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

The Perth & Argyll Forestry Forum accepts the need for full devolution of forestry functions and the need to update legislation, but does not agree with the proposal to establish a forestry division within the Scottish Government, as this division would lack statutory basis and could be diluted over time, potentially through merger with other divisions. The Forum considers it vital that the integrity of the FC is retained, so as to protect professional standards, qualifications and skills, and a career structure to balance the private sector. The proposal to subsume the FC directly into SG could well lead to these aspects being lost or diluted.

The Forum, in their response to the consultation paper in autumn 2016, proposed an executive agency, which could encompass both enterprise and conservancy functions. The agency would be accountable to parliament and to Scottish Ministers, and with a board of external non-exec members would also be more accountable to stakeholders than a division of a Scottish Government 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 Forum supports the production of such a strategy, and welcomes the focus on sustainability. This must be carefully defined and should be linked to UK forestry standards.

The Forum considers that there should be a timescale for the production of a strategy – say two or three years – and that a national strategy should be rolled down to regional level. Forestry strategy could be used to regenerate land-use strategy as a whole, there should be a requirement to revise the strategy regularly, perhaps once every 10 years.

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?

The Forum considers the current research budget must be protected. Planting target will only be met if research is properly funded. There must be substance and sufficient funds behind the new powers if they are to be effective.

It is essential that there is a cross-border approach to forest research.

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 Forum are very concerned as to why the Bill contains provisions regarding additional compulsory purchase powers. The FC has relied on a voluntary approach, which had generally proved successful. Attempts to use CP powers to acquire land in the 1950s were not successful.

The SG must clarify, precisely, what any new CP powers are to be used for. Compulsory purchase is a minefield and if there are uncertainties, the use of the proposed powers is likely to become mired down in the Courts.
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 regulations are not fit for purpose at present, and the Forum agrees that these require updating. The definition of “felling” in the Bill needs to be revisited.

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

No, other than problems are likely to arise if any compulsory powers are not properly defined, as per question 4 above.

Perth and Argyll Regional Forestry Forum
August 2017