The Grampian Forestry Forum (GFF) was established by Forestry Commission Scotland to advise on forestry policy and practice and policy across Grampian. Encompassing Aberdeen City, Aberdeenshire, Moray and area of the Cairngorm National Park falling within Aberdeenshire and Moray, Grampian Forestry Forum’s 8 members and 4 ex-officio members represent economic, environmental and social interests in the region.

Please note that this response and the comments referred to herein reflect the discussions of the Forum and whilst these should not be taken as representing the views of any individual Forum member, they do reflect those of the following non ex-officio members: -

Claire Glaister FICFor BSc (Hons) – Chair of Grampian Forestry Forum
Alison Espie MSc, MLE, MCIEEM, NSch – Chartered Environmentalist
Matt Hommel MSc MICFor – Managing Director, Christie Elite Nurseries Ltd
Paul Manson BA (Hons) FdSc MArborA, Consultant, Forestry, Arboricultural and Environmental Management Solutions
Derek McDonald BSc (Hons) – Industry Support Executive, (Rural and Maritime), Aberdeenshire Council
Scott Petrie – Principal Consultant, Five Glens Consultancy Ltd.

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?

Whilst the GFF welcomes the opportunity to fully devolve forestry matters to Scotland and recognises the need to update forestry legislation, it 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) - *in its response to the SG Future of Forestry in Scotland consultation, the GFF supported a model whereby a Board of non-executive directors would be appointed; this being more accountable to stakeholders than a Division of an SG Directorate*. The GFF is concerned that establishing a Forestry Division within the SG would lead to a loss of focus in promoting forestry in Scotland and a loss of professional forestry expertise.

Furthermore, at a time of unprecedented domestic and international change, the GFF considers this approach could compound the difficulties already anticipated with Brexit and its associated impacts and result in a loss of momentum, clarity, stability, confidence and resource across the sector which would make the Government’s targets for new planting harder to achieve and have long-lasting effects on the forestry sector and wider Scottish economy as a whole.

The GFF therefore considers 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.

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

   The GFF welcomes the new duty to promote sustainable forestry management and that on which internationally agreed best practice, a Scottish Forestry Strategy will be based. In addition however, we would wish Scottish Ministers to promote the interests of forestry more widely – as is a fundamental principle in the Forestry Act 1967 – as we are concerned that anything less could be a dilution.

   The GFF agrees with the production of a Scottish Forestry Strategy but would also suggest that there should be a requirement in the Bill to revise the Strategy at agreed intervals which mirror the time periods under which other Strategies (e.g. Scotland’s Land Use Strategy) are reviewed.

   In addition, whilst we fully support the duty placed on Scottish Ministers to prepare and publish a Scottish Forestry Strategy, we would also wish to see a duty on Scottish Ministers to enable the delivery of a Scottish Forestry Strategy included in the Bill.

   Furthermore, whilst we would view the Scottish Forestry Strategy as the overarching document which provides a framework for the delivery of sustainable forest management across Scotland, in order to reflect regional distinctiveness, the GFF wonders if reference to Local Authority Forest and Woodland Strategies (and similar) should be made in the Bill, thus linking and promoting forest policy at more local and regional levels.

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 and if such expertise isn’t constrained by geographic boundaries. It is therefore essential that Britain’s current forest research capability is not lost or reduced and that discussions to agree an effective cross-border approach to forest research reach a successful conclusion 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 instead to use the voluntary approach). There should therefore, at the least, be a clearer specification of the circumstances in which the “public interest” would be strong enough to justify compulsory purchase.

   With regard to a focus on sustainable development (section 13 of the Bill) and as indicated during the committee meeting on 21 June 2017, we were unclear as to which land would be covered by the powers to manage land to further sustainable development and which to
promote sustainable forest management. The GFF would therefore wish that this be clarified further in order to enable a better understanding of how wider powers to provide greater flexibility in relation to land management would work in practice.

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 amended to include the “cutting down” of trees. This is necessary because the current proposed definition (“intentionally killing a tree”) would not cover those species capable of coppice regrowth in Scotland - this is because such 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.

Grampian Forestry Forum
August 2017