The generic title ‘Seafield and Strathspey Estates’, covers the business interests of The Earl of Seafield and his family operating on around 35,000 hectares of Scotland, of which approximately 10,000 hectares are forest or woodland. The land is owned by a number of separate businesses with different owners and ownership types, all which will be impacted upon by the above bill.

Having had input to the submissions of both Scottish Land and Estates (SL&E) and Confederation of Forest Industries (Confor) we would endorse those submissions and ask that the Committee take account of that in their deliberations. Therefore, to avoid repetition we will limit our own response to practical aspects of management as the aforementioned submissions cover the strategic aspects of the bill, including the significant issue of the amount of detail left to secondary legislation.

Part 4 - Felling Provisions

The 1967 Forestry Act contains a number of specific provisions that form the basis of current felling and restocking approvals. These have proven to be sound, having been in primary legislation since 1967, and we are not aware of any concerns over the suitability of these in modern forestry.

If the 1967 Act is repealed and felling provisions are not brought over into this Bill, then there are possible complications with the current licences and the retrospective application of any secondary legislation to existing permissions and schemes. It is highly likely that consultation on the matter of felling provisions for secondary legislation would result in the majority of respondents citing the existing provisions and this would add weight to the benefit of including them in primary legislation. We would therefore suggest that the felling provisions are taken over from the 1967 Act.

s.41 – Registers of Scotland felling/restocking notice. We are not aware that the current procedures and the register of felling licences and restocking obligations held by Forestry Commission Scotland have resulted in significant failures in compliance. These burdens on land are relatively short term and it seems of questionable benefit and unduly onerous in terms of cost and complexity to include these in the Land Register.

s.57 recovery of expenses from new owner. We fail to see the reasoning in making the previous owner severally liable with the new owner and would question how enforceable this would be. A more appropriate procedure would be to retain the transfer of burden with the land, where disclosure on sale would be required as part of legal process or similar to current and previous grant scheme contracts where a form of consent is produced that transfers obligations to the new owner.
Part 5 – General Powers

s.64 – Charging. We do not believe charges should be made for the application or processing of felling, restocking, management permissions or grants. This process is already complex and costly enough in terms of management time.

Seafield & Strathspey Estates
August 2017