Written submission from Scottish Woodlands Ltd

Land reform

I wish to comment on the proposal in the draft Bill aimed at establishing a Scottish Land Commission.

I realise that the Scottish Government has decided to establish this Commission, but it is critical that the Commission’s membership should reflect a full range of interests, including those of the forestry and wood sector.

I note that the draft Bill refers to a ‘Scottish Land Commission’ rather than a ‘Scottish Land Reform Commission’. This, and the powers given to the commission in the Bill, indicates that the new body will have a wide-ranging remit over land policy in Scotland.

Given the intended wide remit assigned to the Land Commission, we suggest that expertise and experience of forestry matters should be a requirement for Scottish Ministers to consider when assessing eligibility for appointment of members to the Commission. The Bill as drafted makes no provision for this (Part 2, sections 8 & 9).

Forestry is a long term sector; political and public agendas change rapidly with changes in governing parties, funding and other trends. It is essential that the new Land Commissioners acknowledge forest management as a long term process.

Forests cover 18 per cent of all Scottish land and nearly 30 per cent of all actively managed land in Scotland. Forests enhance landscapes, encourage biodiversity, and play a significant part in delivering ecosystem services and mitigating the impacts of climate change. Forestry, including woodworking and timber, presents an opportunity to create more jobs, deliver investment and drive economic growth to enrich rural communities at the same time as providing very significant environmental and social benefits.

A 2006 study by the Centre for Economic and Business Research showed that the forestry and wood processing sector contributed around £1 billion annually to Scotland’s economy, employing 40,000 people directly and indirectly. Confor has calculated that around £50m of new investment is being put into Scottish forestry and wood-using businesses every year.

Forestry is a vitally important sector for Scotland’s long-term environmental, economic and social health. Confor considers it essential to the success of the new Scottish Land Commission that its membership includes individuals with current experience of the forestry sector.
Part 4 - Engaging communities in decisions relating to land

Part 4 of the draft Bill states that Scottish Ministers must issue guidance about engaging communities in decisions relating to land which may affect communities.

I believe that there exists a high level of public consultation in the forestry sector at present and would want to ensure there is no overlap or replacement of existing forestry regulation and practice in terms of community engagement with that proposed in the draft Bill.

I would welcome clarification by the Scottish Government on section 37 and how this will impact on arrangements for consultations with communities about land use already in place.

Part 5 - Right to Buy Land to Further Sustainable Development

I note that there is no definition within the draft Bill of “sustainable development” in relation to Scottish land.

Productive forestry can generate significant income to rural communities across Scotland, as well as generate significant environmental benefits. Forestry and wood is, by its nature, a long term sector, and any definition of ‘sustainable land development’ to be used in relation to this legislation should take this into account.

The Scottish Government should take into account the need for increased new woodland creation and associated wood processing capacity when it defines ‘sustainable development’ in the context of this draft Bill.

I would like clarification on how sustainable development will be defined - specifically how it will impact on different priorities or objectives of forest owners. For example, a forest may appear to be remaining in an inactive state for some years, as is the case where no ‘thinning’ (the selective removal of trees) is happening, or when some trees are left unharvested as long-term landscape retentions under a recognised Forest Certification programme. Would such “inactivity” still meet the requirements of “sustainable development”?

Sporting Rates

I have concerns that ending the non-domestic rates exemption for shootings and deer forests may have an impact on the sustainable management of woodlands in Scotland.
When assessing rateable values for sporting rights, I consider that it may be difficult to distinguish between land holdings where deer are managed for sport, and those where deer are controlled and culled purely for forest and habitat reasons.

Many forestry businesses do not receive sporting rents because the deer are managed solely for woodland habitat protection. Deer control is a necessity to achieve acceptable levels of crop damage, where (in line with the UK Forestry Standard) there is a need to increase diversity of tree species and forest resilience.

Paragraph 213 on page 26 of the policy memorandum states that assessors will make separate entries in valuation rolls for any shootings and any deer forests relating to their respective valuation areas. I would like more information from the Scottish Government on how this will be done to ensure there is no possibility that culling of deer as part of good forest management is considered to be a ‘sporting’ activity. I suggest that this will require a clause to be inserted in the Bill giving exemption from sporting rates to certain classes of land, such as woodland managed on a commercial basis.

Page 36 of the policy memorandum states that there is no definition of shootings and deer forests in Scottish legislation, but that these have been variously commented on in case law.

Given that it is the Scottish Government’s aim to modernise legislation relating to land in Scotland, I would suggest that the draft Bill should include modern definitions of ‘shootings’ and ‘deer forests’ that can be easily understood by all those with an interest in the issue.

**Deer management**

I would like assurance from the Scottish Government that changes to the functions of deer management panels (i.e. the potential requirement for greater engagement with the community) will not place additional burdens on forestry managers as they seek to control deer numbers and protect young trees.

**Core path access**

The draft Bill gives local authorities responsibility for reviewing core path plans in order that the core paths continue to give the public reasonable access to the countryside throughout their area.

I welcome the obligation for local authorities to consult with landowners when reviewing Core Path plans. We wish to see local authorities working with forestry and wood processing companies to address safety issues for in-forest haul routes that
may cross or be situated near core paths routes, and this change to the legislation should make that aim easier to achieve.

It is important to ensure these new provisions do not impact adversely on the ability of the forestry sector to carry out harvesting operations and to close paths temporarily as and when required to protect the health and safety of the public and those working in the sector.

Conclusion

I thank the committee for the opportunity to comment on the general principles of the Land Reform (Scotland) Bill and hope that I can be kept informed of developments and who is appointed to this Scottish Land Commission—including I hope/trust someone from the production forestry sector.