In addition to the Committee’s own questions, we would highlight the following issues.

**Land use planning** – the statutory Land Use Strategy is still at an embryonic stage, though central to achieving Parliament’s ambitions on sustainable land use, land reform and climate change. We would recommend the new agency act as a corner-stone for its achievement.

**Land reform** – the Scottish Government’s policy memorandum makes almost no mention of land reform, although the new joint government estate will be the largest in Scotland. The new agency may be expected to lead by example on many land reform issues, including new requirements such as community consultation.

**Public land ownership** – the combined estate will include land acquired and owned by Scottish Ministers for purposes other than forestry. It would be helpful for the new body to review its estate, to assess the continuing public interest in ownership (i.e. the market failure being addressed), and how this will help deliver government objectives such as biodiversity, public amenity or service delivery. Land specifically acquired for purposes other than afforestation, and which is not compatible with afforestation, should continue in its current use.

**Potential loss of expertise** – the proposed structure of an expert civil service division and an executive agency is the same model as was attempted during the creation of Historic Environment Scotland. In practice, the central government historic environment element has been absorbed into wider government responsibilities. We would be concerned that without adequate demarcation, a similar trajectory would follow for forestry.

**Compulsory purchase** – the Bill proposes the effective continuation of the Forestry Act (1967) power of compulsory purchase, which relates to forestry, but also extending this to cover “sustainable development.” This latter is potentially very wide ranging, and adds to an existing range of compulsory purchase powers. We would refer the Committee to the recent Scottish Government position statement on planning, which proposed no new compulsory purchase powers, and to the conclusions of the Scottish Law Commission review which recommended a rationalisation of these powers.

**Community acquisition** – the Bill proposes a definition of community body that is different again from that used in the Land Reform Act (2014) and the Community Empowerment Act (2015). It would be helpful if a standard approach was adopted.

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?**
We welcome the further devolution of forestry, but we do have some concerns around the potential 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. This opens up the possibility for it to be merged with other Divisions.

There is a risk that the new body will lose focus from forestry, the potential for this can be seen in Section 13 where the new body will have responsibility for the management of land for “sustainable development”. It is also unclear to what land this refers to. Is all land and property owned by the Scottish Government ultimately to be brought under the management of the organisation? Will it manage National Nature Reserves as well as the National Forestry Estate? This must be clarified to ensure that the primary duty of forestry management is not undermined. Equally, land acquired to deliver specific public benefits should continue in this use.

It would be helpful for the Bill to better recognise and encourage forestry’s role in tackling climate change, which the Scottish Government is committed to. Linked to this, the Bill would benefit from recognising the importance of biodiversity restoration and conservation to increase resilience to climate change and to general forest health as recommended by the Committee on Climate Change last year and as required under the Aichi targets. Notably, there should be an emphasis on the protection and enhancement of native woodlands in Scotland.

The planning system is not adequately addressed in the Bill, and neither is the Land Use strategy (which is only mentioned in Section 4 that Ministers should have regard to it when revising the forestry strategy). These would be useful tools, particularly the Land Use Strategy which could be used to integrate land uses and the framework for landscape scale projects, such as tree planting for flood alleviation.

The Bill also needs to explain more clearly how it will interact with related powers in the Community Empowerment Act and Land Reform Acts.

It would be helpful to either use the same definition or explain why the definition of a “community body” has been changed from that used in the Land Reform and Community Empowerment Acts.

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

We welcome the Bill’s requirement to produce a Forestry Strategy based on sustainable forestry management. This should help to ensure that sites inappropriate for forestry development are sufficiently protected, such as open habitats and landscapes (e.g. peatland), and culturally important landscapes such as battlefields.

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 Bill needs to clarify how cross-border cooperation will continue or develop once devolution has taken place. It is important that the Scottish Government works with DEFRA and the Welsh government going forward in terms of research and providing a common standard for health and safety in the sector, and on the control of plant and tree disease.

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?
It is not clear why the extension of compulsory purchase powers (Section 16) are required. It would be useful to have clarity on when these powers would be appropriate to use, the scale and limitations of these powers and what the rights of appeal are.
In Section 17 there is no clarity on where funds acquired through the disposal of land would be allocated. They should be committed to reinvestment in forestry or other environmental projects.

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 definition of felling (as “intentionally killing a tree”, section 22) needs to be amended to include the act of cutting a tree down.

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

The National Trust for Scotland
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