



The Scottish Parliament
Pàrlamaid na h-Alba

Edward Mountain MSP
Convener
Rural Economy and Connectivity
Committee

c/o Clerk to the Committee
Room T3.40
The Scottish Parliament
Edinburgh
EH99 1SP

By email only

(RNID Typetalk calls welcome)
Tel: 0131 348 5240
ecclr.committee@parliament.scot

22 June 2017

Dear Ed

Forestry and Land Management (Scotland) Bill

Many thanks to you and your Committee in welcoming Claudia Beamish as the Environment, Climate Change and Land Reform (ECCLR) Committee reporter on the land management provisions of the Forestry and Land Management (Scotland) Bill.

As I said in my letter of 13 June, the ECCLR Committee has reviewed the Bill and is interested in the land management and plant health provisions and in the wider role of woodlands and forests in mitigating the impacts of climate change, alleviating flooding, stabilising soil and providing a habitat for wildlife.

The ECCLR Committee is keen that any discussion on the future of forestry takes full account of the scope to maximise those multiple benefits. The Committee has considered forestry issues in the context of its recent work on climate change mitigation and adaptation and this is relevant to a number of the provisions within the Bill and may be of interest to your Committee.

Climate Change and Forestry

The ECCLR Committee considered the Committee on Climate Change (CCC) Report on climate change mitigation “Reducing Emissions in Scotland – 2016 Progress Report” on 13 September 2016. That report and subsequent evidence from the CCC highlighted the need for further action to encourage the promotion of tree planting and to consider land use in a coherent fashion. The ECCLR Committee wrote to the Cabinet Secretary for Environment, Climate Change and Land Reform on 30 November 2016 seeking information on the timescale for the review of the Scottish Forest Strategy and how it will impact on the draft Climate Change Plan. In responding the Committee was advised by the Cabinet Secretary that scoping for Scottish Forestry strategy would be finalised by the end of 2016 but no timetable for publication of a new document was provided.

The Committee also considered the issue of adaptation to climate change and the recommendations of the CCC in relation to forestry, set out in their report “Scottish Climate Change Adaptation Programme - independent assessment for the Scottish Parliament”, published and considered by the Committee on 27 September 2016. The CCC recommended that by the end of 2017 Forestry Commission Scotland should consider whether additional action is needed to reduce the spread of pests and pathogens, particularly where they threaten native Caledonian pinewoods, and whether further action to increase species diversity in the National Forest Estate would be beneficial in order to build resilience to climate change. Throughout the evidence sessions, the Committee heard of the importance of Scotland’s forestry in acting as a carbon sink and of the need to strengthen our natural environment’s ability to adapt to what might be the potential impact of climate change with regard to forestry.

The Scottish Government published its 3rd Annual Progress report on the Climate Change Adaptation Programme in May 2017. This highlights the Scottish Government Rural and Environment Science and Analytical Services Division (RESAS) is in the process of commissioning a Centre of Expertise in Plant Health to develop a plant health virtual centre, to coordinate access to expertise from across Scotland and to stimulate innovative thinking in support of plant health policy. It also refers to the appointment of a Chief Plant Health Officer for Scotland in February 2017. We understand that FCS has increased the resources devoted to tackling tree health, including a 6-person dedicated team supported by a network of tree health champions in Forestry Commission Scotland and on the National Forest Estate. We also understand that bespoke contracts for the provision of bi-annual aerial surveys and reporting of potential tree health issues has been facilitated through a new on-line TreeAlert tool, with diagnostic facilities available through Forest Research and SASA.

In relation to an assessment of whether greater species diversity is required on the National Forest Estate Forest Research and Forest Enterprise Scotland have been exploring the effects of climate change on a range of alternative forest management options from 2010 to 2080 as part of a wider programme examining a range of ecosystem services (e.g. carbon stock in forests) and how these are effected through different management regimes, species choice and forest policy. Forest Enterprise Scotland has started monitoring the Shannon Index of species diversity as part of its corporate reporting framework.

The Committee also highlights the recent reference by the Cabinet Secretary for Environment, Climate Change and Land Reform, in her statement to Parliament on 13 June, on the Greenhouse Gas Inventory 2015. This highlighted the role of forestry in relation to climate change and the reduction in the forestry sink, as a result of the recent technical revisions. The Committee is keen to see woodland creation rates improve and this significant carbon sink protected and enhanced as it has an important role in delivering our climate change commitments.

Tree health

In relation to tree health the Committee is interested in those provisions that transfer to the Scottish Ministers from the Forestry Commissioners tree health and silvicultural material testing functions (section 8).

Land Management interest

On the issue of land management, the Committee is particularly interested in the provisions in Part 3 sections 13 - 20 and in Part 5 that:

- confer on the Scottish Ministers functions in relation to the management of land and provide for those functions to be delegated to community bodies where the Scottish Ministers consider it appropriate.
- enable the Scottish Ministers to enter into arrangements with other persons to manage land on their behalf and/or provide advice and assistance on management of land.
- provide powers for the Scottish Ministers to acquire (by lease, sale, gift or grant of any interest in or right over land and by compulsory purchase) and to 'dispose' of land to others.
- provide general powers for the Scottish Ministers in carrying out their functions under the bill, including education and training; collection and publication of data and statistics; provision of financial assistance; establishment of corporate bodies; imposition of charges for carrying out functions.

The Committee considers these provisions to be broad and are in addition to related provisions in the Community Empowerment and Land Reform Acts, considered by the Rural Affairs and Climate Change Committee in session 4.

There are a number of issues and questions in relation to Part 3 of the Bill that are of interest to the ECCLR Committee, which as reporter, Claudia Beamish will seek to explore including:

- ***The Purpose of Part 3:*** what the issue or problem the Part 3 provisions in relation to sustainable development are intended to address? the circumstances in which the provisions are intended to be used? how these provisions will result in the establishment of a 'land agency'? and; how this relates to the Scottish Land Commission?
- ***Consultation process:*** The extent to which the provisions in Part 3 were consulted on and the views of stakeholders?
- ***Interaction with other relevant legislation:*** How the powers interact with the related powers in the Community Empowerment and Land Reform Acts?
- ***Scope of the powers of intervention:*** The breadth of the powers to intervene to acquire land for the purpose of furthering sustainable development and control of/conditions over their use (relationship with compulsory purchase provisions) and the transfer of that land to "community bodies"?

- **Definitions:** How sustainable development and furthering its purpose defined, tested and assessed; the definition of “other land”? definition of “community body”?
- **Compulsory purchase powers:** examples of when this might be used? the process for invoking compulsory purchase powers and the circumstances of their use? rights of appeal? conditions attached to disposal? backstop provisions if land was not being managed sustainably?
- **Community bodies:** circumstances of use of the broad powers to delegate functions to communities? backstop provisions if land was not being managed sustainably? definition of community body which does not match the definition of Community Body as set out in the Community Empowerment Act and allows the Scottish Government to dis-apply a number of the requirements specified as determining a “community body”?
- **Secondary Legislation and guidance:** The need for related guidance?

We look forward to engaging with you and the Rural Economy and Connectivity Committee on the scrutiny of this Bill.

Yours sincerely,



Graeme Dey MSP
Convener
Environment, Climate Change and Land Reform Committee