RURAL ECONOMY AND CONNECTIVITY COMMITTEE

FORESTRY AND LAND MANAGEMENT (SCOTLAND) BILL

SUBMISSION FROM FOREST POLICY GROUP

FPG is an independent think tank feeding new ideas into the debate about forestry in Scotland. Our aim is to influence policy through quality commentaries and ‘thought’ pieces on current issues.

Our vision for 2025 is:

- Forestry should be playing a much stronger role in maintaining and restoring a more mixed, productive and resilient landscape which is also accessible, ecologically rich and beautiful.
- There should be an early increase in small scale, locally governed forestry, involving more of the community in meeting a variety of social, economic and environmental needs.
- More people should be able to talk of ‘our woods’, cherishing them and using them for both profit and pleasure.


General points on the Bill:

The Bill should go further than a simple administrative measure to replace 67 Act. On the 50th anniversary of the 1967 Forestry Act, it is time to set the frame for the next 50 years, to meet the needs of a very different world, with new realities, challenges and policy commitments already in place across a range of responsibilities, reflecting the needs of a new Millennium.

The thinking behind the Bill should also take account of the strong identification and attachment of Scottish people with their special woodlands and forests, the significance of these for Scotland’s internationally important landscapes and identity, and - given the lifespan of trees - the need to bear in mind the long term implications of decisions made today.

So we would like to see the Bill reflecting new ambitions for the role of forestry in meeting Scotland’s needs, and new commitments to the part that people can play in influencing and delivering this role. We therefore support measures such as the greater flexibility to delegate management of parts of the National Forest Estate (including, but not exclusively, to communities), through a variety of possible mechanisms. But we believe there are further measures (suggested below) which would allow more participation in forestry, to the benefit of all.
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?

We approve of the Bill as far as it goes. However, it should include a number of measures which do justice to the role and significance of forestry in meeting a range of important policy objectives. We have noted these where relevant in answer to the questions below, but we would want to be sure that the long title of the Bill embraces this potential.

In addition, we would like to see:

- Under S17 a requirement for disposals to be subject to public consultation if they exceed a certain scale, such as the wholesale leasing of a proportion of the NFE to one industrial player. Otherwise we welcome the flexibility introduced by new powers to dispose of land, which could be a boost for rural development if individuals & small business can lease woodland (woodlots, woodland crofts, firewood businesses renting a parcel etc).

- Under S61 (Duty to publish description of forestry land) further detail regarding the attributes which should be described. In addition to the traditional indices this should include statistics on the size and types of holdings and their form of tenure. Accurate data on the pattern of ownership of woodland is a crucial pre-requisite for policy development. At present this data is severely lacking.

- Under S63 (Financial assistance) a power to offer interest free loans to communities for purchase of land for forestry. It is very difficult for communities to create new woodlands and therefore to increase the diversity of woodland ownership in Scotland because of the difficulties faced by communities in raising money to buy land to plant. The option of a community going to a bank to borrow the money is seldom open to them because of the lack of security they can offer the bank as the land would be in the community’s name and individual trustees may not wish, or be able to pledge their personal assets by way of security on the loan from the bank. To overcome this market failure the bill should provide a mechanism whereby communities can take out an interest free loan provided by the Scottish Government for periods of up to 20 years to buy land for planting. This facility could also be offered to communities if they wished to buy an existing woodland that is considered to be of importance to the community.

- Other options to support communities in the acquisition of land for forestry, could include measures for example to require contributions or share schemes to benefit the community, following the example of the Scottish Government’s Good Practice Principles for renewable energy projects\(^1\). Such contributions could include access for community use of a proportion of new, large afforestation projects.

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\(^1\) [http://www.localenergyscotland.org/goodpractice](http://www.localenergyscotland.org/goodpractice)
Consideration should also be given to the use of the **non-domestic rates system**; to require all holdings above a certain size to be registered (useful for data anyway), but allowing payment exemptions for categories (e.g. resident owners/managers) who actively deliver the core purposes of Scottish Government policy (e.g. community engagement, access etc). This measure could also include hypothecated use of the tax income to support appropriate management, as in the Norwegian Forest Trust Fund model. (see [https://www.nordictimber.org/norwegian-forest-policy](https://www.nordictimber.org/norwegian-forest-policy))

In **Part 4** of the Bill, Ministers are given the power to refuse applications or proposals in a range of forestry situations. There should be a power/requirement for the Minister to appoint an **Advisory Group** in the event of controversy to take an independent look at the situation and advise the Minister accordingly. This would be a safeguard against concerns that such decisions would otherwise be made entirely behind closed doors in Scottish Government. However this should be a minimum. It is a general concern raised in relation to the structural changes promoted in this Bill, that the Bill makes no statutory arrangement for the kind of advisory input from private and voluntary sectors which has served the development of forestry so well in recent decades. Consideration should be given to requiring a broader advisory structure to ensure that Scottish Government continues to receive balanced advice on all aspects of forestry.

We would also like to see measures in the Bill to require the Scottish Government, through its new agency (Forestry and Land Scotland) to open up the National Forest Estate to more **democratic engagement**, giving local people more opportunities for participation in decisions and in its use and management. This could be a major contribution to the objectives of the Land Use Strategy which seeks, as one of its three objectives: *Urban and rural communities better connected to the land, with more people enjoying the land and positively influencing land use.*

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

We agree overall with this requirement, but it does not go far enough. The problem in the past has not been with the Strategy – which is ‘all things to all men’ - but with the tendency for asymmetric delivery of that Strategy, giving much more resource and emphasis to some parts than to others. It is important that forestry in the future meets the full scope of its potential to contribute to lives and livelihoods throughout Scotland. So we have three proposals:

a) The Bill should specify that the Forestry Strategy should explicitly seek not only to deliver Sustainable Forestry Management (the how), but that its central purpose should be to **promote the full suite of relevant policies of the Scottish Government** (the what). This is to emphasise the key role that forestry can play in meeting a wider range of objectives than currently referred to in the draft, such as e.g. rural development, climate change, land reform,
community empowerment, public health and broader environmental objectives (beyond biodiversity), as well as the production of timber.

b) In order to keep progress under review, and given concerns about the impact of expansion of investment forestry on the rural environment and local economy, we propose a duty for SG to report to the Scottish Parliament every three years on the delivery of the Strategy, its contribution to the Scottish Government’s broader policy objectives, and the pattern of uptake of support grants so as to expose these matters to oversight and debate. This measure has usefully been included in legislation in other areas (e.g. deer management), where there are also concerns about delivery.

c) For the same reasons, the Bill should place a duty on Scottish Government to revise and publish the Strategy at least every 10 years. The current Strategy dates from 2006 and there is no indication of when it will be revised.

d) There should be special reference to the need for the Strategy to include actions to diversify the ownership of woodlands and forests. The National Forest Land Scheme and sale of land from the Forest Estate has been an important driver in working to achieve the Scottish Government’s target for community owned land, and facilitating wider public access to land. Difficulties in this area present a particular barrier to the benefits which forestry can provide.

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?

We support these additions.

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?

We support these changes, with the following reservations.

‘Sustainable development’ has been described as ‘the slipperiest piece of soap you’ll find in the bathtub’. Decades of attempts to grasp it have only resulted in cloudier water. And Scottish Government itself has conspicuously replaced this general goal with other more contemporary terms. So we are sceptical about the use of this term in the Bill, preferring a reference to Scottish Government’s other economic, social and environmental strategies.

The Bill should include duties to facilitate forestry solutions to challenges faced by rural Scotland – eg the widespread adoption of silviculture as part of the diversification of agricultural businesses, and to meet the community’s recreational needs and deliver other important ecosystem services. A key aspect of this is the ability of existing owners and tenants of land to undertake forestry themselves rather than having to abandon their enterprises and sell to an absentee investor who may have no interest in rural development.
This could include powers to facilitate the development of a **local forest culture** including support for the development of growing, harvesting, conversion, and marketing of forest products.

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

Broadly, yes.

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

We are not aware of any issues which would arise from this legislation.

Forest Policy Group  
August 2017