RURAL ECONOMY AND CONNECTIVITY COMMITTEE

FORESTRY AND LAND MANAGEMENT (SCOTLAND) BILL

SUBMISSION FROM CENTRAL SCOTLAND REGIONAL FORESTRY FORUM

The Central Scotland Regional Forest Forum (CSRFF) was established by Forestry Commission Scotland to advise on forestry policy and practice in central Scotland. Its members include stakeholders with an interest in the economic, environmental and social benefits from trees, woods and forests in the region.

1. Does the Bill achieve its aims and are you in favour overall? Is there anything else that you feel should be included or excluded from the Bill?

While accepting the need for full devolution of forestry functions and the need to update forestry legislation, the CSRFF does not agree with the approach of establishing a Forestry Division within the Scottish Government (SG) as this Division would have no statutory basis and could easily be diluted over time (e.g. through merger with other Divisions). The CSRFF fears that this would lead to a loss of focus in promoting forestry in Scotland and a loss of professional forestry expertise.

The CSRFF worries that the timing is also difficult. A move to new organisational arrangements (and associated IT integration) in 2019 will compound the difficulties that are already anticipated with Brexit and the ending of CAP support for forestry.

In its response to the SG consultation, the CSRFF said that Forestry Commission Scotland should be fully devolved but remain as a single body, with responsibility for forest policy advice, regulation and grants as well as management of the national forest estate. This body would be accountable to Parliament and to Scottish Ministers; furthermore, through the appointment of non-executive directors it would also be more accountable to stakeholders than a Division of an SG Directorate.

2. What are your views on the Bill’s statutory requirement to produce a Scottish Government Forestry Strategy based on sustainable forest management?

The CSRFF agrees with this proposed measure, but suggests that there should be a requirement to revise the Strategy periodically. The Climate Change (Scotland) Act 2009 requires that Scottish Ministers revise their Land Use Strategy every five years, and the time period for revisions to the Forestry Strategy could mirror that. In any case, the Forestry Strategy should be revised at least once every ten years: the first Scottish Forestry Strategy was published in 2000, and the current Strategy (which is now overdue for review) was published in 2006.

The CSRFF welcomes the new duty to promote sustainable forestry management, which reflects internationally agreed best practice.
3. The Bill will provide new powers to Scottish Ministers over subjects such as tree health and the ability to conduct research. What are your views on these powers?

These powers can only be used effectively if there is access to the necessary scientific expertise. It is essential that Britain’s current forest research capability is not lost, and that discussions on a cross-border approach to Forest Research reach a successful conclusion. Therefore, a statutory framework for a continued cross-border approach to forest research and tree health should be agreed and in place before the new Act comes into force.

4. The Scottish Government’s intention is that the Bill should provide greater flexibility and wider powers in relation to land management, with a focus on sustainable development. The Bill also contains provisions regarding compulsory purchase. How do you feel this will work in practice?

The Forestry Commission’s voluntary approach to land acquisition has worked well for many years, and it is not clear why the Bill includes provision for compulsory purchase powers. (Although the Forestry Commission has compulsory powers, it has not attempted to use them since the 1950s, preferring the voluntary approach.) There should, at the least, be clearer specification of the circumstances where the “public interest” would be strong enough to justify compulsory purchase.

5. The Bill will update the regulatory regime and enforcement powers for felling and restocking trees. Do you feel it is fit for purpose?

The definition of felling should be modified to include the “cutting down” of trees. This is necessary because the current proposed definition (“intentionally killing a tree”) would not, for example, cover a situation where oak trees are cut down - this is because the oak trees would not be killed where they continue to grow new shoots from their root systems.

It is not clear why it is necessary to carry forward the “felling direction” powers from the 1967 Act into sections 31 and 32 of the Bill; powers to require tree felling are only used by the Forestry Commission for tree health reasons – and these are provided for separately in the Plant Health legislation. If these felling direction provisions are retained, there should be a clear rationale (e.g. public safety).

6. Do you have any comments on the bill in relation to human rights or equalities?

No.

Central Scotland Regional Forestry Forum
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