crofting tenancy. A 'crofter' is the holder of a croft, who owns the buildings and other improvements of the croft, and pay rent for the croft from the landowner on whose land the croft is situated. 'Crofting' is referring to the land use practices taking place on the croft, which in most cases are related to livestock holding or horticulture (see www.crofting.scotland.gov.uk)

² It is noteworthy, that in the case of owner-occupancy the land itself officially remains in crofting tenure and under crofting regulations, even when the tenant and the owner are the same person. Should the owner-occupier fail to live up to the requirements of the crofting regulation, such as to put the land into 'purposeful use' or to reside in proximity of the croft, he or she can in turn be obliged to take a new tenant (Scottish Crofting Federation 2017).

³ As by 2017, the crofting areas include: the former counties of Argyll, Caithness, Inverness, Ross & Cromarty, Sutherland, Orkney and Shetland, and the new areas designated in 2010: Arran, Bute, Greater and Little Cumbrae, Moray and additional parts of the Highland.

into three different categories: a) Crofts which had always been forested, b) Crofts on which tree plantations have taken place after the implementation of the 1991 Crofting Forestry Act, and c) newly established woodland crofts on pre-existing woodlands (Woodland Crofts Partnership 2013).

This thesis will focus on the third category of woodland crofts i.e. the development of new woodland crofts on previously non-crofted land.

Governance of rural areas and populations can be seen to be carried out through different aims and strategies of government (Murdoch 1997). Such aims and strategies may influence the formation of legislation and policies, and create the boundaries for the opportunities and responsibilities of different actors. The possibility to create new crofts represents an interesting addition to previous legislative developments, in relation to land ownership and community empowerment. It has been argued that the opportunity to create new woodland crofts, could significantly increase the opportunities for individuals to get wider access to woodland, and diversify the forms of forest ownership in Scotland (Woodland Crofts Steering Group 2006; Woodland Crofts Partnership 2015a). Community groups have been assigned a key role in the political debate concerning land reform in Scotland (Hoffman 2013). Perhaps most prominently, the role of communities was announced in the 2003 Land Reform Act, in which communities were granted a specific ‘right to buy’, in order to facilitate their acquirement of land (Act of Parliament 2003). Additionally, the Community Empowerment Act and a new Land Reform Act were implemented in 2015 and respectively 2016, which grant communities stronger rights to purchase public land and assets (Act of Parliament 2015; Act of Parliament 2016). By 2017, the majority of the woodland crofts created have been developed by rural community groups (Woodland Croft Partnership 2016).

1.1 Research Aims And Questions

This study aims to explore different actors’ experiences of developing new woodland crofts in Scotland, since the launch of the Crofting Reform Act in 2007. More specifically, the study aims to discuss to what extent the policies regarding woodland crofts can be seen as an example of the Scottish government ‘governing at a distance’.

This topic will be explored through the following research questions:

- What kind of policy instruments⁴ has the government deployed for supporting the development of woodland crofts in Scotland?
- How do different actors involved in the establishment of woodland crofts perceive and experience the process of developing new woodland crofts?
- How can the woodland crofting policies be understood in relation to ways of governing the rural?

1.2 Thesis Outline

This thesis is organised into 7 chapters. After the introductory chapter, containing an introduction to the thesis and a background section, the guiding theoretical concepts for the study are presented in chapter 2. In chapter 3, the chosen methods of the thesis are described and argued for. Chapter 4 describes some of the main elements of the woodland crofts legislation, policies, and the policy instruments used for promoting woodland croft creation. The 'voices' of actors involved in the creation of woodland crofts are presented in chapter 5, and some of the key issues for the development highlighted. A discussion follows in chapter 6, relating to different ways of governing the rural, and of the extent to which the deployed woodland crofting policies can be seen as a way for the state to 'govern at a distance'. Finally, a conclusion of the study is presented in chapter 7.

1.3 Background

1.3.1 Crofting Definitions

The historical and cultural background of crofting in Scotland has been thoroughly and compellingly described by several authors (see e.g. Cameron 1986; Hunter 1991; Willis 1991; McIntosh, Wightman and Morran 1994; Parman 2005). The traditional clan system was uprooted in Scotland in the 16th century, and new forms of land governance took over (Willis 1991). Through the dominant and highly concentrated land ownership which followed, the inhabitants of the land were displaced and, through immense violations, molded into a tenancy system (ibid.). The remains of this system, where crofters pay rent to the landowners for their plots of land and for the right to use common grazings, is in place up until today, and is what we refer to as the crofting system (Parman 2005).

⁴ Policy instruments, as used in this thesis, refers to the techniques or means through which governments attempt to attain their goals or desired outcomes (Linder and Peters, 1990). This includes e.g. economic tools and regulation.

In a day to day context, the word ‘croft’ is often mistakenly interpreted as a normal small holding or a house. However, the official definition of crofts has more to do with tenure system than actual land use or a physical building. Indeed, the definition of crofts provided by the Scottish Crofting Commission is ‘a unit of land subject to the crofting acts’; acts which mainly serve to protect tenancy rights (Crofting Commission 2017a). This official definition of crofts also entails a geographical dimension, as the crofting laws only applies in the so called ‘crofting counties’ in the North and West of Scotland, (i.e. the former counties of Argyll, Caithness, Inverness, Ross & Cromarty, Sutherland, Orkney and Shetland, plus the new areas designated in 2010: Arran, Bute, Greater and Little Cumbrae, Moray and additional parts of the Highland). A *Crofter* is by the same agency described as ‘the tenant of the croft’, and thereby someone paying rent to the croft’s owner for using the land. This does however not apply to all cases, as many crofters have purchased their crofts and are so called ‘owner-occupiers’. Even in those cases, the croft officially remains in crofting tenancy (Scottish Government 2017a).

A less formal and more descriptive definition of crofts are given by Charles Warren (2009) who describes crofting as being very closely associated with small-scale, usually part-time, traditional farming in the highlands and islands. Usually the crofts comprise a small, individual area for fodder crops, and large common grazings for the whole crofting township, i.e. the local community of crofts (ibid.). According to the Scottish Crofting Commission there are today 19 422 crofts registered in Scotland, and it is estimated that more than 33 000 people are living in crofting households (Crofting Commission 2017a). Even though the average croft size only about five hectares, approximately 25% of the total land mass in the Scottish Highlands and Islands, which in turn comprises 15% of the UK:s total land, is under crofting tenure (ibid; Scottish Crofting Federation 2017b). Most crofters today earn the majority of their livelihood from activities other than agriculture (Scottish Crofting Federation 2017a).

Woodland crofts are defined as crofts with sufficient tree cover to be considered woodland under the forestry policy (Woodland Crofts Partnership 2013). The extent of tree cover on woodland crofts can vary from entity to entity, from being predominantly wooded, to mainly comprising agricultural land with forest elements (Forestry Commission Scotland 2006).

1.3.2 *Crofting Regulations – Rights And Duties*

The legal framework surrounding crofts are renowned for being a rather complex patchwork of regulations which has been developed over more than a century (Rowan-Robinson and McKenzie Skene 2000).

Crofting is regulated by the Crofting Commission, which is a Non-Departmental Public Body (NDPB)⁵. The main features of crofting legislation have, for the past 25 years, been directed by the Crofters Act 1993, which was amended by the Crofting Reform Act in 2007, with the addition of the Crofting (Amendment) Act in 2010. Without any attempt to replicate the legislation in its totality here, the following two aspects are of importance to consider, before discussing the development of woodland crofts in more detail. Firstly, it is worth noting that woodland crofts do not legally differ from traditional crofts, as they both fall under the same acts (Woodland Crofts Partnership 2015b). Woodland crofts are however also governed by forestry regulations, which fall under the responsibility of the Scottish Forestry Commission (ibid.). Secondly, crofting legislation consists of both the rights and the duties of the crofter and the landowner. Crofters' rights include security of tenure, fair rents and compensation for permanent improvements, the right to pass the tenancy on to family members or third parties and the right to buy the croft house or land of the landlord (Scottish Government 2017a)⁶. Responsibilities which the crofters must fulfil include: duty to pay the rent, to be resident on, or within 32km of, the croft, not to misuse or neglect the croft and a duty to cultivate the croft or put to other 'purposeful' use (Crofting Commission 2017a).

1.3.3 The Context Of Ownership Structures And Land Reform

As previously mentioned, the land ownership structures in Scotland are among the most concentrated in the world. The Scottish movement for extending peoples' rights to access land and natural resources, has by Richie and Haggith (2005) been described as a process of synchronized political 'push down' through devolution and decentralization in the 1990's, and a public 'pull down' in the form of land reclaiming action. Indeed, it can be seen that land reform became an increasingly important topic of Scottish politics, paralleling an emerging wave of so called Community Buyouts in Scotland in the 1990's and forwards, where numerous rural communities have taken over the ownership of land and used these as common assets (Mc Morran, Scott and Price 2014).

The arguments for land reform in Scotland can be seen to not only relate to the concentrated land ownership patterns, but also to a discussion of the power structures that the unequal land distribution carries with it (Bryden and Geisler 2007). The large influence and control landowners have in their local areas, have for decades been criticised as being a hindering force in many

⁵ The Crofting Commission's status as a NDPB means that the commission on a day-to-day basis is working independently from the government, but that the Scottish ministers are ultimately responsible to the parliament for the commission's activities (Crofting Commission 2017b).

⁶ More information on these rights and their conditions can be found through the Crofting Commission's webpage: www.crofting.scotland.gov.uk

community projects aiming for rural development (Bird, 1982; Cramb 1996; Hunter et al. 2014). A study of the ownership patterns of forest in Scotland, presented in 2012, shows that woodland ownership is even more concentrated than general land ownership (Wightman 2012).

Approximately 91% of privately owned woodland is owned either by landed estates or investment owners, and the total number of private forest owners in Scotland might be as low as 4000.

Additionally, 32% of the private forest owners do not live in Scotland. In a European context this forest land distribution pattern is unique, leaving Scotland as having the most concentrated private forest ownership patterns, with the lowest proportion of the population involved in owning forests, in the whole of Europe. Out of the 1 385 000 ha of forest in Scotland, approximately one third is publicly owned by Scottish Ministers, on behalf of the Scottish people (ibid.). This woodland, known as the National Forest Land, is located on the National Forest Estate and managed by the Scottish Forestry Commission.

The first land reform legislation in Scotland was launched in the 2003 Land Reform (Scotland) Act, and concerned public access rights to private, rural land, as well as rural communities and crofting communities rights to buy land⁷ (Scottish Parliament Act 2003). As part of the land reform agenda, the National Forest Land Scheme (NFLS) was introduced in 2005, which aimed to provide an opportunity for community groups to acquire parts of the National Forest Land (Forestry Commission Scotland 2010). In 2006, a recommendation to also use the common resource of the National Forest Land for the purpose to create new woodland crofts, was brought forward by the Woodland Crofts Steering Group (Woodland Crofts Steering Group 2006). The recommendation argued that woodland croft development could enable ‘ideas behind land reform and rural development’ to be put into practice. An addendum to the NFLS was recommended, and this was realised in 2008 when the delivery of woodland crofts was incorporated as one of four legitimate reasons for community acquisition of National Forest Land (Forestry Commission Scotland 2010). A new Land Reform Act was presented in 2016, after a major review of the previous land reform legislation. This act included several new features, and among these, further possibilities for communities to acquire land (Scottish Parliament Act 2016). However, the new act also met considerable criticism, mainly for not being radical enough (BBC 2016).

⁷ The ‘community right to buy’ legislation gives communities, who have registered an interest in land, the right to have the first option to buy, when that land is for sale (Scottish Government 2016)

2 Guiding Concepts

2.1 Policy Instruments

Policy instruments, in public policy making, can be understood as the techniques or means through which the state aims to achieve their goals (Linder and Peters 1990). Policy designs typically contain bundles or mixes of policy instruments, which when combined create ‘public policy’ (Howlett 2000; Cairney 2015). Examples of policy instruments may include; regulatory instruments, such as laws and regulations, educative instruments, providing information and advisory services, market-based and financial instruments, acting to change or modify behavior through economic incentives or taxation (Hepburn 2013; Cairney 2015). Drawing from the definition provided by Linder and Peters (1990), the term policy instruments, will in this thesis be used in order to describe the techniques through which the Scottish Government aims to encourage woodland croft creation. For the main theoretical analysis, the following concepts from governmentality studies will be used.

2.2 Government At A Distance

The concept of ‘government at a distance’, as used in this thesis, refers to governmental aims of exercising less direct state control, through activating individuals and groups in their own government (Rose and Miller 1992). In governmentality studies, the term ‘government’ does not necessarily refer to the political or administrative structures of a state, but is rather used to describe the ‘discursive field in which exercising power is rationalised’ (Lemke 2007:1). One term commonly used in governmentality studies is ‘political rationalities’, which Rose and Miller (1992), describe as methods of reasoning about, representing and making sense of society. These rationalities are shaped by moral ideals and principles, such as productivity, economic efficiency or justice, which affect the direction of the government’s actions (ibid.). Many studies of governmentality (ibid.; Dean 1999; Herbert-Cheshire 2000; Cotoi 2011), have focused specifically on exploring the ‘advanced liberal’, or neo-liberal, rationality. This neo-liberal rationality is based on the idea of society as an essentially self-regulating system, with limited need for political authority (Barry, Osborne and Rose 1996; Burchell 1996). The neo-liberal state aims to exercise power through less direct governmental interventions, and instead preferably ‘govern at a distance’ (Rose 1999). One strategy typical for these intentions, is the aspiration of the state to encourage entrepreneurial and competitive norms of conduct, as well as promoting the responsibility of

individuals and communities to be in charge of their own destiny and self-fulfillment (ibid.). This governmental strategy, which Rose refers to as 'responsibilisation', aims to create citizens who are both motivated, willing and able to take initiative for their own advancement (ibid.). These responsible citizens are however, through diverse methods, still guided and steered by a range of authorities and experts. A second strategy of the neoliberal state discussed by Rose (1996) is 'government through community'. This strategy aims to describe the government technology where the state utilises the self-regulating capacities of citizens and groups within local areas, in order to exercise power (Rose 1996). Through the supposed allegiance to particular communities, the state can, by invoking and mobilising communities, also exercise influence on individuals. Communities can thus be seen as 'a new territory for the administration of individual and collective existence' (Rose 1996: 331).

In the UK, institutional changes in the 1980s and 1990s resulted in an academic interest in the changing government strategies for rural Britain. These did, among other things, conclude that contemporary rural governance is characterised by a 'bottom-up' approach, and the involvement of a complex network of actors from the public, private and civil sectors (Rhodes 1996; Stoker 1998). In Jonathan Murdoch's comments on the UK Government's Rural White Paper in 1997, it was seen how the British state had moved towards an increasingly more selective and indirect mode of intervention in rural areas. In this neo-liberal rationality, communities had been given a key role in the state's attempt to govern at a distance, as they were seen as useful units for devolving responsibilities to local levels (Murdoch 1997). Some studies from the same period even concluded that integrated rural development, with a focus on partnerships and community involvement, had now become 'orthodoxy' for rural policy making in the UK (Shortall and Shucksmith 1998). More recently, the role of rural communities in Scottish public policy making has been observed in studies on local and regional governance (MacKinnon 2002), land reform policies (Hoffman 2013; and narratives of sustainability (Mc Morran, Scott and Price 2014).

The choice to use the above mentioned concepts from governmentality studies - to analyse how the policy regarding woodland crofts can be seen as an example of the Scottish Government 'governing at a distance' - is an attempt to build on the body of work which discusses the use of different governmental strategies in rural governance in the UK and Scotland. Furthermore, the theories on political rationalities and strategies of government are contributing to understanding the larger political context, in which the policies on woodland crofts have been shaped. Through applying and trying these concepts, a discussion of how woodland croft policies can be understood in relation to ways of governing the rural, will take place in the thesis' sixth chapter.

3 Methods

3.1 Data Collection

This thesis aims to explore different actors experiences of developing new woodland crofts, and to discuss to what extent the policies for woodland crofts can be seen as an example of ‘government at a distance’. The methods used in this study, comprise of a combination of a literature review and interviews with actors who in different ways have been involved in the process of establishing woodland crofts. In order to investigate the thesis’ first research question - regarding the policy instruments deployed by the Scottish government to support woodland croft creation - an extensive review of relevant acts, policy documents and governmental reports was carried out. Much of the crofting regulation is designed as amendments or additions to previous acts, which applies to the 2007 Crofting Reform Act. The literature review focused on the Crofting Acts dating from 1886 up to 2013, Scottish Government policy documents concerning forestry, land use and land reforms as well as other policy interventions such as the National Forest Land Scheme, the Common Assets Transfer Scheme and the reports delivered by the Land reform Review Group and the Woodland Crofts Steering Group. This material was read in order to enable me, as the researcher, to gain a clearer understanding of the legislative and policy field, and its historical context, rather than to critique it. Furthermore, the literature review functioned as a way to explore the regulating and governing functions of the acts and policies.

3.1.1 *Semi-structured Interviews*

The main source of data is based on material gathered from interviews with different actors, who in various ways have worked with the establishment of woodland crofts. These include woodland crofters, community groups, and representatives from public and independent bodies.

One of the aims in this thesis is to explore the experiences of different actors from developing new woodland crofts. The choice to use interviews as a research method was motivated by the opportunity to gain a good understanding of different actors first hand experiences, of working with woodland croft development. In order to explore the experiences of woodland crofts developers I interviewed established and aspiring crofters, as well as representatives from community groups who have created woodland crofts or are in the process of doing so. To gain a better understanding of the context which these people and community groups are working within, I also interviewed representatives from governmental and civil society organisations, who are involved in matters concerning woodland croft development. The interviews with the representatives from the public

and independent organisations were of further help, regarding the study's aim to explore in which ways the woodland crofts policies can be seen as an example of the Scottish Government 'governing at a distance', as with these representatives, I could raise more general questions about the current governance of crofting in Scotland. In total 15 interviews were performed, of which 12 were with individuals and three with couples. Out of these interviews, six were with aspiring or established woodland crofters (interview A1-A4, B2 and B4), five were with community representatives (interview B1, B3 and B5-B7) and four with officials from the Scottish Crofting Federation (interview C1), the Forestry Commission Scotland (interview C2), the Highlands and Islands Enterprise (interview C3) and the Woodland Crofts Partnership (interview C4). Forestry Commission Scotland is the government department responsible for implementing forestry policies and for managing the publically owned forest land (Forestry Commission Scotland 2017a). The Highlands and Islands Enterprise is the Scottish government's economic and community development agency for the North and West of Scotland (Highlands and Islands Enterprise 2017). The main civil society organisation protecting crofter's rights and interests is the Scottish Crofting Federation, which is a charitable organisation, representing the largest association of small-scale food producers in the UK (Scottish Crofting Federation 2017). The Woodland Crofts Partnership consist of four non-governmental member organisations; the Scottish Crofting Federation, the Community Woodland Association, the Highlands Small Community Housing Trust and the Woodland Trust. The partnership's overall objective is to promote the development of woodland crofts (Woodland Crofts Partnership 2013).

In order to get in contact with people involved in woodland crofting, an announcement to take part in my study was published on the Crofting Federation's website and newsletter. This request was further shared on the Facebook site and twitter account of both the Crofting Federation and Crofting Commission. This proved to be a very efficient way to get in contact with many of my interviewees, as many people got in touch and were interested in participating in the study. The community groups were regarded as crucial to the study, since they are the ones who have so far lead the way for developing woodland crofts. They were therefore contacted separately over email and telephone. To get a clearer picture of their development of woodland crofts, I also conducted a field trip to the Kilfinan Community Forest Company, in Tighnabruaich. Here three interviews were carried out with people from the community group, who were, or had been, active in the croft project. These interviews - in combination with the telephone interview with a woodland crofter from the North West Mull Community Woodland Company, and with representatives from the Embo Trust and the Lochcarron Community Development Company - provided the study with

insights into the community groups' hands-on experience from creating woodland crofts. This was specifically valuable in relation to the study's second research question, regarding how different actors have perceived and experienced the process to develop new woodland crofts.

The other main group of informants in the study were officials involved in the development of woodland crofts, working for either governmental or civil society organisations. From these organisations, key informants were contacted directly, regarding their involvement in issues regarding woodland crofts. In this process a form of *snowball sampling* occurred spontaneously, as the representatives at the different organisations helped me to get in touch with others who had been involved in woodland crofting matters. In total I interviewed four officials from the Scottish Crofting Federation, Forestry Commission Scotland, Highlands and Islands Enterprise and the Woodland Crofts Partnership.

The interaction with all informants took form as *semi-structured interviews*, directed by an interview guide (see Appendix 1). In the interviews with the crofters and community groups, the interview questions mainly concerned their involvement in woodland crofting, their motivations, their experiences of accessing information, support, funding and land and their views on the role of community groups in woodland crofts creation. In the interviews with the officials from governmental or civil society organisations, the interview questions varied depending on the organisations responsibilities and involvement, and focused on their experiences from working with woodland croft related matters, the policies, their up-take among the public and the role communities are given in rural policies. The semi-structured format proved helpful for the study's purpose, as it allowed respondents to express themselves rather freely, which may be hard to achieve during tightly structured interviews (c.f Bryman 2012). In a similar way, the semi-structured interview technique also allowed me to be more flexible with the questions and follow the respondent's 'line of thought'. The majority of the interviews were conducted over telephone or Skype, and four were performed in person with the interviewees. The telephone interviews proved to be a necessity in the process of data collection, due to the large geographical distances. Even though phone interviews may have certain disadvantages, such as difficulty to observe facial expressions and body language while interviewing (ibid.), they can also be seen to have some benefits. In my case the major benefit of the telephone interviews was its time efficiency, as no travel times to meet my interviewees was necessary. During the data collection, protecting the general confidentiality of the participants was important. An informed consent to participate in the study was confirmed prior to the interviews starting, as well as an agreement to record the interviews. The fact that the interviews were performed in a language which is not my mother

tongue, was somewhat limiting the immediate uptake of information during the interviews. However, the possibility to record all the interviews proved very helpful, as clear transcripts of them could then be made afterwards. The accuracy of the interviewees accounts were finally confirmed by sending out drafts to the participants who were most prominently included in the text of the thesis, where they could verify specific pieces of information. The drafts were met with positive response, and constructive notes regarding a few misunderstandings. Having corrected these has improved the accuracy of the text.

3.2 Data Analysis

All the material from the interviews were recorded and after each session transcribed. To elaborate the material from the interviews, a simplified version of a qualitative content analysis was performed, as described by Graneheim and Lundman (2004). This process was useful for the study, as it granted me a thorough knowledge of my material, and more importantly; it led me to discover patterns in the information regarding the policy instruments deployed by the Scottish Government and the different actors' experiences of woodland crofts creation. In elaborating my material, the transcripts from the interviews were first read through in order to gain a clear overview of the material, concerning how the interviewees perceived and experienced the process of developing new woodland crofts. Smaller units of specific interest, similar to what Graneheim and Lundman (2004) calls *Meaning units*, were then abstracted, and labeled with codes, such as 'Too much Bureaucracy', 'High land value' and 'Access to funding for communities'. The various codes were then compared in order to find similarities and differences, and sorted into the larger categories, such as; 'policy instruments', 'woodland croft development in practice', 'experiences of community groups' and 'experiences of individuals'. The content of these categories will be presented in the following chapters.

4 Exploring Woodland Croft Policies

In order to explore this thesis' first research question - concerning the policy instruments deployed by the Scottish Government for supporting the development of new woodland crofts - a deeper look into the legislation and the policies which relates to land tenure and forestry in Scotland will follow. The material in the chapter is gathered from the study's literature review and from the interviews with representatives from public and civil society organisations.

4.1 The Way Towards The Crofting Reform Act

In 2007 the Scottish Parliament passed the Crofting Reform Act, and thereby allowed the creation of new crofts, including woodland crofts. This event was, however, preceded by a long political and academic debate, which placed crofting on the political agenda. In our interviews, the representatives from the Woodland Crofts Partnership and the Scottish Crofting Federation recalled how there in the 1990's there was an ongoing public discussion regarding the significance of crofting in Scotland, and its benefits as an agricultural system (Interview C4 2017; Interview C1 2017). Parallel, a discussion regarding the benefits of cultivating native tree species instead of foreign softwood conifers grew in Scotland, which fed an increased criticism of the industrial forestry. It has also been noted that a growing interest in ways to integrate agriculture and forestry could be seen (Miller 2009). Nurtured by this discussion, ideas regarding the applicability of the traditional crofting system on forests and woodlands started to evolve, and a pilot project of small scale forest management, referred to as 'crofting forestry', was proposed by a private forest company in Whitebridge, south of Loch Ness (Planterose 1999). In 2002, a major study concerning the extent of community involvement in the Scottish forestry sector was carried out, and a further integration of the goal of community participation took place within the Scottish Forestry Commission through a 'programme of change', including staff training, seminars and performance indicators (Hobley 2002; Richie and Haggith 2005:216). These processes, and related discussions, contributed to the newly developed Scottish Forestry Commission performing a review of their land holdings in 2004. Amongst other things, this review recommended a further examination of the potential of using publically owned forests under the Forestry Commission for the development of woodland crofts (Forestry Commission Scotland 2004). In 2005, a steering group was set up with the purpose of examining the questions of whether and how national forest land could be used for woodland crofts creation, and the following year they produced a report for the Forestry Commission. The report, with the title 'The Potentials and Practicalities of Woodland Crofts',

provided support for the development of woodland crofts for social, economic and environmental benefits (Woodland Crofts Steering group 2006). In 2007, the Crofting Reform Act was passed in the Scottish Parliament.

4.2 The Policy Instruments

The legislation and policies on woodland crofts are made up by a mix of policy instruments, created within different policy fields, and at different points in time. We will now examine those policy instruments and their functions closely, in order to be able to relate these to different theories on ways to govern the rural, in following chapters.

4.2.1 *Regulatory Instruments And Integration In Strategic Documents*

It has been claimed that traditionally, many states first response to a perceived policy issue have been to regulate (Hepburn 2013). Such ‘command and control’ regulation, is simply stating what is permitted and what is not, and aims to control the policy issue in that way. As mentioned previously, the Scottish crofting legislation is renowned for its complexity. The difficulties for crofters and landlords to work within the framework of the legislations were especially highlighted in 2013-2014, when specific issues with the crofting legislation were reviewed by a crofting law group, appointed by the Scottish government (Crofting Law Group 2014). This process, often referred to as the ‘Crofting Law Sump’ collected no less than 126 items identified as problems, and resulted in a report demonstrating the necessity to simplify crofting regulation rapidly (ibid.). In March 2017, the Scottish Government’s Rural Economy and Connectivity Committee called out for a crofting bill which builds on the recommendations of the Crofting Sump to be introduced within the same session of parliament, in order to make the legislation suitable for ‘crofting in the 21st century’ (Scottish Parliament 2017).

The regulatory instruments relating to the development of new woodland crofts, are created out of an amalgamation of two pieces of crofting legislation, one relating to woodland establishment on crofts, and the other to registration of new crofts. As mentioned earlier, crofters have according to crofting legislation a duty to cultivate the croft (Crofting Commission 2017a). In the Crofter Forestry Act from 1991, woodland management was allowed on crofters’ common grazings. Two years later, in 1993, new legislations allowed woodland establishment also on the croft land itself, as the definition of ‘cultivation’ was extended to include plantation of trees and management of woodlands (Maclean 2012). The Crofting Reform Act of 2007 concerned amendments to a wide range of crofting regulations. One of the new things presented in the act, was the introduction of the

opportunity to register new crofts (Scottish Parliament Act 2007:6). This meant that any land owner in the designated crofting areas could apply to the Crofting Commission for transferring previously non-crofted areas into crofting tenure. This amendment, together with the provisions of the 1993 act which introduced forestry and woodland management as potential usages of croft land, opened up the legal scope for creating new woodland crofts. After the passing of the Crofting Reform Act, the term ‘woodland crofts’ also started to appear in other public policy documents. The Scottish Forestry Strategy from 2006 states that one of the goals of the Forestry Commission is to: ‘Encourage the establishment of woodland crofts to link housing, local rural livelihoods and woodland management’ (Forestry Commission Scotland 2006:32). The strategy also aims to facilitate the provision of sites for woodland crofts (ibid.:36). In the Crofting Commissions Policy Plan from 2015, it is stated that ‘particular consideration’ will be given to the creation of new crofts, and to woodland crofts, ‘in appropriate locations’ (Crofting Commission 2015:16).

4.2.2 *Educative Instruments And Advisory Services*

One significant policy instrument for of many public policies is the provision of information, education and advisory services. These instruments aim to change behavior of different actors through providing information or by making information more accessible (Hepburn 2013).

Governmental agencies with responsibility to provide advisory services on woodland crofts include; Forestry Commission Scotland, the Crofting Commission and the Highlands and Islands Enterprise. Additionally, from 2008 to 2011, a position of a Woodland Croft Officer was created, in a partnership between the Forestry Commission Scotland and the Highlands and Island Enterprise. The purpose of this Officer was to support people who were interested in creating woodland crofts (Interview C4 2017). This position was advised through a woodland crofts stakeholder group, which in 2012, reformed into a new partnership, now consisting of organisations from the civil society sector. This Woodland Crofts Partnership⁸ has since then provided the majority of advisory and promotional services for woodland crofts, through running a website, a twitter account and in various ways supplying information to support any upcoming projects with an interest in establishing woodland crofts (ibid.). In our interview, the representative from the Highlands and Islands Enterprise explains that the Woodland Crofts Partnership, consisting of non-governmental organisations, have been partly funded by the government, through the Highlands and Islands Enterprise and the Forestry Commission, for carrying out much of the advisory and promotional

⁸ The Woodland Crofts Partnership consist of four member organisations; the Scottish Crofting Federation, the Community Woodland Association, the Highlands Small Community Housing Trust and the Woodland Trust

services (Interview C3). In the delivery of environmental and natural resource management policies in Scotland, the engagement of cross-sectorial partnerships for the delivery public policy has been recognised as a common, and widely accepted, approach (Warren 2009). Partnerships are argued to enable a stronger integration between different sectors in the management of common resources (ibid.). Such sectorial integration can be seen in the case of the Woodland Crofts Partnership, as different stakeholder organisations, with specific focuses on crofting, forestry, environmental management, community woodland ownership and rural housing are cooperating around the common target to promote woodland crofts creation in Scotland. Although the member organisations of the Woodland crofts partnership are all from the civil society sector, governmental organisations are also involved by providing parts of its funding.

4.2.3 *Market-based And Financial Instruments*

Market-based instruments are policy instruments acting to change or modify behavior through economic incentives, such as by changing relative prices or by making new opportunities for trade available (Hepburn 2013). One significant market-based policy instrument, which for 10 years supported the creation of woodland crofts, was the Forestry Commission's National Forest Land Scheme (NFLS). In the guidance on woodland crofts, provided by the Woodland Crofts Partnership, it was stated that one of the main ways to deliver new woodland crofts, was expected to be through the NFSL (Woodland Croft Partnership 2015). The NFLS was first introduced in 2005, with the aim of giving community groups the opportunity to acquire land from the Forestry Commission for the purpose of providing increased public benefits (Forestry Commission Scotland 2010). When the scheme was revised in 2008, it included specific opportunities for communities located in the crofting areas to purchase land for the purpose of creating woodland crofts. The NFLS was replaced by the Community Asset Transfer Scheme (CATS) in 2017. The CATS aims to further extend the opportunities for communities to acquire publically owned assets, and includes not only the National Forest Estate, but all publically owned land (Forestry Commission Scotland 2017b). Similarly to the NFLS, the CATS provides possibilities for communities to purchase woodland for the purpose of establishing woodland crofts. Neither the NFLS nor the CATS supplies funding for any land purchases. Public grants for different activities on the crofts can however be accessed once the croft is registered, through different funding schemes. The Scottish Rural Development Programme from 2014-2020 includes the *Crofting Agricultural Grant Scheme*, the *Forestry Grant Scheme* and the *Crofting House Grant Scheme*, through which woodland crofters can find funding for a variety of expenses, such as house construction, tree plantation or the management of existing

woodlands (Rural Payments and Services 2017). For local community groups aiming to purchase land collectively, for example through the NFLS or the CATS, opportunities for public funding can be found through the *Scottish Land Fund*, which is delivered by the Highlands and Islands Enterprise and The BIG Lottery Fund, on behalf of the Scottish Government (Big Lottery Fund 2017). These agencies also provide funding more generally for community projects, and rural enterprises. For individuals, no public funding is currently available for buying land with the purpose to develop woodland crofts (Interview C3 2017).

4.3 Who Is Targeted For The Policies?

The various legislations, policy strategies, advisory services, asset schemes and funding mechanisms, together make up the public policy instruments relating to woodland crofts. These are deployed by the Scottish Government in partnership with non-governmental organisations. The policy consists of several different types of policy instruments, loosely joint together, which have sprung from different policy areas, at different points in time.

When looking at who might be eligible for taking part in the different incentives, we can see that the policy instruments are directed towards different actors. The crofting and forestry grants from the Scottish Rural Development Programme, are for example directed towards individual crofters, whilst both the land transfer schemes and the Scottish Land Fund, are specifically targeted towards community groups. Whilst the term ‘individuals’ seem relatively uncomplicated to define, the term ‘community’, referred to in the woodland crofts policies is more complex. In the policies relating to woodland croft creation, ‘communities’ are geographically defined in two different ways. Firstly, any community subject to the opportunity to create new crofts must be located within the crofting areas, in the North and West of Scotland. Secondly, the financial support scheme for land acquisition (The Scottish Land Fund), and the former scheme for land transfer (The NFLS) only concerns rural, geographically defined communities, such as crofting townships or villages⁹.

Another way of understanding ‘community’ more than solely determined by territory, can be found in the Scottish Governments Community Empowerment Act from 2015, through which the newer asset transfer scheme, the CATS, was created. The act states, that in most of its parts, ‘community’ is intentionally being left undefined, instead ‘it is left to each group to describe what

⁹ The requirement of communities to be geographically defined, can be seen in the NFLS guidance where it is stated that, in order to be eligible for asset transfer, the community must have a ‘substantial connection with the land’ and that members of the community must have overall control of the transfer body (Forestry Commission Scotland 2010:4,7). In the guidance for the Scottish Land Fund, it is stated that community eligible for funding must be a geographic community (Scottish Land Fund 2016)

they have in common' (Scottish Government 2017c). As a consequence, the CATS, came to include possibilities for non-geographical 'communities of interest' to purchase public assets, such as land. There are however several criteria that such community of interest groups must meet in order to be eligible for purchase land through the CATS. For example, the community group must have democratic foundations, a minimum of 20 members and its constitution must include a statement of the body's aims and purposes (Forestry Commission Scotland 2017b). The extended definition of 'community' in the CATS, can be seen to open up a possibility for a group of people – broader than solely geographically defined communities - to purchase public land for creating woodland crofts on. However, there is currently no public funding available for such groups' land purchases, and it can be argued that communities of interest, are thereby not entirely integrated into the policy framework for woodland croft development. In our interview, the representative from the Highlands and Islands Enterprise stated that the lack of public funding may provide a real barrier for those groups, as land in Scotland can be a considerable investment, even when the cost is being shared by a group of people (Interview C3 2017).

As have been described in this chapter, a political and academic debate in the 1990's and 2000's, paved the road for the launch of the crofting reform Act in 2007, which created a legal scope for the development of new woodland crofts. Certain policy instruments have since then been developed to encourage the creation of new woodland crofts. Among these strong regulatory instruments can be seen, which can be understood as a traditional approach for solving policy issues (Hepburn 2013). In official strategies of governmental agencies, only brief acknowledgements of woodland crofts were integrated into the strategies, after the passing of the Crofting Reform Act. Policy instruments for the provision of information, education and advisory services has in the case of woodland croft being delivered by the governmental agencies Forestry Commission Scotland, the Crofting Commission and the Highlands and Islands Enterprise. Additionally, the non-governmental Woodland Crofts Partnership has since 2012 provided information and advisory services. Market-based instrument have been implemented in the form of the NFLS and the CATS. These asset transfer schemes created new opportunities for communities to purchase land from the forestry commission, on different conditions to what a sale on the open market sale would imply. Financial instruments for different activities on a croft are available through several different governmental grant schemes, as well as for community groups purchasing land through the NFLS or the CATS. Finally, I considered who the woodland crofts policies are targeted towards, and a few different ways in which 'community' is defined in the different policy instruments were discussed.

5 Experiences Of Woodland Croft Development

This study aims to explore different actors' experiences of developing new woodland crofts and the ways in which the Scottish governments can be seen to be 'governing at a distance'. In order to assess the second research question of how different actors perceive and experience the process of developing new woodland crofts, we will draw upon the empirical material from the interviews with crofters, representatives from community groups and from governmental and civil society organisations. This material will be presented in the following chapter, under the categories 'two cases of woodland crofts in practice', 'experiences of community groups' and 'experiences of individual woodland croft developments'.

5.1 Two Cases Of Woodland Crofts In Practice

The Scottish Crofting Commission is a public body, which since 2012 has been the main organisation to regulate and organise crofting in Scotland, and it is the Crofting Commission which administers applications for registering new crofts (Crofting Commission 2017b). As the Crofting Commission do not differ between woodland crofts and other crofts in their statistics, it is difficult to estimate the exact number of woodland crofts created as by 2017 (Moss 2017). The Woodland Croft Partnership estimate that the majority of the woodland crofts created since the launch of the Crofting Reform Act in 2007, have been developed by landowning community groups (Woodland Croft Partnership 2016). The Community Woodland Association estimates that there are currently more than 200 community groups owning or managing woodland in Scotland, for a diverse plethora of purposes as recreation, education, environmental conservation, timber production and renewable energy (Community Woodland Association 2017).

The first community group to establish woodland crofts in Scotland was the North West Mull Community Woodland Company (NWMCWC). The community company is registered both as a company limited by guarantee¹⁰ and a charitable organisation, with membership available for residents within the local area of North West Mull. In 2006, the NWMCWC purchased a 675 ha large woodland through the NFLS for £343,000, with the purpose to manage these as community forests. The finances were collected through local fundraising, an interest free loan, and with financial assistance from the Scottish Land Fund, the Highlands and Islands Enterprise and non-

¹⁰ A company limited by guarantee is a firm without share capital. The liability of the companies' members is limited to the sum that each member contributes with at the time when the company is formed, or the amount of guarantee set out in the company's articles (Business directory 2017; Community Companies 2017).

governmental funds (Van Der Jagt 2014; NWMCWC 2017). In 2013, seven years after their forest purchase, the NWMCWC set up nine woodland crofts on the community owned land. I speak on the telephone to one of the crofters, Andy, who has been resident on Mull for more than 25 years and a woodland crofter for over three years. He has a Facebook page specifically for the croft, where interested people can follow the development. So far, he does not reside on the croft land, but lives on the other side of Mull. He does however spend as much time as he can on the croft and within a few years' time hopes to have built a croft house on the site. Andy says that he is very happy to have had the opportunity to manage one of the first woodland crofts in Scotland. For him, the 2,5 ha croft provided an ideal way to get a piece of land by just paying a rent, instead of buying it, and the croft provides him with an opportunity to restore the land with native trees and establish a forest garden. Andy tells me that the community company decided to developed life-time tenancies for the crofts, with no right to buy¹¹ (Interview B4 2017). This enabled them to make sure that the land ownership stays within the community, rather than that individual crofts being bought out by the crofters and then sold on the open market. The life-time tenancies and no right to buy arrangement also provided an opportunity for the community company to provide affordable rental housing options in the area, through offering modest rents. Andy clarifies that he is content with the land being owned by the community company and that he himself is not concerned with gaining ownership of the land. Instead he considers his role as a kind of 'guardianship over the land' (ibid.).

Andy works as a builder and a plasterer and says that he does not have any illusions about financial gains from the croft. He says that he would be happy if at any point during his life time it would provide supplementary incomes to his work. For financial reasons the community company had to clear fell the forest before the crofts were established, and much of the first three years of Andy's tenancy has been devoted to manually cleaning up the land from tree stumps and branches. Andy says that he has experienced that the progress of the croft has been much slower than expected, and that it has been challenging to take over a clear felled site (Interview B4 2017). He thinks that people who may be interested in woodland crofting might not be aware of the reality of it, and may have a somewhat idealistic view:

I mean you say to someone 'woodland croft', they think that it's probably already a woodland established, and that you've got a clearing there, with maybe some

¹¹ When creating new crofts, it is possible to waive the crofters' right to buy, if this is agreed by both landowner and crofter in the tenancy contract (Shelter Scotland 2017). 'Tenant only, no right to buy' tenancies means that the crofter only has right to rent the croft, and not to purchase it.

livestock, horticulture, a house and a workshop. But the reality of it for us is a mess! (Laughter)

He thinks that the first generation of crofters is doing a lot of ‘the hard work’, and probably will make a lot of mistakes along the way. However, he hopes that from whatever mistakes are made, lessons will be learned from them, by other woodland crofters in the future (Interview Andy).

Another community group, which for many years have been working towards establishing woodland crofts, is the Kilfinan Community Forest Company (KCFC) on the west coast of Scotland. The KCFC is a company limited by guarantee and a registered charity, created in 2007 and has approximately 190 members in the local area in Argyll (KCFC 2017). The KCFC acquired the first part of what now is the Kilfinan Community Forest through the NFLS in 2010, for £130 000, of which 50% was raised locally from fund raising and private loans, and 50% covered by a grant received from the Highlands and Islands Enterprise (Interview B1 2017). In 2015, a second area was purchased from the Forestry Commission for £910 000, after gaining a grant from the Scottish Land Fund of £750 000. As of 2017, three different plots for woodland crofts, a few hectares each, have been allocated on the 561 ha large community owned area. Although the final part of the registration of the new crofts is yet to be settled by the Crofting Commission, the future tenants have been appointed.

At the KCFC’s community forest I meet Mick, who is one of the future crofters. He and his wife and daughter were living in Glasgow when they first heard about the opportunity to apply for the woodland crofts. After a visit to the community forest the family decided to submit an application and a business plan for the woodland croft, and a few months later heard the decision that they were welcome as new tenants. Mick shows me the plot where he and his family’s future croft has been allocated. It is situated on a slight slope, with a river running just nearby, and with a stunning view over the Kyles of Bute. They have a static caravan on the plot to live in, until they manage to build a house. Mick has a lot of plans for the crofts, including planting a variety of trees, growing mushrooms, keeping animals, and over-all improvements to the plot’s biodiversity and habitats for a multitude of species (Interview B2 2017). He does not think any of these activities will bring in large amounts of money, but hopefully many social and environmental benefits. The crofters at Kilfinan are also experiencing how it is to take over clear felled plots, full of tree stumps and brash. Mick explains that the first period of working with the croft has been characterised by a lot of tedious tasks, like sorting out power, sewage and water arrangements for the plot, and that the practical outdoor work have needed to wait. (ibid.). Mick foresees several benefits for the

community in getting the woodland crofts developed. He tells me that, due to a large amount of seasonal tourism, the house prices in the area are high, while much of the houses are left empty large parts of the year. He thinks a precarious situation is waiting for several of the local services - such as the school, shop, post office and pub - if the community does not manage to attract new all year round residents. He believes that the woodland crofts offer an opportunity to get more people to move in to the area, which can be very beneficial for the whole community. So far, the three woodland croft tenancies in Kilfinan have resulted in three new kids moving to the community, which has meant that the numbers of kids in the local primary school has increased by 10% (Interview B2 2017).

Both Andy and Mick expresses excitement of being, and becoming, woodland crofters. Andy thinks that the crofting lease has provided a good opportunity for him to access land, and to start to manage a 'native woodland'. Mick talks about what he and his family can do to improve the environment on the croft, and make the crofts an asset for the wider community. Both crofters are also experiencing what it means to work with a clear felled site, where there are no trees yet in place. Both Andy and Mick express that they do not have any 'financial illusions' regarding the crofts, and they do not expect the woodland crofts to generate any large source of incomes. It is clear that other objectives, than financial ones, are more important for the crofters. Both seem to be motivated by environmental ideals and want to be responsible for sustainable methods of woodland management.

5.2 Experiences Of Community Groups

In this section, we will focus on the experiences of four community groups who have, or have attempted to create woodland crofts. In combination with the accounts of the interviewees from these community groups, we will also hear some inputs from representatives from public and independent organisations, regarding their experiences of working together with community groups.

5.2.1 *Working Within The Regulatory Context*

As previously mentioned, the Kilfinan Community Forest Company (KCFC) are currently in the process of setting up three woodland crofts on their community owned forest. The idea of creating woodland crofts has been with the community group from before the time when the first part of the community forest was purchased (Interview B1 2017).

The KCFC's operation manager, who is managing much of the work going on in the community company, tells me about some of the experiences, and challenges, the community group have met on their journey to create the woodland crofts. One of these relates to the administrative process to get their three new crofts registered with the Crofting Commission, which he describes to have been 'notoriously slow and bureaucratic' and still under process (Interview B3 2017). He recalls how several times they have become stuck in the registration process because of seemingly insignificant details. Another kind of challenge related to the regulatory context of the legislation and policies has to do with planning and building regulations. Woodland crofts, like most other developments, need planning permission and building warrants, granted by the local planning authorities. The operation manager at KCFC explains how he finds it difficult to see the need for strict building regulations and planning control, for smaller developments like woodland crofts. As an example, building regulations require any housing development to have a certain quality of road, which if it was to be constructed to the woodland crofts in Kilfinan, would cost the community company approximately £120 000 per croft, i.e. £360 000 in total. The KCFC's operation manager perceives this to be very unfair, and a serious challenge for the community company's economy, as the regulations do not seem to have been established to consider the disposition of projects run by communities.

'We are going to spend money on that road as if we were going to build luxury holiday homes up here. We're not, we're doing woodland crofts, which generate no money. Yet, we have to work to those terms.'

The operation manager stresses the need for the council and governmental agencies to recognise the very different nature between commercial developers and community groups, many of whom are non-profit organisations, trying to deliver benefits for a whole community, with limited opportunities to generate money. He adds that he wishes that there would be some kind of ombudsman which could support community groups when dealing with the more complex processes of planning and building regulations. Such a person could help the community to get certain conditions lifted, which the councils normally put on commercial developers (ibid.). The operation manager thinks that this multitude of bureaucratic procedures which community groups need to face in order to go ahead with developments, may discourage people from starting woodland crofts projects.

The representative from the Scottish Crofting Federation also recognises how the regulations regarding service provision for crofts, have sometimes provided a real challenge for woodland croft

developers (Interview C1 2017). He points out that many of the building regulations seem to have been created for a context where housing is developed in close proximity to villages or towns. Crofts however, are often located more remotely, which can make it harder to live up to the requirements on service provisions, such as roads, sewage systems and waste disposal. In this way, the Scottish Crofting Federation representative - similarly to the operation manager in Kilfinan - fears that the inflexible regulations sometimes get in the way of the developments (ibid.).

Lochcarron Community Development Company (LCDC) is community group in Wester Ross. In 2015 the LCDC bought out 92 hectares local forest through the NFLS in 2015, with financial support from the Scottish Land Fund and the National Lottery (Interview B6 2017). Along with many other project ideas, the LCDC has discussed the possibility of creating social housing and woodland crofts in the community forest. This community group is also well aware of the complexity of planning and building regulations that community groups may meet when aiming to create woodland crofts.

In our interview, the LCDC's Forest Access and Enterprise Officer explains how the multitude of tasks and administrative procedures the community group needs to perform, is making it difficult to, at this time, advance any plans of woodland croft creation (Interview B6 2017). Instead, the community groups are currently occupied by trying to enable a construction of a new road to the community forest. However, firstly they need to buy an additional piece of land between the forest and the village, which would allow easier access. As this land is currently designated as natural environment for conservation in the local development plan, the community group a year ago applied to the council to change the zone into potential settlement area. Now, a year later, and after a lot of work invested in preparing the application, it looks as if this application might be approved by the council. Only once such a decision has been confirmed, the community group can start preparing itself for buying the land which would grant them a new access route, and only after that begin working with a housing trust to deliver the social housing the community is aiming to develop. Any serious efforts to look in to the delivery of woodland crofts could be considered first after this, the Forest Access and Enterprise Officer explains. He says that even though the community group are interested in, and have aspirations to develop woodland crofts, they experience planning issues to be the main challenge for its development.

'Even developing houses might take 3 years, and that's even before we begin the conversation in the community about the woodland crofts (...). So, even for a simple thing like that, to say 'let's

have a bunch of houses in our forest!'; there's a whole boring, very slow, administrative process there to go.'

The quote above shows how the long time frames needed for the administrative processes of development planning, seem to delay the potential creation woodland crofts in Lochcarron into the future. The Forest Access and Enterprise Officer says he believes the fact that not so many woodland crofts have so far been delivered, has much more to do with the administrative climate surrounding the creation of woodland crofts, than it has to do with peoples aspirations and visions (Interview B6 2017).

5.2.2 The Importance Of Public Funding

The NWMWC, the KCFC and the LCDC all purchased their land through the NFLS with the assistance of public funding through the Scottish Land Fund and the Highlands and Islands Enterprise. Large proportions of the financial means were also raised by the community groups themselves, both through fundraising and private loans.

Just how critical and determining the access to public funding can be for community groups aiming to establish woodland crofts, can be demonstrated by looking at a past project run by a community group in the village of Embo, Sutherland. The Embo trust was created as a company limited by guarantee in 2006, in response to increasing house prices and lack of affordable alternatives for young people in the community (Interview B5 2017). As the trust was formed, they looked into the opportunity to buy a neighboring 160 hectares large plantation through the NFLS, with the aim to develop 12 woodland crofts. A timber house design was drawn up for the croft houses, which were expected to cost the trust approximately £25 000 pounds per building, and the tenancies were intended to be 'tenants only, no-right-to-buy', in order to ensure affordability (ibid.). In one of my interviews, one of the trust's chairmen describes how the trust's NFLS application was accepted by the Forestry Commission in 2009 and that the land was evaluated to £370 000. The trust's chairman tells me how throughout the process, the community group felt as if they were led to believe that 70% of this cost would be covered by funding from the Scottish Land Fund (Interview B5 2017). However, when the trust submitted their application, they got the surprising news that the Scottish Land Fund was closed for further applications. In order to go ahead with the plans, the community trust was now left to raise funding from elsewhere, and were told that the National Lottery's fund, would look sympathetically on an application made by the trust. When this funding application also failed, there weren't many more options for the trust to raise the large sum of money needed for purchasing the land. The community found itself forced to give up the vision

to purchase enough land to develop woodland crofts. The trust's chairman describes the bitter disappointment in being rejected, and in the lost opportunity of doing something beneficial for the local community and its youth population. Instead of providing young people new opportunities of housing and employment through the woodland crofts, the chairman says that one of the direct results of not being able to go forward with the project, was that young people felt forced to leave the community, and find housing and work elsewhere (ibid.). At the time when the Embo trust was attempting to develop woodland crofts, there were other community groups with similar aims and aspirations, who managed to get public funding for their purchases from the NFLS. This makes the chairman think about how things could have been different in Embo.

'This community got the money and did the purchase, and I think they are developing their rural community very well. I just sometimes look away, across the country at what might have been, if we had got the funds.'

The experiences from the Embo Trusts' woodland crofts project clearly demonstrates what importance the access to funding for the development of woodland crofts can have for community groups. The community group invested significant amounts of time, resources and energy into planning the project, preparing the NFLS application and applying for funding, but could not manage to complete the forest purchase without the support of public funding. However, the Embo Trust's chairman, together with other participants in the study, relay that they perceive the processes to access public funding for community land purchases to have been improved over the years, and that funding is now more reliable than a few years back (Interview B5 2017; Interview B1 2017). In general, it seems as if most of the interviewees are content with the specific provisions of public funding for community groups, albeit a time consuming process for groups with limited resources.

5.2.3 *The Many Responsibilities Of Community Groups*

When speaking to actors involved in woodland croft creation about their experiences, most participants state that they perceive the progress in terms of 'actual creation' of new woodland croft tenancies to have been very slow. Many of the interviewees in the study discuss how community groups may struggle to develop woodland crofts, as they often have numerous projects and services to deliver.

One big focus of the Highlands and Islands Enterprise's work, is to support rural development through community led activity (Interview C3 2017). Their representative explains that the reason why much of the public funding for rural development is directed towards communities, is to encourage communities to lead their own development, and produce common benefits. The

representative from the Highlands and Islands Enterprise does however see a few reasons why it may be challenging for community groups to deliver woodland crofts. One of these relates to the need for community groups to ensure that benefits from the community owned land are shared with the whole community. She argues that woodland croft projects run by community groups may be seen to create certain opportunities specifically for individuals, rather than for the community as a whole (ibid.). As an example, a community group who decides to create woodland crofts may consist of several hundreds of members, but the opportunity to become tenant of a croft, would only be accessible for a smaller group of individuals or families. Even though the representative from the Highlands and Islands Enterprise sees a multitude of benefits of woodland crofts, which could benefit the community as a whole, she believes that these may however be conceived as indirect benefits, rather than direct. She thinks that these kind of challenges, to balance the interests of individual crofters and the wider community, can provide a genuine barrier for community groups to develop woodland crofts (ibid.).

The Forest access and enterprise officer at Lochcarron Community Development Company emphasises that it can be difficult for communities to establish woodland crofts as a first project on a common land asset (Interview B6 2017). His experience is that a community group, which has bought land together, firstly want to focus on getting recreational access to the land and opportunity to explore the cultural heritage. He describes that the primary focus will have to be on the ‘lowest common denominator’; ‘the thing which can provide the greatest benefit in the shortest period of time, to the greatest proportion of the community’ (ibid.). He believes that this focus on providing benefits for a wide group of people quickly, is a crucial aspect when trying to get the community engaged and feel a real value in owning the woodland together. He argues that projects which may benefit a few individuals and their families, such as delivering woodland crofts, ‘will simply need to come further down on the list’ (ibid.).

From the interviews with the community groups, it becomes apparent that they see a significant responsibility in distributing benefits from the community land in a just way among their members (Interview B2; Interview B3; Interview B6 2017). It seems important to satisfy as large a proportion as possible of the community with the projects and activities. Therefore, some of them find it more appropriate to not develop woodland crofts as a first project after acquiring a land asset, but focus on projects which also in the short term may provide more direct benefits and services from the community land, for a wider group (Interview B6 2017).

This section has presented the experiences of community groups who have created woodland crofts, or attempted to do so. Their stories were put in relation to the experiences the representatives from the civil society and governmental agencies have encountered, when working with supporting the creation of woodland crofts. It was seen how the community groups experienced a few specific difficulties for creating new woodland crofts. These included the challenges to go through the administrative processes for registering new crofts and to provide the required services to the crofts, such as roads. It was also seen how significant the access to public funding can be for community groups to deliver woodland croft projects, and how it was important for the community groups to aim to distribute the benefits of the community land to a wide group of people.

5.3 Experiences Of Individual Woodland Croft Developments

When discussing the opportunities and challenges for communities to develop woodland croft, it is important to recognise that woodland crofts can also be created by individuals on privately owned land. Private development of woodland crofts can be done if the owner is willing to transfer parts of, or whole land holdings into crofting tenure (Interview C3 2017). In one of the interviews, I am informed that the very first woodland croft in the country was created by a private landowner, who wished to let a tenant use parts of his land (Interview C2 2017). However, the total number of private woodland crofts developers are estimated to be few (Interview C4, 2017). In this section we will hear a few thoughts regarding the opportunities for individuals to create woodland crofts.

In my interviews with both community groups and officials from civil society and governmental organisations, it was apparent that many of my interviewees perceived the regulatory framework surrounding woodland crofts as complicated and as a significant barrier for the creation of woodland crofts. The representative from the Highlands and Islands Enterprise explained how she suspects that the regulatory context of woodland crofting itself, which includes a number of rules for what you can or cannot do on a woodland croft, may be experienced as challenging for aspiring crofters (Interview C3 2017). In a similar way, the representative from the Forestry Commission argues that the multitude of regulations tied to crofting, might be seen as limiting, or even burdening, and discourage individuals to develop new woodland crofts. He simply does not think that there are enough encouraging incentives, compared to the limitations provided by the regulations, to make it feel worthwhile for individuals to develop new woodland crofts (ibid.).

The Woodland Croft Partnership have on their website created a register of interest, where people who are interested in acquiring a woodland croft can sign up. The existence of individuals interested in acquiring woodland crofts, can be demonstrated by the 160 names which are currently on the list.

I speak to one of the people whose name is in the register of interest, Dave. He works as a builder and has for many years dreamt about acquiring a croft (Interview A1 2017). He has two key motivations for trying to acquire a woodland croft; to have a place for his own business, centered round eco-building, and to be able to create his own, permanent home. However, Dave describes how he has experienced the process of trying to find out how he could access or create a woodland croft as being ‘full of obstacles’ (ibid.). He has found it very difficult to get an overview of the different options for acquiring a woodland croft, and how he can access more information. One of the factors which is crucial in his quest to create a woodland croft, is access to woodland. He, like several other of the participants in the study (Interview A2 2017; Interview A3 2017; Interview B2 2017; Interview B4 2017; Interview B5 2017), perceives the price of woodland in Scotland being very high, and experiences that this makes it difficult for many people to access land. As there is no public funding available for individuals buying land with the purpose to develop woodland crofts, any private developer needs to self-finance the land purchase (Interview C3 2017). An additional frustration for Dave, apart from the cost of buying woodland, is the inequality of land ownership. He considers it immoral that some people own enormous areas of land in Scotland, without making much use of it. He finds it ironic that it is sometimes portrayed as an issue to find enough land to create new woodland crofts on, while the Scottish government is actually a major forest owner in Scotland. Dave would like to be able to, as an individual, use this land for woodland crofting.

‘There is a big question about how we find the land for crofts, and there’s been a conversation on whether we can rent or buy land from the Forestry Commission. But the Forestry Commission should manage the land, on behalf of the Scottish ministers, who own the land on behalf of the Scottish people. So it’s like, it’s our land! Why do we have to buy it from ourselves, or pay ourselves, to use our own resources?’

Dave refers to an alternative approach to stimulate the development of new woodland crofts, which are mentioned by several of the study’s interviewees. This approach argues for the creation of woodland crofts, directly on land owned by the Forestry Commission. In this scenario, the Forestry Commission would both supply the land for crofts, and create the tenancies which could then be rented to individual crofters (Interview C4 2017). The ownership of the land would in this way remain public, and the Forestry Commission would function as landlord for the croft tenancies (Woodland Crofts Partnership 2013). The representative from the Crofting Federation sees key benefits with this approach; it could effectively create new tenancies, and additionally spare the community groups – whom might have limited time, money and experience - from many of the more complicated processes of acquiring land, registering crofts and providing services (Interview C1 2017). He thinks that the

delivery of woodland crofts would be considerably less complicated and time consuming, if the public agencies were ready to take on more of the responsibility. He also explains how this idea is far from new, but has been debated between woodland croft supporters, the Forestry Commission and the Scottish Government since the early 2000's. However, no steps have so far been taken by the government to give the Forestry Commission scope to create new woodland crofts to rent to individual tenants.

Through this chapter, different actors' experiences of developing new woodland crofts have been studied. By exploring the experiences of established and aspiring woodland crofters, community groups and representatives from civil society- and governmental organisations, the thesis' second research question, regarding how different actors perceive the processes of developing woodland crofts have been in focus. The woodland crofters from the NWMCWC and the KCFC described how they have experienced their first time as woodland crofters, and have found the woodland crofts to be a good way for them to access land to manage for environmental purposes. From the interviews with the community groups, a few insights into some of the difficulties facing communities creating woodland crofts were highlighted, such as the administrative processes and services provisions required. Furthermore, the importance of access to public funding for community groups aiming to develop woodland crofts was described, as well as the aim of the community groups to distribute benefits of the community land to a wide group of people. Finally, some experiences relating to the opportunities and challenges for individuals to develop woodland crofts were presented. High land value and a lack of affordable options for individual woodland croft developers seemed apparent, and the approach which encourages the Forestry Commission to develop woodland croft tenancies for individuals on the National Forest Land, was introduced.

6 Rural Governance Through Woodland Crofts

The empirical material presented in chapter four and five, has explored the policy instruments deployed for woodland croft creation, and the different actors' experiences of working with establishing woodland crofts. This chapter will feature a discussion regarding the ways in which policies for woodland crofts, can be understood as a way to govern the rural. In particular, we will explore how and to what extent the policies can be seen as an example of the Scottish Government 'governing at a distance'.

6.1 Political Rationalities And Government At A Distance

Rose and Miller refer to 'political rationalities' as methods of reasoning about, representing and making sense about society (1992). Political rationalities are also determining the limits of how the state exercises power (ibid: 273). These rationalities can be said to be the discursive aspect of governmentality, and may be recognized and identified by studying the strategies, techniques and procedures of government in use (Rose 1996).

One way to understand the wider context of the government of woodland crofts creation in Scotland is to consider the impact of neo-liberal rationalities. Neo-liberal rationalities have been described as representing indirect ways for government to interfere in the lives of citizens (Barry, Osborne and Rose 1996). It has been recognised that certain traits of a neo-liberal ideology and rationality have become a part of Scottish politics and society, paralleling the development of many other western societies (Hassan and Barnett 2008). Some have claimed that even though the term may not be as overt in the Scottish context, as in the UK in general, 'the ideology is ever-present' (Davidson 2010). In neo-liberal societies, the state has been argued to 'take on less a directive and distributive role, and more a coordinative, arbitrary and preventive one' (Dean 1999:171). Instead of intervening through direct interference, the state adopts measures in order to 'govern at a distance'. One such governmental measure is the increased reliance on non-state actors to carry out the political aims of the state (Stoker 1998; Brenner and Theodore 2002). Additionally, 'government at a distance' can realise the government aims to exercise less direct state control, through activating individuals and groups in their own government (Rose and Miller 1992).

The policy instruments, deployed by the government for supporting woodland croft creations, can through the study's material be seen to create opportunities for low state interference, with a focus on enabling and supporting citizens to drive the development of woodland crofts forwards themselves. As an example, such approach of low interference can be argued to be indicated in the

public strategies and policy plans where woodland crofts have been integrated (see section 5.2.1). In the Scottish Forestry Strategy, the Forestry Commission expresses their aim to *encourage* the establishment of woodland crofts and to *facilitate* the provision of sites (Forestry Commission Scotland 2006:32; 36). In the Crofting Commission's Policy Plan, the only reference to woodland crofts, is when the agency states that 'particular consideration' will be given to applications regarding the registration of woodland crofts (Crofting Commission 2015:16). In these policies, the focus on being an enabling agency for woodland croft creation, rather than an intervening one, is clear when considering that the strategies do not include any aims of direct intervention by the agencies themselves, but rather aims to provide opportunities for others to act. Another indication towards aims of indirect state interference can be seen in the way that advisory and educational services in woodland croft policies are being delivered. Through the cross-sectorial Woodland Crofts Partnership, non-governmental organisations cooperate to promote woodland croft creation, and are partly funded by governmental agencies for doing so. In this way, the Woodland Crofts Partnership can be seen as an example of reliance upon non-state actors to carry out the political aims of the state.

This governmental approach, to intervene in the development through relatively indirect modes of interference, is interesting to consider in relation to the arguments forwarded by the interviewees. That being, that the Scottish Government - through the Forestry Commission - should take on a more active role in woodland croft creation, and develop crofts on the National Forest Estate themselves. Croft tenancies created by the government agency were argued by the interviewees to be a more direct route for the development of woodland crofts, and to have the capacity to lift some of the difficulties, relating to access to land, funding and managing administrative procedures, currently facing communities or individuals (Interview C4 2017; Interview C1 2017). Despite these potential advantages, the idea of publically created woodland crofts have been met with little interest from the Forestry Commission and the Scottish Government (Interview C1 2017; Interview C4 2017; Interview C2 2017). The suggestion of publically developed woodland crofts, would require a significant amount of active state intervention, which can be argued to be opposing the current governmental approach of less direct state intervention. By instead offering communities, and to some extent individuals, the rights and opportunities to access land, funding and advisory services for developing woodland crofts, a governmental approach to 'govern at a distance', rather than through direct interventions, seems characteristic.

Meanwhile, several other governmental measures seen in the context of woodland crofts policies or related policy areas, do not seem like typical expressions of distant, low interfering government.

This became evident in parts of the empirical material of this study. Indeed, as described when discussing the regulatory instruments of woodland croft policies (see section 4.2.1), the legislations and regulations surrounding crofts in general is both detailed and plentiful. The multitude of crofting acts and amendments, created for over a century, have been recognised as a problem, due to crofters' difficulties to maneuver within the regulatory framework (Crofting Law Group 2014). While neo-liberal governmental approaches are often understood as aiming to supersede methods of rigid regulations and bureaucracy (Barnett 2010), substantial amounts of state control in the form of laws and regulations seem to meet woodland croft developers. In section 5.2.1 of this study, the voices of community groups who are struggling to work within the current regulatory context were heard. They seemed to experience the processes for developing woodland crofts as being 'too bureaucratic' and the planning and building regulations to be very strict, without providing possibilities for flexibility for specific developers, such as not-for-profit community groups. This high amount of state control through laws and regulations, both in general crofting legislation and in planning and building regulations, points towards an oxymoronic governmental approach which stands in contrast to the strategies typical for 'government at a distance'. Woodland croft developers seem to find themselves in a context where they are both encouraged, through various incentives, to take on the development of new woodland crofts themselves, yet at the same time are given relatively narrow ways for doing so. In order to further explore how woodland croft policies can be understood in relation to ways of governing the rural, another political rationality is interesting to take into account; the political rationality relating to the Scottish land reform.

6.2 Political Rationality Of The Scottish Land Reform

In regards to the political rationalities behind the legislation and policies on woodland crofts creation in Scotland, it is of value to reflect upon the relation between the two policy fields of woodland crofts and the Scottish land reform. The Scottish strategies for land reform have been argued to be different from much of the land reforms as described in the international development literature and policy. Instead of following the dominant philosophy of land reforms, which emphasises the importance of individual and private ownership of land (Deininger and Binswanger 1999), Scottish land reform strongly promotes community ownership (Hoffman 2013). Through several historical phases, crofting has provided a significant voice for the land reform movement in Scotland (Bryden and Geisler 2007). In fact, it can be argued that it was the debates regarding crofting communities' collective land rights in the 1970's, which 'paved the road' for the first community buyouts in the 1990's, long before the existence of the first land reform legislation

(ibid.; Mc Morran, Scott and Price 2014). The first Scottish community buyout in 1993, was made by a crofting community in Assynt, and it has been noted that community buyouts since then have generally had a greater involvement of crofters, than of non-crofters, and that the buyouts mainly have taken place within the crofting areas (Bryden and Geisler 2007; Hoffman 2013). In section 5.1 in this study, the public debate on alternatives to conventional forestry in the 1990's and the integration of aims regarding community involvement in Scottish forestry policy in the early 2000's were described. These debates and policy processes took place alongside the political discussions on land reform, which led to the formation of Scotland's first land reform legislations in 2003. Four years later, and after a review on how national forest land could be used for woodland crofts creation, the Crofting Reform Act was launched in 2007 (Woodland Crofts Steering group 2006; Act of Parliament 2007).

The temporal correlation between the processes which led to the formation of the two policy areas, is interesting to consider in relation to the specific content of the woodland croft legislation and policies. As mentioned above, the policies on woodland crofts can be seen to consist of a mix of policy instruments from different policy areas and periods. The land transfer schemes and the public funds available for developing community woodland crofts were, at their implementation, primarily formed as instruments for land reform. As an example, the NFLS and the CATS - which the Woodland Croft Partnership expected to be one of the main mechanisms for the delivery of new woodland crofts - were created due to the 2003 and 2016 Land Reform Acts (Woodland croft Partnership 2015; Forestry Commission Scotland 2010; Forestry Commission Scotland 2017b). Similarly, one of the main opportunities for public funding for land purchases for woodland croft development can be found through the Scottish Land Fund, which was introduced as a part of the land reform agenda to support community land purchases (Bryden and Geisler 2007). When the term legally appeared in 2007, woodland crofts were being fitted into these already existing policy instruments, and became a new eligible cause for land transfer and public funding. In this way, the policy for woodland crofts can be seen to correlate closely with that of land reform policies, and the legislation and policy can be argued to have taken form within the political rationality of the land reform agenda. As mentioned above the Scottish land reform has had a strong focus on community empowerment and community acquisition of land. We will now further discuss how such approach have been manifested in woodland croft policies.

6.3 Strategies Of 'Responsibilisation' And 'Government Through Community'

The increased role given to communities in rural governance in Scotland throughout the 1990's and 2000's, have been argued to give rise to new relationships between state agencies and local communities, and have raised questions about state responsibility (Murdoch 1997; MacKinnon 2002). In governmentality studies, 'responsibilisation' has been described as a process for states to 'govern at a distance', which encourages and provokes subjects to regulate themselves (Rose 1999). Such responsibilisation processes aim to create subjects who are willing and able to take initiative for their own advancement and self-fulfillment. From the empirical material of this thesis, the fruits of a 'responsibilisation' process of community groups can be observed. The interviews with the involved actors showed that the support for community led development among them was extensive. Even though it was clear to many that the community groups were not able to deliver all the projects they desired, few expressed any doubt that the community groups are the most suitable body for delivering projects and services for their rural communities (Interview B6 2017; Interview B3 2017; Interview B1 2017). Additionally, the community groups expressed how they saw it as important to aim to distribute the benefits of the community land in a just way, to a wide group of people (Interview B2; Interview B3; Interview B6 2017). The interviewees from the community groups called for simplified regulations and application processes to register crofts and access funding, rather than state agencies taking on more of the responsibilities. It seemed as if the community groups found it natural to provide services and amenities for the local community.

'Government through community' refers to the governmental strategy to utilise the self-regulating capacities of citizens and groups within local areas, and communities have been described as 'a new territory for the administration of individual and collective existence' (Rose 1996: 331). An emphasis on community groups can be found in the policy instruments deployed for the support of woodland croft creation (see section 5.3), as some of them are constructed to specifically support community groups to obtain assets and resources needed in order to create woodland crofts. Most prominent are the opportunities in the NFLS and the CATS for communities to acquire land, granted through the community's right-to-buy legislation, as well as the opportunities to access financial support from the Scottish Land Fund for land purchases.

In the guidance for both the NFLS and the Scottish Land Fund, 'Community' is geographically defined (Forestry Commission Scotland 2010; Scottish Land Fund 2016). As mentioned in the previous section, the policies for woodland crofts seems to have been developed within the rationality of the Scottish land reform. As an effect, the way in which 'communities' are defined in the policies for woodland crofts have a lot in common with the definition of 'communities' in land

reform policies. It has been observed that through the early community buyouts in the 1990's, community trusts were introduced as a new category of landowners. These community trusts came to function as a kind of 'prototype' for community groups, in the making of land reform policies (Brown 2008). These community trusts were both self-determining and self-defining, but tended to be outlined by residency in a geographical area (ibid.). Recently, communities of interest have been introduced as a new category, eligible for asset transfers through the CATS. The different way 'community' is being defined in the CATS, in contrast to that in the NFLS's and the Scottish Land Fund's guidance, can be understood as a governmental aim to encourage more types of communities to take on common ownership of public assets. The above mentioned provision of the land transfer schemes and public funding, which are exclusively accessible for communities, in combination with a responsabilisation process of community groups, can be understood as indications of an ongoing strategy of 'government through community'. However, as was mentioned in the study's empirical material, not all community groups found it easy, or suitable, to take on the responsibility to create woodland crofts. Indeed, they primarily aimed to provide services for a wider community and struggled with the administrative complexities of creating new crofts.

This chapter has presented a discussion focusing on the research question of how the policies for woodland crofts can be understood in relation to ways of governing the rural. The discussion commenced by looking at the role the state takes within woodland croft policies, and the levels of intervention for the development of new woodland crofts. This was discussed in relation to neo-liberal rationalities, and strategies to 'govern at a distance'. In public strategies referring to woodland croft development, the governmental agencies were seen to take on 'enabling' roles, rather than intervening ones. Additionally, an engagement of non-state actors to carry out the political aims of the state, was recognised through the reliance on the Woodland Crofts Partnership, to provide advisory and educational services regarding woodland croft creation. These governmental methods were seen to provide an example of a governmental approach of 'governing at a distance'. However, a different kind of strategy of government were also seen in relation to woodland croft development. In the policy areas of general crofting legislation and planning and building regulations, an approach of governing through a solid body of detailed laws and regulations seemed apparent, something which some of the community groups experienced as a hindrance for woodland croft development. Additionally, by analysing the evolvement of woodland croft legislation and policies, as well as the applied policy instruments, a close relation between woodland crofts policies and land reform policies was observed. This connection was discussed in

relation to the concept of political rationalities, and it was suggested that the legislation and policy for woodland crofts can be argued to have taken form within the political rationality of the land reform agenda. Finally, the woodland crofts policies were analysed in relation to governmental strategies of 'responsibilisation' and 'government through community'. The fact that specific policy instruments deployed for the development of woodland crofts are exclusively accessible for community groups, in combination with indications of a process of responsibilisation of community groups, was recognised as a strategy of 'government through community'.

7 Conclusions

This study has focused on exploring the policy instruments deployed in the legislation and policy for woodland crofts, different actors' experiences of the process of developing new woodland crofts and how the legislation and policy for woodland crofts can be understood in relation to ways of governing the rural.

Through analysing material from the interviews with established and aspiring woodland crofters, community groups and representatives from civil society and governmental organisations, this thesis explored different actors' experiences of developing new woodland crofts in Scotland. The experiences expressed by the interviewees described how both community groups and individuals are facing difficulties in delivering woodland crofts. For communities, the administrative processes necessary for registering new crofts, and the requirements of planning and building regulations to provide specific services for the crofts, was experienced as challenging. Some interviewees argued that the complicated regulatory context and administrative climate may even discourage community groups from developing new woodland crofts. Furthermore, several of the participants explained that it felt complicated for the communities to run projects which would appear to primarily serve a few individuals, and only indirectly serve the wider community. In some cases, the aim to provide benefits for a broader community was explained as the reason why woodland crofts projects were not prioritised by community groups.

For individuals, the challenges seemed to be of a different nature. So far, only a few woodland crofts have been developed by individuals, and some of the interviewees considered this to be due a lack of incentives encouraging individuals to develop new woodland crofts. Furthermore, barriers in terms of high woodland prices and a lack of affordable options for individuals creating woodland crofts, were highlighted. As no public funding is currently available for individuals to purchase land for woodland croft creation, several interviewees expressed that they thought the high value of woodland to be a significant challenge for many individual woodland developers.

The study's material showed how a collection of various policy instruments such as regulatory instruments, educative instruments and market-based and financial instruments, together make up the public policy supporting woodland croft creation. Some of these policy instruments have been deployed, by the Scottish Government in partnership with non-governmental organisations, specifically for the purpose to support creation of woodland crofts, whilst others were pre-existing

policy instruments, to which the aim to support woodland croft creation was attached at a later stage.

This study described how the policy areas of woodland crofts and land reform, are closely connected and shows how woodland croft policies seems to have emerged within the political rationality of the Scottish land reform agenda. An underlying political rationality of land reform in woodland croft policies can be seen to provide a possible explanation as to why community groups, defined by geographical boundaries, have been specifically targeted in the policy instruments relating to land transfers, as a focus on community land ownership has been one of the key characteristics of the Scottish land reform (Hoffman 2013).

In the Scottish government's new community asset transfer scheme (CATS), 'community' is defined differently than in the previous National Forest Land Scheme (NFLS). In this new scheme, communities of interest have the possibility to apply to take on common ownership of public land, and could potentially use this for developing new woodland crofts. However, a) the current land value is high in Scotland, and b) communities of interest are not integrated into the policy instruments which provide funding for communities to purchase land for woodland crofts development. Therefore, it is unclear if the mere *possibility* to purchase land from the National Forest Estate for communities of interest, is enough to encourage this approach to advance. A crucial question is whether the advantages of being a wider group of people, sharing the financial expenses, would make land purchases a realistic option for communities of interest, or if further support for such groups will be necessary, in order to see new woodland crofts being developed by communities of interest.

The study additionally discussed to what extent the woodlands crofts legislations and policies could be understood in relation to neo-liberal rationalities, and the related governmental aims of 'governing at a distance'. Several indications of aims to 'govern at a distance' were observed in the study's material. Indeed, an aim to take on a less interfering, and more 'enabling' role, seemed to have been adopted by governmental agencies with responsibility for matters related to woodland crofting. Additionally, the state could be seen to engage non-governmental actors in carrying out parts of the policies, and thus have a less directly intervening role. However, governmental approaches which stood in contrast to the strategy of 'governing at a distance' could also be seen. Specifically, in crofting legislation and in planning and building regulations, the state seemed to be governing through providing relatively detailed laws and regulations pointing out the options for woodland croft developers. Additionally, governmental strategies of 'government through community' were observed as well as the results of a processes of 'responsibilisation' (c.f. Rose

1999). This was shown through the ways in which some of the policy instruments, deployed for woodland crofts creation, were seen to exclusively be accessible for community groups, and thereby specifically encouraging such groups to develop woodland crofts. Community groups furthermore expressed strong a sense of responsibility to deliver benefits and amenities for their wider communities, and called for simplified regulations and administrative processes, rather than for state agencies taking on more of the responsibilities. This can be seen to stand in contrast to the arguments expressed by the aspiring individual woodland crofter and representatives from civil society organisations, who proposed that the Scottish Government, through the Forestry Commission, should create new woodland crofts themselves. However, the fact that the approach of publically created woodland crofts has not been taken up by the Scottish government is of little surprise, considering that there seems to be a relatively strong governmental aim to govern through less direct intervention, and instead ‘govern through community’.

The unequal land distribution in Scotland has for centuries raised questions regarding people’s rights to land, and has been argued to be a critical issue for future rural development in Scotland (Hunter et al. 2014). The opportunity to create new woodland crofts was initiated through the Crofting Reform Act in 2007, and has been claimed to have the potential to significantly increase the opportunity for people to get wider access to woodland, and diversify the current patterns of forest ownership and management (Woodland Crofts Steering Group 2006; Woodland Crofts Partnership 2015a). This study has showed how the Scottish Government are applying specific policy instruments and governmental strategies in order to support the development of woodland crofts. Some of these seem to be typical for a governmental strategy of ‘governing at a distance’, while other factors point towards other ways of governing, through a firm body of detailed laws and regulations. There are several issues relating to woodland croft developments and its potential impacts for rural Scotland, which would be interesting to address in further studies. Of specific interest and importance could be research which explores the role self-regulating governmentality processes, such as responsabilisation, sujetification and environmentality, can have in the creation of new crofts, woodland establishment on crofts, and community land ownership. This could hopefully bring us closer to gaining a better understanding of the effects of different governmental strategies in practice, which could be vital for future policy formation, ensuring effective frameworks are in place for the creation of woodland crofts.

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Appendix 1

Interview guide - Woodland Crofters

1. Would you like to tell me about how you first got interested in woodland crofting? When was this? How did you hear about the opportunity to create or acquire woodland crofts?
2. What has the journey looked like since then? Is there any particular incidents during this time that have encouraged you? Any incidents that have made you feel discouraged?
3. What were your main motivations for creating or acquiring a woodland croft? What possibilities do you see for yourself in a croft?
4. Do you feel satisfied with the amount of support you have received from official agencies during the process to create or acquire a woodland croft?
5. I know that as woodland crofters you have to work under both crofting and forestry regulations. How do you experience this?
6. There seems to be quite a few incentives provided for people to get involved in woodland crofting right now. Why do you think woodland crofts developments are not happening to a larger extent? What do you think would be important in order to make crofting more accessible to more people?

Interview guide – Community Groups

1. Would you like to tell me a bit about your community group? When did the community group first get interested in woodland crofting? How did you get to know about the opportunity?
2. What has the journey looked like since then? Is there any particular incidents during this time that have felt encouraging for the community? Any incidents that have felt discouraging?
3. How did the community group fund the land purchase?
4. How did you experience to work with National Forest Land scheme?
5. Has it been easy to access information and support from official bodies when needed?
6. There seems to be quite a few incentives provided for community groups to get involved in woodland crofting right now. Do you think many people make use of these possibilities? If not; why do you think it is not happening to a larger extent? What do you think would be important in order to make woodland crofting accessible to more people?