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?

Proposed response: Broadly, we would say that the Bill does appear to achieve its stated policy objectives. We have always found FCS to be a valuable delivery partner and source of expertise; and its almost 100 year old status as an autonomous and well recognised organisation has been an asset. We do recognise that there is now an opportunity modernise legislation and to further integrate Forestry responsibilities with the wider delivery of environmental, economic and social outcomes in Scotland.

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

Proposed response: The two iterations of the Scottish Forestry Strategy (SFS) to date have greatly helped to increase understanding of the wide societal benefits of well managed woodland across both rural and urban environments. The principles set out in the SFS have led to improved planning policies and local woodland strategies. New funding programmes associated with SFS, such as Woodlands in and Around Towns (WIAT) continue to drive woodland improvement projects across urban Scotland and have helped to better link land asset management to the delivery of core Local Authority objectives for health, learning and community regeneration.

We welcome the commitment in the Bill to continue to update the SFS using the principles of sustainable forest management.

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?

Proposed response: We have no specific comments to make on the transfer to Scottish Ministers of legislative functions under the relevant UK Acts. The international transfer of pathogens, etc. present an increasing threat to environmental health biodiversity and the sustainability of the forestry sector and it is vital that there is continued and effective co-operation between UK nations, the European Union and wider, international research and policy groupings to protect plant health and manage bio-security.

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?

Proposed response: It is understood that powers to compulsory purchase land for forestry purposes already exist in current legislation, albeit these are rarely if ever used. A significant change in this Bill would seem to be the extension of these powers to cover the compulsory purchase or acquisition by agreement for the purpose of furthering “sustainable development.” In the context of primary legislation “sustainable development” would seem to be a rather broad and poorly defined term, given the potential scope and reach of the associated powers. However, from a Local Authority perspective we can certainly imagine potentially positive applications of these powers: for example, enforcing changes to land
management as flood mitigation measures or to improve water quality. We might also wonder what the implications might be for public land, held by Local Authorities, Health Boards or Scottish Natural Heritage and which might be classed as “forestry land” or land “suitable for the purpose of achieving sustainable development.” We would support the powers of delegation to community bodies.

The Bill will update the regulatory regime and enforcement powers for felling and restocking trees. Do you feel it is fit for purpose?
Proposed response: We would consider Part 4 of the Bill to be fit for purpose in that it largely involves the transfer of existing powers to Scottish Ministers. We would agree that setting out the details of the regime in secondary legislation will allow for better engagement with sector and public interests and facilitate adaptation.

We do wonder if the stated definition of “felling” as being “Intentionally killing a tree” will prove to be supportable, given that most native hardwood species regenerate after felling.

Do you have any comments on the Bill in relation to human rights or equalities?
We have no comment to make on these issues.

South Lanarkshire Council
August 2017