We support the overall aims of the Bill and feel that, broadly, it achieves its aims.

As well as the strategies and powers that are the subject of the Bill, delivering sustainable forest management also requires the resources and expertise both to manage the national forest estate and to regulate private forestry effectively. There is concern that with the loss of identity and a degree of independence from the Forestry Commission, these will not be maintained. We would encourage consideration of any measures that ensure that this capacity is not eroded.

2. What are your views on the Bill's statutory requirement to produce a Scottish Government Forestry Strategy based on sustainable forest management?
We support this requirement. However, we are concerned that the terms ‘sustainable forest management’ and ‘sustainable development’ are not defined in the Bill. These terms have a long history of being abused and there is not a common understanding of their meaning. The definition of sustainable forest management cited in the policy memorandum, “The stewardship and use of forest lands in a way and at a rate that maintains their biodiversity, productivity, regeneration capacity, vitality and their potential to fulfil now and in the future relevant ecological, economic and social functions at local, national and global levels and that does not cause damage to other ecosystems.” should be included in the Bill itself. Another approach would be for the Bill to commit the strategy to furthering the better-defined aims of other pieces of legislation and policy, such as those of the Land Use Strategy and the Climate Change Act.

We note that an important part of the Forestry Commission’s role in the economic sustainability of Scottish forestry was the part it played in nurturing and protecting forest industries by evening out the supply of timber and we believe that this should continue.

We believe that the Bill should explicitly commit the Forest Strategy to two aims that are not necessarily included in the definition of sustainable forest management. The first is an expansion of forest cover in Scotland, which is well below the European average due to a long history of deforestation. The Bill could contain its own targets or include a commitment to targets set under the Climate Change Act. The second is an increase in the diversity of land ownership, which, again for historical reasons, is extremely skewed in Scotland towards the ownership of land in large holdings.

To help to ensure that the Forest Strategy does not become a mere statement of intentions that are never delivered, we suggest the approach taken with other areas where implementation is uncertain, such as climate change and deer management legislation: that
the Bill should specify review processes both for progress on implementation and for the Strategy itself.

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 import of novel pathogens is one of the largest threats to both the economic and ecological (and therefore the social) benefits of forests. We believe that increased powers, not all of which are currently within the remit of the Scottish Parliament, are essential to get this threat under control.

We support any measures which ensure that the research functions of the Forestry Commission will not be lost in the future as it is crucial that policy and practice continue to be based on the best evidence.

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 welcome the flexibility of the new powers and hope that this will be used to better nurture forest culture and industries at all scales.

We also welcome the provisions for delegation of powers to community groups and support the definition of a ‘community body’ used. However we note that the word ‘community’ is itself not defined and that it is commonly understood to include communities of interest as well as geographical communities. We feel that the intent should be made clearer here.

It is not entirely clear that the power to dispose of land is considered to be part of the management of the forest estate and that it should therefore be subject to the constraints of sustainable forest management. We feel that it should be.

We suggest that disposals ought to be subject to public consultation when they are significantly larger than the normal scale of disposals..

5. The Bill will update the regulatory regime and enforcement powers for felling and restocking trees. Do you feel it is fit for purpose?
We feel that the regime and powers are largely fit for purpose. However, we would suggest a change to the language used. In the Bill, ‘felling’ is defined as ‘intentionally killing a tree’. This is too far from the natural meaning of felling, in which felling does not necessarily involve killing a tree (as in coppicing) and killing a tree does not necessarily involve felling it. It would be better therefore if the Bill simply referred to ‘felling or killing’ where it currently refers to felling. There is also another problem of definition in that the Bill does not define a ‘tree’. Since there is no natural definition boundary between a tree and a shrub and between a seedling and a tree, this could cause problems of interpretation.

6. Do you have any comments on the bill in relation to human rights or equalities?
No.

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