RURAL ECONOMY AND CONNECTIVITY COMMITTEE

FORESTRY AND LAND MANAGEMENT (SCOTLAND) BILL

SUBMISSION FROM INSTITUTE OF CHARTERED FORESTERS

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?

The ICF considers that significant amendments are required if this Bill is to achieve its aims and improve on existing arrangements.

As explained in the ICF response to the Scottish Government consultation on The Future of Forestry in Scotland, we accept the need for further devolution of forestry and welcome positive change, but have serious concerns about gradual loss of focus and professional skills within Government following transfer of the “forestry authority” part of Forestry Commission Scotland (FCS) to the Scottish Government (SG) as a Forestry Division, which could in time lose its identity and be merged with other Divisions.

Government support for forestry requires a clear delivery focus, and this is more likely to be achieved within an accountable body, overseen by a management Board including non-executives, than by a Forestry Division within SG.

Accordingly, the ICF considers that the Bill should include provisions to create, in a fully devolved form, a single forestry body to take forward the work of Forestry Commission Scotland. This body:

- should be accountable to Parliament, subject to Ministerial direction, and overseen by a management board including non-executives drawn from the private and voluntary sectors;

- should be responsible for promoting the interests of forestry in Scotland; advising Ministers on policy; providing advice and support for the private/voluntary sector; exercising regulatory functions; and managing the national forest estate (NFE), and other public land put at its disposal, in an exemplary manner that demonstrates sustainable forest management well integrated with other land uses.

- should have internal governance arrangements to separate its “regulatory functions” from the management of the NFE.

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

These are positive developments.

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?

While it makes sense for Scottish Ministers to have powers over tree health so that plant health can be addressed in an integrated manner, working closely with the other countries
in Britain, it is important to address concerns about the need to rebuild adequate scientific capability in such fields as tree pathology and entomology.

It is also important that there is a successful conclusion to negotiations with Defra and the Welsh Government on the funding of forest research, and that Scottish Ministers play their part in providing secure and predictable resourcing for the GB Forest Research Agency.

There is a need for effective arrangements regarding other cross-border functions such as inventory and forecasting, technical development, UK forestry statistics and support for improved standards of health and safety within the sector.

It is not clear what is proposed regarding coordination between UK forestry ministers on international forestry policy.

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 Bill, and accompanying Memoranda and Explanatory Notes, are not clear about how Scottish Ministers intend to use these powers (such as section 13 “management of land for sustainable development”). Does this mean, for example, that the same organisation will be asked to manage the Scottish Government’s agricultural estates, the Crown Estate’s rural land and SNH’s national nature reserves, as well as the NFE? If so, it is important that these additional responsibilities for managing non-forest land do not detract from management of the NFE, and that adequate resources are made available to take on new tasks.

It is not clear why compulsory purchase powers (section 16) are needed. We are not aware of any examples of the Forestry Commission using its compulsory purchase powers under the Forestry Act 1967.

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

In general, we agree with what is intended here, but the definition of felling (as “intentionally killing a tree”, section 22) needs to be changed to include the act of cutting a tree down.

It is not clear why powers are needed to make felling directions (sections 31 and 32) as we are not aware of the Forestry Commission using these powers (felling required for tree health purposes is covered under separate plant health legislation).

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

   • No.

The ICF has 1700+ members, of whom nearly 500 are in Scotland. Our mission is to raise and maintain professional standards in forestry and arboriculture in order to promote the sustainable management of trees and woodlands in all countries of the UK. In addition to providing policy advice and information on forestry and tree-related matters, we regulate standards of entry to the profession. We operate under our royal Charter, granted by the Privy Council in 1982, and have a Code of Conduct for members.