

# Tenanted farms and woodland creation – Evidence review and expert interview insights

Core research programmes 2021-26 Programme 6, Work Area 1 Land Manager Engagement for Woodland Creation

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## Executive Summary

#### Background and research overview

Tenanted land makes up 20% of the agricultural land in Scotland, 27% in Wales, and 33% in England. This is a substantial area of land, yet relatively few trees are planted on tenanted farms. This paper summarises the social science evidence relating to tenanted farms and woodland creation in Great Britain. It draws on a literature review and a series of nine interviews with key stakeholders to sense check and build on the findings. It focuses on the barriers, opportunities, and questions which relate *specifically* to tenant farming.

Six core themes emerged from the literature, and these were used to structure the interviews and this paper. We have identified few obvious opportunities for expanding tree cover specific to tenanted land. However, there are several barriers, summarised below.

#### Legal

Tenancy agreements often explicitly preclude tree planting or do so indirectly by requiring land to be used for agriculture. However, there are several grey areas, including how and when trees do or do not count as 'agriculture'.

#### Temporal

Tenancy lengths tend to be short, limiting tenant farmers' ability to plan on the timescales required for trees and meaning that they face a challenge to achieve a return on investment from trees. Further, as trees are a 'permanent' land use change, growing trees may restrict future land use options.

#### Economic

It is difficult to ensure both tenant and landlord can benefit financially from trees. Further, uncertain compensation arrangements mean one party risk being required to recompense the other at the termination of a tenancy.



#### Complexity

Tenancy agreements are complex, and the time and cost entailed in the renegotiation required to permit tree planting can be a barrier.

#### Values, tradition, and identity

There can be a tension between how tenants and landlords see their roles and land management objectives. Trees are often seen as the landlord's domain and not what farmers do, and tenants may lack experience of woodland management.

#### Relationships

The relationship between tenant, landlord, and agent is crucial. Where these are positive and where parties agree, the other barriers outlined above are surmountable.

#### Research gaps

There is limited empirical research explicitly considering tree cover on tenanted land. The evidence which exists is often part of a wider study and much focuses on larger scale woodland creation rather than on integrating trees within the agricultural landscape.

For some of the barriers, including within the legal and economic themes, further social science would likely add relatively little value. The relationship between landlord and tenant (and agent) is crucial, but there is insufficient evidence around the factors influencing this relationship. This offers the most productive avenue for further study.



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## Introduction

This paper integrates a review of social science evidence relating to tenanted farms and woodland creation in Great Britain with insights from nine stakeholder interviews. The primary aims of this work have been to summarise existing evidence and to assess where and to what extent further social research may be valuable. The overarching research question was:

• What are the barriers to and opportunities for woodland creation on tenanted farms in Great Britain?

The sub-questions were:

- What different categories of barriers and opportunities are most helpful to think with?
- Which of these categories are most impactful?
- Which require further research?

The work is part of Forest Research's research aligned to the Science and Innovation Strategy for Forestry in Great Britain (Welsh Government, 2020).

In terms of scope, we present here those barriers, opportunities, and questions which relate *specifically* to tenant farming. Factors which relate to farming more generally are not included (but see the review by Staddon et al. (2021) for an overview). Further, the legal, historical, and socio-cultural backgrounds differ across the GB countries. We have been mindful of these, but in this document we attempt to speak to tenant farming in Great Britain in general and do not delve deeply into the specifics.



## Background

Tenanted land makes up a substantial share of the agricultural land area in Great Britain. In Scotland it is 20% (The Central Association of Agricultural Valuers, 2022, p. 5), Wales 27% (The Central Association of Agricultural Valuers, 2022, p. 63), and England 33% (Tenancy Working Group, 2022, p. 26). In England and Wales, over one third of farm holdings are partially tenanted (The Central Association of Agricultural Valuers, 2022, pp. 62–63).

However, there are significant barriers to increasing trees on tenanted farms. Our stakeholder interviewees were able to offer very few examples of substantial tree planting on tenanted farms. And evidence provided by The Woodland Trust to the recent Rock Review showed that within one woodland creation scheme in England only 5% of 240,000 trees were planted on solely tenanted farms (Tenancy Working Group, 2022, p. 69). The Rock Review's own survey of tenant farmers found 53% of respondents saying 'there is no benefit to me' from planting trees (Tenancy Working Group, 2022, p. 69).

## Methods

#### Evidence review

In March 2022, Forest Research completed a systematic mapping of the social science evidence relating to land managers and woodland creation (Forest Research, 2022). The evidence map identified 29 sources coded to 'tenant' (all of which relate to farmers) dating after 1995 (sources prior to this appear of limited relevance). Only four of these 29 have substantive evidence relating to tenant farming.

We have supplemented these sources with an additional 11 identified during this review. Most notably, since the systematic evidence map was created, two important documents have been published, and these should be referred to for greater detail. Firstly, published in October 2022 through a Tenancy Working



Group, The Rock Review (Tenancy Working Group, 2022) looked into the current state of the tenant farming sector in England with a view to recommending both how government finance schemes can support tenant farmers and how the tenant farming sector can thrive longer term. In particular, one section outlines a set of nine recommendations for how Defra can support tree planting on tenanted farms (Tenancy Working Group, 2022, pp. 68–73). Secondly, the Tenancy Reform Industry Group (2022) published in December 2022 detailed guidance on the intricacies of tree planting on tenanted land in England and Wales, where landlord and tenant are in agreement to do so.

Several of the key sources summarise the same, fairly limited range of evidence.

Identified papers were reviewed by individual members of the project team, contributing key points to a shared spreadsheet. We have been unable to access six of the studies identified by the evidence mapping either due to Forest Research's subscriptions or because there is no digital version, however from the information available these do not appear to be substantively related to tenant farming.

#### Interviews

From the evidence review, we identified six key themes (set out below). After synthesising the evidence relating to each theme, we interviewed nine stakeholders to sense-check and build upon the findings. We aimed to speak to a wide range of stakeholders who could speak to the topic broadly rather than focusing on the experience of individual tenant farmers. The interviewees included a tenant farmer, a farm adviser, the Tenant Farming Commissioner for Scotland, and representatives from the National Trust, Scottish Forestry, the Tenant Farming Association, The Central Association for Agricultural Valuers, a woodland creation company, and the Forestry Commission. This group of interviewees included a range of experts on tenant farming and tree planting and the insights from these enhance, challenge, and nuance the findings from the evidence review.



## Summary

The factors impacting the scope for trees on tenanted farms range from more tangible ones to those which are more abstract. While there are undoubtedly opportunities for increasing tree cover on agricultural land, few if any of these opportunities relate specifically to tenanted farms. This document therefore focuses more heavily on the barriers. We have identified six themes around which we structure this document:

- 1. Legal
- 2. Temporal
- 3. Economic
- 4. Complexity
- 5. Values, tradition, and identity
- 6. Relationships

Below, we summarise the main barriers, touch on opportunities, and outline research gaps.

### Barriers

The barriers relating to legal, economic, temporal, and complexity factors are deeply intertwined. They include explicit prohibitions on tree planting within tenancy agreements, and challenges relating to changing land use in the face of legal definitions and expectations around what constitutes valid agricultural use as well as landlords' ongoing ability to lease the land. Further, economic returns can be either too distant or insufficient to incentivise both landlord and tenant.

There are several grey areas in the legal and economic domains, such as whether and how trees are or should be seen as an agricultural land use and what implications trees have for either party to claim compensation when a tenancy ends. This uncertainty can be a barrier in itself and contributes to the complexity factor.



Historically, trees have been seen as the landlord's domain and this division seems to persist whereby tenant farmers do not see trees as what they do, preferring instead to farm.

Cutting across and underpinning all the other themes, the relationship between tenant and landlord (and third parties such as agents) is crucial. Where these relationships are positive and productive and where there is a shared willingness many of the other barriers can be overcome.

### **Opportunities**

As noted earlier, there are few clear opportunities for expanding tree cover specific to tenanted land. However, existing examples, though relatively rare, where trees have been planted on tenanted land offer an insight to what is possible.

### Research gaps

There is limited empirical research explicitly considering tree cover on tenanted land. Much of the published evidence includes insights on tenant farming as part of a wider study, and many of the publications share a common pool of a few evidence sources.

Much of the evidence is more concerned with larger scale woodland creation or with forestry as a commercial enterprise. There has been little focus on trees integrated with the agricultural landscape.

For some of the barriers, including within the legal and economic areas, further social science would likely add relatively little value. Instead, problems need to be worked through by industry stakeholders to achieve clarity on areas of uncertainty.

The relationship between landlord and tenant (and agent) is crucial, but there is insufficient evidence around the factors influencing this relationship. This offers the most productive avenue for further study. What types of landlords are most amenable if a tenant wants to plant trees? Where do interests and objectives align and diverge? How do agents affect the relationship between tenant and landlord?



## Themes

### Legal

The legal situation regarding expanding tree cover on tenanted farms can be complex, uncertain, or difficult to understand. In addition, the legal and historical background in the three GB countries (particularly between Scotland and England/Wales) is significantly different. Documents such as the TRIG guidance (Tenancy Reform Industry Group, 2022) and to an extent the Scottish Land Commission guide (2018) provide significantly greater detail on the legal intricacies. We have focused here on outlining simple messages from a social science perspective.

#### Tree planting is often explicitly prohibited in tenancy agreements

Many sources (and confirmed by interviewees) refer to restrictions embedded within tenancy agreements which explicitly preclude tree planting (Committee on Climate Change, 2018; McMorran, 2021; Staddon *et al.*, 2021; McMorran *et al.*, 2022; Tenancy Working Group, 2022).

# Tree planting may be indirectly prohibited because it's not classified as 'agriculture'

Tenancies may also require land to be used for agriculture, therefore less explicitly precluding trees (Crabtree, Chalmers and Eiser, 2001; Benton *et al.*, 2022; McMorran *et al.*, 2022, p. 25) and effectively limit significant changes in land use (Committee on Climate Change, 2018). The Rock Review highlights that 'the definition of agriculture allows for tree planting if its "use is ancillary to the farming of land for other agricultural purposes" (Tenancy Working Group, 2022, p. 69).

However, it was pointed out by our interviewees that the definition of 'agriculture' can be a grey area. If trees can be seen as 'agriculture', such as a shelterbelt, this may be permissible.



One interviewee expanded on this point, noting that tenants are bound by the rules of good husbandry, which requires them to make maximum efficient use of their holding.

#### Tenancies can limit the scope for landlords to create woodland

The restrictions on changing land use may also affect the landlord, for instance where a landlord may be keen to add trees to their land but a tenant does not want it (Dandy, 2012, p. 30; Staddon *et al.*, 2021). Further, in the case of inheritable tenancies, landlords may see this as a longer-term barrier to woodland creation (McMorran, 2021, p. 36). One of our interviewees emphasised that tenants have exclusive possession of the land and landlords would be breaching tenancy agreements were they to plant trees on the land.

#### Research gaps/questions

 Many of the gaps in this area relate to grey areas within policy or legislation – such as legal and policy definitions around how and when trees do or do not count as 'agriculture'. Further social science is unlikely to add value through additional evidence collection.

### Temporal

The timescales associated with farm tenancies and growing trees do not always match well.

#### Tenancy lengths are short which impacts likely benefits

Tenancy lengths are a common barrier to increasing numbers of trees on tenanted farms (Committee on Climate Change, 2020, p. 88; Staddon *et al.*, 2021, p. 31; McMorran *et al.*, 2022). Average tenancy lengths vary widely across tenancy and farm types, however, in 2021, new Farm Business Tenancies (excluding those less than one year) in England and Wales averaged 4.67 years (The Central Association of Agricultural Valuers, 2022, p. 3). In Scotland, new tenancies averaged 7.24 years (The Central Association of Agricultural Association of Agricultural Valuers, 2022, p. 3).



This point resonated with our interviewees, with one pointing out that tenancies are tending to get shorter which is supported by the literature (The Central Association of Agricultural Valuers, 2022). Another noted that while tenancies are commonly renewed, tenure security is always at risk. Another interviewee made the point that tenant farmers may be unwilling or unable to plan for the long term due to their tenancy length, and are thus less likely to be concerned about tree planting or overall farm health.

#### It is challenging to achieve return on investment from trees

While many tenancies are renewed, the inherent insecurity involved in being a tenant means that investing for longer term returns is risky. Several reports cite a reluctance among tenant farmers to invest when they may not see a return on their investment within the period of their tenancy (McAleenan, 2019, pp. 10–11; Staddon *et al.*, 2021, p. 31).

Interviewees explained that, while this is true in general, where tenant farmers have an interest in trees or the environment, the challenge of the return on investment will be of lower importance. Further, the length of time for return on investment can vary greatly – some, for example, could see a benefit from a shelterbelt within the term of a tenancy. Additionally, an interviewee mentioned schemes which offer payments from the first year (as opposed to waiting for tree maturation) that may be more attractive to farmers on shorter tenancies.

#### Adding trees may restrict future land use options

From personal communication with stakeholders in government, we know also that the fact woodland creation as a 'permanent' land use change is also a barrier to increasing trees on farms, particularly on tenanted farms. Landlords may be reluctant to sanction woodland creation due to limiting future opportunities for rental income (McAleenan, 2019, p. 11) as the land is no longer available for agricultural purposes (Scottish Land Commission, 2018). For both landlords and tenants, adding tree cover can be seen to limit future land use options, and more



broadly, tenancy leads to the avoidance of longer-term decisions on land use (Staddon *et al.*, 2021, p. 31).

While woodland creation is generally considered to be a permanent land use change, particularly through forestry grants or when signing up to the Woodland Carbon Code, our interviewees noted a lack of clarity over in which circumstances this might not be the case.

#### Research gaps/questions

- How secure do tenant farmers *feel* on their land? What factors (e.g., region, farm business type, tenancy type, landlord type) influence how they feel?
- How do tenant farmers see their role in relation to the land and does this differ from owner occupiers?
- What types of policy or grant schemes could make tree planting attractive to both landlord and tenant? (Although see the recommendations in the Rock Review (Tenancy Working Group, 2022, pp. 72–73).)

### Economic

Closely related to the barriers outlined in the 'Temporal' section, many of the barriers to increasing tree cover on tenanted farms are economic. Aside from the challenge of seeing a return on investment, there are more immediate financial concerns.

It may be difficult for both tenant and landlord to benefit financially

The upfront costs associated with tree planting combined with the way grants and incentives work may mean they do not provide enough finance to make woodland creation financially worthwhile for both landlord and tenant (McAleenan, 2019, p. 11; McMorran, 2021, p. 38; Staddon et al., 2021, p.31; The Parliamentary Office of Science and Technology, 2020, p. 4). In some cases, even if the tenant invests their own capital into tree planting, ownership and financial benefits may sit with the landlord (McMorran et al., 2022, p. 25). An extreme example of this is when



tree planting can lead to better returns for the landlord than tenanting the land, resulting in the ending of tenancy agreements (Benton et al., 2022, p. 12).

When put to our interviewees, there was some recognition that this may be the case, however it was emphasised that much depends on the relationship between the tenant and landlord, the details of their tenancy agreement, and their respective aims.

Either party may have to compensate the other at the end of the lease In some situations (e.g., Scotland), tenants have statutory ability to diversify (which can include tree planting) but require landlord permission to do so (Benton et al., 2022, p. 11). Adding trees to tenanted land creates the potential for one party to owe compensation to the other when a tenancy ends. Either may be entitled to compensation, depending on how trees have affected the land/tenancy value (Benton *et al.*, 2022). In Scotland, as explained by the Scottish Land Commission (2018):

The tenant is entitled to compensation when the value of the trees is more than the loss of rent to the landlord in retaining the trees until likely date of cropping plus the cost to the landlord of returning the land to agricultural use. If the assessed value of the trees is less than this, the landlord will be entitled to compensation from the tenant to the value of the difference.

It is not always clear what the compensation implications will be and one of our interviewees explained that uncertainties around compensation can lead to a 'risk-averse' approach to trees from tenants. Further, while certain trees may count as 'improvements' and be eligible for compensation, land value estimates do not currently account for improving biodiversity or carbon storage (Benton *et al.*, 2022). Nonetheless, these uncertainties can be resolved, or at least minimised, by an appropriate section being included in the tenancy agreement and by farmers ensuring they have express permission to plant trees.



#### Research gaps/questions

- Many of the gaps in this area relate to grey areas around financial value of farm assets – for example, would tree planting be more attractive to tenants and landlords if improving biodiversity or carbon storage were recognised as increasing land value? There is likely little that social science can add.
- What types of incentive or grant schemes could make tree planting financially attractive to both landlord and tenant? (Although see the recommendations in the Rock Review (Tenancy Working Group, 2022, pp. 72–73).)

## Complexity

#### Tenancy agreements are complex

The complexity of negotiating or renegotiating tenancy agreements can act as a barrier to changing agreements to facilitate or permit tree planting (Dandy, 2012, p. 30; McMorran, 2021, p. 37), particularly if multiple tenants/landlords are involved – for example, one study offers an example of one farmer with thirteen different landlords (Fitzgerald, Collins and Potter, 2021, p. 11). Another study suggests that even the fact that trees may require changing a tenancy agreement can be a barrier to tree planting for landlords (Rouillard *et al.*, 2015, p. 161).

Interviewees did agree that tenancy agreements can be complex, time-consuming, and expensive to negotiate. However, it was pointed out that agents are adept at negotiating agreements and so it is not the complexity itself which is necessarily the barrier, but that the time and cost is likely not worthwhile for a tenant.

Further, although not evident in the literature, some interviewees noted that navigating and applying for grant schemes can pose similar, though smaller barriers with regard to complexity, time, and cost.

#### Research gaps/questions

• There may currently be little that social science can add here, but see the below section on relationships.



## Values, tradition, and identity

Alongside the more tangible barriers inherent with tenanted farms outlined above, there are various factors relating to tenant farmers' values or sense of identity that also limit scope for trees on tenanted farms.

#### Trees may not be seen as what (tenant) farmers do

Many farmers do not consider trees to be 'what farmers do', either because they do not want to take land out of food production (Heffernan, Lassoie and Bills, 2011), or are keen to stay farming (McMorran, 2021, p. 24). With specific regard to tenant farming, McMorran explains that forestry has traditionally been seen as the landlord's domain and as a threat to tenure security and tenants' capacity to farm (2021, p. 25). McMorran's work suggests that tenant farmers have long seen trees as a way landlords use to take back their land, and this has been a prominent issue in the media in recent times (e.g. BBC News, 2022).

These points were broadly supported by our interviewees, who emphasised that tenant farmers took on the land because 'they want to farm'. Nonetheless, one interviewee suggested that perspectives may be changing as there is a 'wider recognition that a farm is more than just an agricultural unit'.

Tenants and landlords may have differing land management objectives More broadly, tenant farmers and landlords may have different land management objectives (Committee on Climate Change, 2020, p. 25), with landlords' focus often being financial (Blue Marble, 2021, p. 17) or being more concerned with increasing land value (Rouillard *et al.*, 2015, p. 161).

Interviewees also cited these differing objectives, with one noting that 'tenants are interested in income while landlords are interested in capital'. This speaks to a further point made by interviewees that landlords will tend to have a longer-term perspective on land management – something which is more amenable to trees.



Nonetheless, one study (Felton *et al.*, 2023) found that tenanted farms with 'nonstandard' ownership (including utility or transport companies, public bodies, or charities such as the National Trust) were more likely to adopt agroforestry. The authors suggest an important factor is that these landlords may be less concerned about income generation and more interested in public goods provision.

# There is little tradition or knowledge of woodland management among tenant farmers

A Confor report (2017) cites a lack of tradition or understanding of woodland management among tenant farmers. Interviewees noted that this can be the case, but felt it is not a great barrier as 'farmers know how to grow things' or alternatively the work can be contracted.

#### Research gaps/questions

- Does the view that trees are 'the landlord's thing' persist, and is it widespread?
- Most of the evidence relating to values and identity concerns 'forestry'. It is not clear how this would differ for non-woodland trees, but ongoing work within Forest Research is exploring farmers' values in relation to trees integrated into the farming landscape.
- There would be value in exploring further the objectives and interests of different types of landlords, particularly the 'non-standard' landowners noted above.

## Relationships

#### The landlord-tenant relationship is crucial

Throughout the reviewed evidence, it is clear that the relationship between tenant and landlord is crucial to facilitating increased tree numbers on tenanted farms. As reported in the Rock Review, 'Long-term success in the tenanted sector occurs



when tenants and landlords work together collaboratively for mutually beneficial outcomes' (Tenancy Working Group, 2022, p. 34).

Research in Scotland suggests that relationships between tenants and landlords is generally positive (Committee on Climate Change, 2020, p. 25). However, one recent survey in England found 41% of farmer respondents felt the attitude of their landlord or 'tenancy constraints' to be very or quite important reasons for not considering planting farm woodland or agroforestry (Felton *et al.*, 2023).

Interviewees strongly supported the idea that the relationship between tenant and landlord was crucial in influencing ability to plant trees. Additionally, interviewees noted the importance of other parties in these relationships – particularly agents. The Rock Review found that adding agents to the mix often has a negative impact on the relationship between landlord and tenant (Tenancy Working Group, 2022, p. 38). One of our interviewees commented that it is common for this relationship to be conducted almost entirely through an agent as the sector appears to be moving towards a more commercial approach where landlords prioritise investments over relationships with tenants. However, interviewees highlighted how landlords who have prioritised fostering and investing time in their relationship with tenants have benefited as a result.

#### Where landlord and tenant agree, tree planting is possible

With landlord agreement, tenants often are able to plant trees (Weston and Philip, 2020; Benton *et al.*, 2022; Tenancy Working Group, 2022). Many of the barriers to increasing tree numbers are surmountable with a positive and constructive relationship between tenant and landlord: tenancy agreements can be amended, division of economic benefits can be agreed, uncertainties around who benefits in what ways can be clarified.

Interviewees supported the literature, highlighting that a good relationship can sometimes be more of a partnership between landlord and tenant. Certain organisations actively encourage landlords and tenants to interact directly, without



the use of agents where possible, as this can lead to better longer term strategy development, which is fundamental to any tree planting activity.

Some successful examples of where tenants have increased tree cover have been attributed, at least in part, to positive relationships with the landlord. For example, Dolman et al. (2001) describe schemes on National Trust land of successful integrated farm management (including woodland creation). Relatedly, Felton et al. (2023) have shown how tenant farmers with 'non-standard' landlords (such as charities, public bodies, and utility/transport companies) are more likely to plant agroforestry, perhaps due to a greater interest in public goods among these landlords – although this may be more related to the values/objectives of landlords than the nature of the relationship specifically. And McMorran (2021, p. 38) has noted how the existence of specific tenant-landlord agreements has led to examples of successful woodland creation in the Loch Lomond and Trossachs National Park. Another study, in Dartmoor National Park, references one example of a tenant gaining permission to grow trees on their farm, though emphasising to the researchers that it was the only such agreement they were aware of (Fitzgerald, Collins and Potter, 2021, p. 11).

The importance of the relationship goes two ways, and the Rock Review highlights an example of where a landlord, through an open and collaborative relationship with their tenants, was able to plant trees on their land (Tenancy Working Group, 2022, p. 35).

#### Research gaps/questions

• There is little evidence relating to what factors impact the nature and quality of the tenant-landlord relationship, even more so when considering these in relation to tree planting.



## Conclusion

This review has synthesised understanding from the available evidence sources about tenanted farms and woodland creation in Great Britain. The main barriers, specific to tenant farming, seem from this to be primarily legal and economic. We have demonstrated that there is limited value that further social science research could offer here, as the problems are largely known, and resolution sits with policy research and development.

However, many of the issues acting as barriers to tenants creating or expanding woodland and tree cover, rely on or can be resolved by positive and productive relationships between tenant and landlord and other key stakeholders such as agents. The evidence we reviewed provides some insights into the factors influencing these relationships. However, there may be an opportunity for further social science research to add to this and offer insights into what sort of relationships, and what features of relationships support tenants interested in tree planting and other ways to increase woodland and tree cover.



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