



OFFICIAL REPORT
AITHISG OIFIGEIL

Rural Economy and Connectivity Committee

Wednesday 6 September 2017

Session 5



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RURAL ECONOMY AND CONNECTIVITY COMMITTEE
23rd Meeting 2017, Session 5

CONVENER

*Edward Mountain (Highlands and Islands) (Con)

DEPUTY CONVENER

*Gail Ross (Caithness, Sutherland and Ross) (SNP)

COMMITTEE MEMBERS

- *Peter Chapman (North East Scotland) (Con)
- *John Finnie (Highlands and Islands) (Green)
- *Rhoda Grant (Highlands and Islands) (Lab)
- *Jamie Greene (West Scotland) (Con)
- *Richard Lyle (Uddingston and Bellshill) (SNP)
- *Fulton MacGregor (Coatbridge and Chryston) (SNP)
- *John Mason (Glasgow Shettleston) (SNP)
- *Mike Rumbles (North East Scotland) (LD)
- *Stewart Stevenson (Banffshire and Buchan Coast) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

- Andrew Bauer (NFU Scotland)
- Claudia Beamish (South Scotland) (Lab)
- Malcolm Crosby (Forestry Commission Trade Unions)
- Charles Dundas (Woodland Trust)
- Anne Gray (Scottish Land & Estates)
- Jon Hollingdale (Community Woodlands Association)
- Dr Maggie Keegan (Scottish Environment LINK)
- Willie McGhee (Forest Policy Group)
- Professor David Miller (Scottish Environment, Food and Agriculture Research Institutes)
- Peter Peacock (Community Land Scotland)

CLERK TO THE COMMITTEE

Steve Farrell

LOCATION

The Mary Fairfax Somerville Room (CR2)

Scottish Parliament

Rural Economy and Connectivity Committee

Wednesday 6 September 2017

[The Convener opened the meeting at 09:30]

Forestry and Land Management (Scotland) Bill: Stage 1

The Convener (Edward Mountain): Good morning everyone and welcome to the 23rd meeting in 2017 of the Rural Economy and Connectivity Committee. I remind everyone to make sure that their mobile phones are on silent.

No apologies have been received. I welcome Claudia Beamish, who is acting as a rapporteur from the Environment, Climate Change and Land Reform Committee.

Agenda item 1 is our third evidence session on the Forestry and Land Management (Scotland) Bill. We will hear from two panels, and I welcome our first panel: Andrew Bauer, deputy director of policy at NFU Scotland; Peter Peacock, policy director at Community Land Scotland; Jon Hollingdale, chief executive of the Community Woodlands Association; and Anne Gray, senior policy officer in land use and environment at Scottish Land & Estates.

We have split our questions into themes and John Finnie will lead the questions on the first theme. If the witnesses want to speak, please catch my eye and I will bring you in. It might not be possible to bring in everyone on every theme, but I will do my best—it really depends on how long the answers are.

John Finnie (Highlands and Islands) (Green): Will the witnesses comment on the bill's structure and ease of comprehension? Could improvements be made? I am particularly interested in broadening the ownership of forests.

Jon Hollingdale (Community Woodlands Association): In general terms, we are happy with the bill's structure and comprehensibility. In sections 9 to 15, the language causes quite a lot of confusion—I believe that we will come on to those sections later, because I gather that they are a topic of debate.

For many respondents, the interesting thing is perhaps what the bill does not say, in that it does not have any detail on the future arrangements for the management of forestry in Scotland—all that is away in the policy memorandum. That was a particular focus of a lot of responses to the original

consultation. We understand the technical reasons for not including such detail in the bill. Nonetheless, there is a great deal of concern about the extent to which the future structure is set.

We and Community Land Scotland have suggested that the bill should require ministers to make a statement about future management arrangements, to ensure that they are clear, and that any change to those arrangements ought to be a matter for parliamentary scrutiny rather than something that can be done internally without reference to external stakeholders or the Parliament.

Anne Gray (Scottish Land & Estates): We have a number of concerns about the lack of definitions in the bill. It seems to be fairly loosely drafted and it needs to be tied down a lot more in some areas.

We have a longstanding issue with the trend towards enabling or framework legislation that leaves an awful lot to secondary legislation and regulation. We might pick up on some concerns about that during the evidence session.

I echo Jon Hollingdale's point: a lot of our members are concerned about the forestry authority moving to become a division of the Scottish Government and the executive agency also being directly controlled by Scottish ministers—

The Convener: We will definitely come on to that issue later.

Anne Gray: Okay.

Peter Peacock (Community Land Scotland): One can look at this bill as a technical bill that transfers past arrangements to the new devolved arrangements. At that level, I do not think that it is overly complicated or difficult to follow, apart from in the sections that Jon Hollingdale referred to in respect of the difference between forest land and other land—"non-forest land", as the Community Woodlands Association have called it.

I found it quite confusing to work out that the bill still calls land that is potentially not forest land "forest land", and over time it will be difficult for the lay person to reconcile what is forest land and what is not. That could be tidied up, but it is more a drafting matter than something fundamental to the structure of the bill.

The Convener: I do not want to stop everyone every time, but a lot of these factors will come up later. That one definitely will, and I know that the deputy convener will get the chance to quiz the panel on it.

Peter Peacock: That is fine. In that case, I will shut up at this point.

John Finnie: Another concern that has been expressed to us is about the potential loss of expertise. Would the panel like to comment on that?

Anne Gray: That is certainly one of our concerns about the change in how forestry will be managed. Our members are concerned that if the authority, in particular, becomes a division of Government, there will be not only ministerial churn, which is completely acceptable and understandable, but churn at the upper levels of the civil service. Forestry is a long-term industry—the crop cycle for commercial forestry is at least 35 to 40 years—and it benefits from long-term expertise, not only at the lower, more practical levels but also at the upper levels.

Jon Hollingdale: Forestry, like a lot of land-based industries, has a demographic problem—an ageing workforce, in which I probably ought to include myself—and a problem with recruitment. It is difficult to get people to come into land-based industries—it is the same in agriculture, I am sure—and the impending exit from the European Union will not help.

One bright area is that forestry has been quite successful at recruiting mid-career changers—people with a great many often very useful skills who come in from previous careers to the Forestry Commission and then move on to Forest Enterprise or the private sector. Potentially, that successful career development path will be lost, because people will not come into the division in the same way, unless the forestry division's identity is very clear. One suggestion is that the division should have a chief forestry officer and a clear forest identity to make sure that it is seen as being fixed to the industry and not just the part of the Scottish Government that administers forestry grants.

The Convener: Jamie Greene wants to develop that theme, and John Finnie will push it a bit more.

Jamie Greene (West Scotland) (Con): I want to pick up on some of the points that have been made about expertise and staff churn. The civil service works in a different way from how the Forestry Commission works currently, in that people move around the business internally. What evidence is there to suggest that expertise might be lost if the functions are brought into the Scottish Government? Do you suspect changes to recruitment processes or because people will move around departments from one part of Government to another? I hear the concerns but I do not hear any evidence to suggest that there are reasons for them.

Anne Gray: In the civil service, the culture is that people at the upper levels are generalists. They can move from justice to housing to forestry

to agriculture and so on as long as they have core skills in running departments, policy analysis and strategy.

I do not want to say that that is not valuable—it is—but there is a particular concern in relation to forestry because it is such a long-term industry, and so it benefits from those who have very long-term memories of it or who have been in it for a particular length of time. I cannot offer you much more than that, but I think that that is a fairly solid reason to think carefully about how things will be.

The Convener: I am going to let Peter Peacock come in now. I will then come back to John Finnie, after which Gail Ross will ask a question.

Peter Peacock: I do not think that I have any evidence to offer Mr Greene in response to his question, but I have evidence of the fear of what could happen and that people are anxious, as Jon Hollingdale has said, about the proposal to put the Forestry Commission into the mainstream civil service. After all, the Forestry Commission is a very distinct organisation that has a very good reputation and is highly regarded for its expertise and its success in addressing policy, advising ministers and so on over a long time. The worry is that in coming into the mainstream civil service, that will be diluted. Moreover, as Anne Gray has suggested, opportunities for transfers within the civil service might become easier, which might lead to expertise being lost or to people being brought in who would have to learn the job in not quite the same way as they would otherwise, because the Forestry Commission tends to be more self-contained. That is where the worries come from.

Keeping the Forestry Commission would provide reassurance. However, in putting our evidence together, we took the position that people had already made representations on that issue during the consultation phase of the bill and, despite all that, the Government was still proposing what it has proposed. Of course, that is subject to Parliament's approval, but I take it as meaning that, from the Government's point of view, there is a bit of a done deal. Therefore, in our evidence we ask: if that is the case, what can we do about it?

As a result, we have made two suggestions. First, ministers should have a duty to ensure that they have the expertise to carry out the bill's functions. That might mean nothing at one level but, at another, it sends a pretty clear signal that Parliament and others are concerned about the issue and, over time, it will allow Parliament to scrutinise whether ministers are fulfilling their duty to ensure that that expertise is in place.

The second device that we have suggested comes back to what Jon Hollingdale mentioned

earlier. We suggest that ministers should be required to set out a statement either in the forestry strategy or elsewhere on how they intend to administer the arrangements for a division in the department that the Government has proposed. Moreover, if they propose any significant change thereafter—which might well raise further concerns about expertise—they should be required to report that to Parliament and consult on any such change before they make it.

We are not seeking to stop the proposal; we are simply trying to ensure that some discipline is in place with regard to its operation to guard against the concerns that people have expressed. That is where we are coming from on this.

The Convener: Before I come to Andrew Bauer, I want to bring in a few committee members. I would particularly like to come back to John Finnie, because I know that he has another question to ask on this issue. First of all, though, I will bring in Gail Ross and Claudia Beamish. The witnesses can consider their questions, after which I will come back to John Finnie.

Gail Ross (Caithness, Sutherland and Ross) (SNP): Good morning. I thank Peter Peacock for his clarification. I am not saying that any of the worries and concerns about the loss of expertise are not valid, but I note the Government's assurance that the process will not result in a loss of expertise. Moreover, what we are talking about is a dedicated forestry division; there has been no talk of moving to other departments.

When we visited Mull, Simon Hodge of Forest Enterprise Scotland told us that the people in that organisation already feel as if they are a Government department and that he did not see much changing. Do you have any comment on that?

The Convener: I will bring in Claudia Beamish, and then ask the panel to answer both members' questions at the same time.

Claudia Beamish (South Scotland) (Lab): Thank you, convener, and good morning, panel. I simply seek a quick response to a question from the perspective of my committee—the Environment, Climate Change and Land Reform Committee—which has oversight of the issue of biodiversity. Do you think that the forestry functions set out in the bill should refer to biodiversity? If so, what should such a function be?

The Convener: I am going to bring in Andrew Bauer to tackle Gail Ross's question and then somebody else to tackle Claudia Beamish's question.

Andrew Bauer (NFU Scotland): Perhaps I can draw a comparison with a part of Government that

we are more familiar with: the rural payments and inspections department—as it formerly was and is probably still known by most farmers—or directorate, as it is now, although I think that it has a more official name.

We see that department as having a distinct identity and skill set and a slightly different mentality from other parts of Government. There is no doubt that it has been brought closer into the main stream of Government and that the relationship with farmers has suffered because of that. I do not have any particular comments about forestry; it is possible to have the structure that has been proposed, but there are things that you need to guard against.

09:45

The Convener: Does any panellist want to comment on Claudia Beamish's question?

Peter Peacock: I will come back on the points made by both Claudia Beamish and Gail Ross.

I was going to pick up on Claudia Beamish's point later when we come to questions about functions. We suggest that biodiversity is part of a function that should go in the bill. Shall I come back to that later, convener?

The Convener: Yes, please come back to that later.

Peter Peacock: I take the point that Gail Ross made. The matter is one of reassurance rather than the change per se. That is why we have suggested devices to provide some measure of reassurance that Parliament has a handle on the issue over time and that making changes will not simply be left to the administrative discretion of the particular minister or head of department at the time. We suggest some mechanism that will allow Parliament to scrutinise change, given people's clear concerns. Those concerns might not be fulfilled and the provisions might not have to be used, but it would provide reassurance if they were there.

The Convener: I will bring John Finnie back in, because the final part of that answer was interesting.

John Finnie: I have another question about the organisational arrangements. At the moment, research is across Great Britain and should be international as well. Do you have any concerns about the research function under the new arrangements? If so, how could those be addressed?

Jon Hollingdale: Research is not really in the bill. I understand that discussions and negotiations are going on behind the scenes that I am not privy to, so I do not know the desired landing point. We

would like to see forest research continue in as large a body as possible; a United Kingdom-wide remit is particularly important, given that plant health issues are dealt with that do not respect borders.

We do not have a fixed view on whether the best future version is a “Forest Research Ltd”, which might be a joint venture between the three Governments or departments, or having Scotland lead on certain sections and England, and potentially Wales, lead on others. What would not be sensible would be a complete divorce that ends up with a “Forest Research Scotland”, because there is not enough of a critical mass to sustain two or three forest research bodies.

The Convener: The panellists are all nodding in agreement, so I assume that those comments wrap that section up. I move on to the second theme, which Richard Lyle will lead on.

Richard Lyle (Uddingston and Bellshill) (SNP): Good morning, panel. We have touched slightly on forestry functions. Section 2 states that

“The Scottish Ministers must promote sustainable forest management”

and the bill says that ministers

“must prepare a forestry strategy.”

Several of the panellists provided written evidence on that theme. Should the bill specify matters that the Scottish ministers should have regard to when preparing the forestry strategy, and if so, what would you propose to include? Should the bill require a draft forestry strategy to be scrutinised by Parliament before the final version is published?

The Convener: Those are two distinct and important questions.

Peter Peacock: The answer to the second question, which was about greater scrutiny, is yes—a draft should be consulted on. Our preference is that the statement should go to Parliament for approval, rather than just being tabled. That might be seen as overkill, particularly by the Government, but that is our view. It would provide an opportunity for scrutiny.

In developing the sustainable forest management strategy, ministers should be required to have regard to a range of things that are not currently specified. Our suggestions would align the bill more with existing statute that is to do with land, such as the Community Empowerment (Scotland) Act 2016, the Land Reform (Scotland) Act 2016 and the Climate Change (Scotland) Act 2009, which contain issues of particular relevance. In carrying out their functions under the bill, ministers will be required to have regard to the land rights and responsibilities statement and the

Climate Change (Scotland) Act 2009, but it would be helpful to include other things in the bill.

I will touch on a few things to give the committee a feel for what is included in other legislation. Other land legislation focuses on economic and social development and the role that land—whether that is forestry or other land—can play in that, as well as questions about human rights and the observance of human rights in relation to jobs, housing and so on. Other legislation refers to regeneration, social wellbeing, public health, inequalities and ownership diversity—John Finnie touched on that—as well as to ministers having regard to the International Covenant on Economic, Social and Cultural Rights and to internationally accepted principles and standards of land management and biodiversity, which brings me to Claudia Beamish’s point.

For Community Land Scotland, including in the bill a bit of discipline for ministers to have regard to such matters—I am not making a list, but I want to cover the kinds of things that could be strengthened in the bill—when considering the strategy would mean that the bill was not just technical. Rather than just transposing a piece of historical legislation to the modern-day context for the purposes of devolution, the bill could be something broader that addresses what we want forestry to be in the future and the function in society of part-forest land and other land that CLS engages with. We want the approach to be about more than just growing trees and instead to have a much broader range. That would be captured by creating a discipline on ministers to have regard to such things when drafting the strategy.

The Convener: That was a very full answer.

Anne Gray: I will give a briefer answer. Sustainable forest management is an entirely appropriate aim in relation to forestry land, but we would like the bill to include a definition of sustainable forest management. The definition in the policy memorandum seems entirely sensible and appropriate; it should be included in the bill rather than sitting behind it.

It is entirely appropriate that we have a strategy and I agree that it should be consulted on widely. We would also like there to be a fairly regular review, although possibly not more frequently than about once every 10 years. We should keep the strategy under review and we would like that to be included in the bill.

The Convener: I will press you on the review process. You have forest plans that are long term, and shorter reviews to take into account things that happen—they are perhaps at five-year intervals, with a major review at 10 years. Are you suggesting that the review should be just every 10

years or that there should be a lesser review every five years and a major review every 10 years?

Anne Gray: Given that we are talking about an overarching Government strategy, once in 10 years is probably frequent enough. Forest plans and regional approaches are slightly different territory.

Jon Hollingdale: I will start with the strategy. We strongly believe that there should be an open consultation—the bill is quite light on the details—and that the strategy should be subject to parliamentary approval, rather than simply laid before Parliament. If there is to be a consultation, a technical provision is probably needed to say that there is one year to make it happen after the bill is implemented, or else it will be a rush job to get it in on the day that the bill is passed. There should also be a fixed review period—we have gone for five years, but perhaps 10 years with a refresh at five years would be fine.

We note that 2019 will be the centenary of the Forestry Act 1919, which could be good timing. We could use the strategy to celebrate the past 100 years and set up Scottish forestry for the next 100 years. That is quite a long timescale, even for forestry. There is a good opportunity to have a big exercise in promoting sustainable forest management.

We think that SFM is the right kind of hook. We agree that we should adhere to the definition that is in the policy memorandum, but it would help if it was in the bill. The term “sustainable forest management” will not be relevant to any other bill that goes through Parliament. It is not like the term “sustainable development”, which is used widely; it is a technical term and it would be useful for the bill to set out what we understand it to mean today.

Sometimes, sustainable forest management is taken to be the same as simply complying with the UK forestry standard. Although we agree that that is the appropriate minimum standard for all forest management, we hope that the bill and the associated policy will make it clear that, in managing the national forest estate and in incentivising private landowners, the Scottish ministers are looking to go above and beyond the minimum UK forestry standard. FE already does that through the work on the national forest estate on recreation and biodiversity, and the Forestry Commission authority side does that by incentivising landowners through grants. We want that to carry on and we do not want to revert to the UK forestry standard as the basic standard everywhere.

The Convener: Richard Lyle wants to come back with another question.

Richard Lyle: Anne Gray and Jon Hollingdale have nearly answered my next question—that is good anticipation. However, I will put the question to the other panel members. Should sustainable forest management be defined in the bill or in an associated order? Should the bill mention afforestation and new planting?

Anne Gray: As I said, I would like the definition to be in the bill. However, I do not think that afforestation is for the bill; it is for the strategy. It is a current and laudable desire, but we want the bill, when it becomes an act, to stand the test of time and, in 20 or 30 years, we might be where we want to be in Scotland on afforestation, so it might not be appropriate to continue to want more and more planting. For the longevity of the act, it makes sense for that desire to sit in the strategy and policy rather than in legislation.

Peter Peacock: The bill should contain a requirement to have a definition, although I am not convinced that the definition needs to be in the bill, because I have no doubt that, over time, the definition will adapt and change. We should therefore leave scope for it to be amended more easily than can be done with something in the bill. A requirement on ministers to publish a statement about what their definition is would be sufficient to give reassurance. As Jon Hollingdale said, the term applies particularly to forestry; it does not have a broader purpose. It is therefore appropriate to put such a requirement on ministers.

I agree with Anne Gray that afforestation targets and new planting should be dealt with in the strategy and not in the bill.

The Convener: We will move on to the next theme, which will be led by the deputy convener, Gail Ross.

Gail Ross: Peter Peacock started to touch on the issue that I will raise, before we had to stop him—I am sorry about that. Are you clear about the difference between forestry land and other land and, if not, what can be done to make those definitions clearer?

The Convener: As Peter Peacock was cut off in mid-flow, I will let him start. I am sure that everyone else will want to come in, too.

Peter Peacock: I am clear about what I think the difference is, but I do not think that the bill is at all clear on that—I find it confusing. In principle, section 10 talks about forestry land as both forestry land and other land, but the term “forestry land” is used throughout the bill. That is confusing for people. If, as I hope, forestry and land Scotland is to have two distinct purposes—to do with forestry land and other land for sustainable development—it has to be defined in that way.

Jon Hollingdale's written evidence talks about using the terms "forestry land" and "non-forestry land", which might be sufficient. It is important to make a clear distinction in the terminology throughout the bill; otherwise, people will be pretty confused about the issue.

The Convener: I have read Jon Hollingdale's submission. Would he like to clarify that?

10:00

Jon Hollingdale: There is a sensible and laudable intention to recognise that the forestry and land Scotland agency will manage areas of forest and areas of non-forest land. What has caused the confusion is that the national forest estate already includes a range of types of land. Some areas are not covered in trees but are managed in conjunction with forest land—forestry bits, pieces of woodland or whatever you want to call them—and other bits are managed for wind farms, agriculture and so on.

The intention is sensible. The way to achieve it is probably to pull apart the holdings and to classify as forest land any that is managed for sustainable forest management, while areas in the forest estate that are used for agriculture, for instance, are classified as non-forest land. Any new land that the Scottish ministers acquired or transferred—I assume that it will be possible for them to transfer land from other Scottish Government bodies—would slot into one of those two classifications.

The Convener: Some forests are bought with open land above the tree line, which is integral to giving the forest the right environment for a mixture of species. So that I understand what you said, will you say whether you would classify such pieces of land separately or keep them the same? There has been an issue with the Forestry Commission planting some such areas of open land to make up shortfalls. Is there a danger there?

Jon Hollingdale: Planting in areas that should not be planted is a policy or technical issue. My feeling is that if open ground—whether it is above the tree line or whether it is unplanted bog in the middle of a forest or whatever—is managed coherently as a forest unit, it should be kept as a forest unit. It is the management practice that defines it. If areas are being planted that should not be planted, that is a slightly different issue. As the climate changes, natural regeneration may push the tree line higher; the boundaries of our forest are not absolutely fixed.

Rhoda Grant (Highlands and Islands) (Lab): I have a short supplementary question. We have heard concerns that, because the bill covers both forestry land and other land, land that is currently

in forestry may become other land. What measures in the bill will protect forestry land, especially if we are trying to increase the national forest?

The Convener: I ask Anne Gray to start with that question and then bring in other points.

Anne Gray: Rhoda Grant has reflected a concern of ours—that the bill is not clear about what takes precedence. Will forestry land always be managed under the sustainable forest management purpose and will other land always be managed under the sustainable development purpose? There is confusion about that in the bill that needs to be sorted out.

The Convener: Jon Hollingdale looks as though he wants to come back in.

Jon Hollingdale: We have to draw a distinction between a classification issue and a practical management issue. Some areas that are classified as forestry because they are on the national forest estate—things such as a starter farm or land that is being leased to a croft common grazings—might have nothing to do with forestry. They are currently forestry land, but that does not reflect what is happening and they might be reclassified as non-forestry.

The issue that Rhoda Grant is talking about—whether land gets managed differently—is a policy issue. The Scottish ministers have a presumption against the removal of trees without compensatory planting unless there are overriding environmental reasons for doing so. The committee will be aware that areas of forest are being cleared in Caithness and Sutherland to be restored for bog. That is a practical management issue that addresses another Scottish Government policy, but it is the classification issue that we are talking about.

The Convener: I will bring Peter Peacock back in, because he started the conversation by saying that he was confused. I hope that he is now completely clear on the definitions of the two kinds of land. Will he tell us about that?

Peter Peacock: I am becoming less and less clear as the conversation goes on.

On Rhoda Grant's point, I have not thought about that particular angle, and I am not sure that the bill could safeguard against that happening. As Jon Hollingdale said, it is a question of how the managers and owners of that land—whether that is under the Forestry Commission or Forest Enterprise currently or under the new arrangements in the future—classify things. As an operating principle, once they have allocated land to the forestry category as opposed to the other land category, I cannot think why they would want to reallocate it to other land if doing that would

diminish the amount of forest that there is. That would run completely contrary to all their targets.

There could be a requirement to report a change if land managers wanted to reclassify in that direction and if it threatened the forest targets in any way. A reporting requirement would bring that to light. However, I do not think that that is a matter for the bill.

The Convener: The issue would be whether to take land out of forestry to use it for a wind farm and so on. The question becomes complicated.

I am not sure that I am any clearer as a result of that conversation, so John Mason can move on to the next theme.

John Mason (Glasgow Shettleston) (SNP): I will continue with definitions. Section 13 is headed “Management of land in order to further sustainable development”. Subsection (1) talks about

“furthering the achievement of sustainable development.”

This issue has already been mentioned; at least two witnesses’ submissions—including those by Mr Bauer and Ms Gray—bring it up specifically. Is the term “sustainable development” familiar and workable, or does it need some kind of definition?

Anne Gray: I will start. From the perspective of Scottish Land & Estates, it is reasonable to have a purpose for land that is not forestry land, if the new land agency is to manage other land—and it will. Sustainable development seems to be entirely appropriate as that purpose. However, it is a very broad concept and one that is very difficult to pin down to absolute definitions.

Our main concern with it is about its use in conjunction with compulsory purchase powers. The bill extends compulsory purchase powers to include sustainable development, but no criteria are given for how judgments around those purchases will be made.

The Convener: I do not want to cut you short, but compulsory purchase falls neatly into the next theme, so you will get a chance to expand on it. Could you leave that side of the issue and speak to the sustainable development question?

Anne Gray: Our thought is that it is incredibly difficult to define sustainable development, but it seems to be a reasonable purpose for which the Government would manage other land in its ownership.

John Mason: To turn it the other way around, if we leave aside compulsory purchase, are there any other reasons why we would want a definition of sustainable development?

Anne Gray: I think that it would be incredibly difficult to create a definition in law.

John Mason: You make that point in your submission, I think.

Andrew Bauer: NFU Scotland would echo those comments. The difficulty in defining sustainable development speaks to the malleability of the concept: it can be turned to all sorts of different purposes. We are concerned, for example, about it being used to buy lands for renewable energy developments and about seeing that becoming a continuing trend. We are concerned that it could be used to purchase farms—that, again, is a drift into the compulsory purchase area.

We suggest in our written submission the provision of examples to give the concept a bit more form without nailing it down to a particular definition. It needs work. We are not against the concept of sustainable development, but if there are no limits to it there is a risk that it could become contested and divisive in the longer term.

John Mason: You do not want the concept to be malleable, but perhaps it should be possible to change the definition over time. If, therefore, we were to provide a definition, should it be somewhere other than in the bill?

Andrew Bauer: I do not have a strong opinion on the mechanics of how that should be done. We understand that it is not possible to be absolutely precise about a concept such as sustainable development. Our suggestion is about giving it a bit more structure.

John Mason: Is the bill the right vehicle through which to introduce provisions on management of non-forest land for sustainable development, as section 13 does?

The Convener: I will bring in Peter Peacock on that question. He wanted to comment on the previous question; I am pretty sure that he will also have a view on that one.

Peter Peacock: I will respond to the previous question too, because it is important. Sustainable development is an important principle and concept. It is well established—it has been around for many years—and although there is a lot of debate about it, it has caused no practical problem that I can detect. It has added to thinking on a range of issues about the environment, climate and land management, and it has led to other action.

You will not be surprised to know, convener, that this is not the first committee of the Parliament to wrestle with the question. I am sure that Mr Stevenson, wearing previous hats, wrestled directly with it. I encountered it in my past life, as well. It has been the subject of a lot of debate in Parliament and at no time has Parliament ever

sought to define sustainable development in a bill. There is good reason for that.

We also need to make it clear that the matter has been the subject of court challenge. The Scottish ministers were challenged on a definition of sustainable development in the case of *Paic Crofters v the Scottish Ministers*, which took place a number of years ago. I will read to you what Lord Gill said when judging on it. He said:

“In my view, the expression sustainable development is in common parlance in matters relating to the use and development of land. It is an expression that would be readily understood by the legislators, the Ministers and the Land Court.”

I am prepared to accept Lord Gill’s judgment on the matter, I have to say.

On the second question, the bill is the right place for provisions about other land. Parliament has the opportunity to do so and, as I recall, the measure picks up a manifesto commitment from the Government—which was elected on that manifesto—to have a land agency. That, in turn, picked up arguments that were made in the passage of the Land Reform (Scotland) Act 2016 and the creation of the Scottish Land Commission. There was an outstanding issue to be resolved about there being a place for the Government to have other land. Given the extensive expertise that the Forestry Commission and Forest Enterprise Scotland have in land management, albeit that it is in the forestry context, it seems to be appropriate to put the wider holding of land by Government for a range of sustainable development purposes with those bodies and to try to apply some of that expertise.

I do not think that we would have a stand-alone bill to deal with the matter. It is not uncommon for bills to pick up matters on the way, and the provision is a reasonable fit. I welcome the fact that non-forestry land is in the bill. There is an opportunity for the Government, Parliament or the people of Scotland over time to manage other land in appropriate ways in the public interest, and it is appropriate to have it in the bill.

Anne Gray: Scottish Land & Estates has some concern about the acquisition of other land. We recognise that the current national forest estate is broader than just forestry land and that that needs to be acknowledged. It is not that we are entirely against the land agency acquiring other land and managing it for sustainable development purposes; rather, we are concerned about how far that might extend. Is the agency likely to manage nature reserves and elements of the Crown estate? If so, is that the best way to do it? Is the structure right?

Our concern is that we could get to a situation in which the agency has multiple objectives: how

could it sort out those multiple objectives? If a specialism sits within competing agencies—I should not use the word “competing”, perhaps it is better to call them alternative agencies—they can discuss how to find an appropriate balance between objectives, but if it all sits with one agency, one interest could override other interests, or the agency could get stuck and be unable to make a decision or move forward.

10:15

John Mason: Is that something that we need to worry about now, or is that a bridge that we could cross when we came to it if that became a problem?

Anne Gray: The creation of the provision in the bill could allow that worrying expansion to happen, but I am not quite sure how the bill could appropriately restrict that expansion, so it may be something for us to note and to worry about when it happens.

The Convener: I will let John Mason have one more question to sum up this theme, but then we will have to move on to the next one, which is inextricably linked to it.

John Mason: I will be brief, and I hope that the answers will be brief too. Is it clear to you when sustainable forest management applies and when sustainable development applies?

The Convener: Could Jon Hollingdale answer that question?

Jon Hollingdale: I am not absolutely clear about that, but if you were to give me a list of things we could sort them accordingly. The distinction between the two things and putting both in the bill reflects the reality of where Forest Enterprise and the Forestry Commission are now. Over the past 25 or 30 years, the range of activities that they carry out and the range of Government agendas that they seek to deliver have broadened out vastly, from a very timber-focused agenda to what we have now, with forest education and starter farms, all of which are delivering the Scottish Government agenda. Having sustainable forest management and sustainable development as two bases to work on allows for a much more sensible way forward than simply trying to fit everything under sustainable forest management and making that mean anything that we want it to mean. It is more sensible to have both. If you had a list of possible initiatives we could probably fit them all in to one or the other. There would not be a lot of difference between them.

Andrew Bauer: I will make one observation about the importance of remembering individual personal small-scale circumstances, compared

with the national agenda and national objectives. In some parts of the country, I do not think that anyone would describe it as being sustainably done; forestry has developed in particular areas to deliver national objectives, and has expanded to the point at which it has compromised the critical mass of agricultural activity and systems in those areas. We are probably meeting our objectives in forestry in those areas and doing sustainable forest management, but has that been sustainable for the individuals who are involved in the agriculture industry in that area? We are not against the idea of sustainable development, but we should remember that it can operate at different scales, from an individual farm to a forest region or forest district, or nationally.

The Convener: I will leave that there. The next theme will be led by Mike Rumbles.

Mike Rumbles (North East Scotland) (LD): We now turn to the sections on acquisition, compulsory purchase and disposal of land. Those are perhaps the most controversial parts of the bill; we see disagreement in the evidence that has been presented to us. As Peter Peacock may know from experience, I am always loth to give ministers powers that they neither need nor, as in this case, ever use. Transposition into the bill of compulsory purchase powers that have never been used and giving those powers to ministers is an interesting concept, so I would like to hear the panel's views on giving ministers compulsory purchase powers.

The Convener: The witnesses have all expressed strong views on this in their written evidence. Let us start with Andrew Bauer.

Andrew Bauer: I accept that the power has not been used in comparable circumstances. We have seen examples from across the country of how the compulsory purchase system does not work for individuals—it is broken. A number of organisations that are far more expert in this area than NFU Scotland is have said that the system needs a major overhaul. Given that the system needs seriously to be looked at, it seems to be odd to extend its use in the bill in order to further sustainable development. Given that the power has never been needed, and the system is not working in other realms, that is an inappropriate route to go down, at this time.

The power would perhaps not be used regularly—in fact, it might never be used—but if it is in the bill it will always affect discussions. People are often told, “Here’s the offer. Take it. If you don’t, we’ll use our compulsory purchase powers, so we’ll get it anyway.” That is how discussions have gone in a number of cases in the past.

Given that we are growing our forestry asset without the power having been used, we are not quite sure why it is necessary to have it.

The Convener: Thank you. I will bring in Peter Peacock, then Stewart Stevenson, who has a follow-up question. I suspect that Peter Peacock has a different view to that of NFU Scotland.

Peter Peacock: I have a very different view. I am not only entirely relaxed about the power being in the bill, I would welcome its being there. In fact, it would be a huge omission if it was not in the bill. Controversy would arise from our not giving ministers that power, rather than from our giving them it.

The power has not been used in the past partly because of the sheer complexity that is involved in doing so, to which Andrew Bauer alluded. When I was a council leader, I tried many times to persuade lawyers that we could use our powers to help to resolve situations—for example, when ransom strips were being held, which caused communities and various economic developments in the territory real difficulty—but I was always told that it was impossible to do so. It was not the case that there was no need or desire to use the powers; it was just very difficult to do so.

In a compulsory purchase you take from somebody something that is currently theirs, over which they have property rights, so it is right and proper that there are hurdles to doing that. I tend to agree with Andrew Bauer that the current arrangements are not working, but if that is the case, they should be reviewed. Their not working is not a reason for not putting powers in the bill. Indeed, the powers would be reviewed in any subsequent review of compulsory purchase.

It would be very odd if ministers did not have the right or ability to carry out compulsory purchase when they thought it essential in particular circumstances. You cannot anticipate the circumstances of the future. It is absolutely right that the power is in the bill and that ministers have the opportunity to use it. They could not go around buying up land willy-nilly; there are umpteen hurdles to get over and they would have to demonstrate clearly that compulsory purchase was in the public interest before they could take action. A range of challenges to compulsory purchase could be made as the process was gone through. Ministers would have to prove that it was the only way that they could get the land and that the need could not be met in alternative ways. It is not straightforward for ministers to use the power; nonetheless, it is an important power for them to have.

Mike Rumbles: Even although—

The Convener: I am sorry. Hold on, Mike. I will bring in Stewart Stevenson, if I may. Each panel

member will want to have their say on this emotive subject, but I am hamstrung by time, so please keep your answers short.

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): My question, which is tiny, is for Andrew Bauer, who used the word “extend” to describe what is in the bill in relation to compulsory purchase. My understanding is that it is merely a restatement of the status quo ante. Will you justify your use of the word “extend, or reconsider it?

Andrew Bauer: Our understanding is that there are compulsory purchase powers already for forest management, but that for delivery of sustainable development they would be something new.

The Convener: Mike—do you want to come in?

Mike Rumbles: I want to follow that up. When do you think the compulsory purchase powers would be used appropriately? Nobody has been able to give us specific examples of when they would be used. The fact that they have never been used is another issue. Peter Peacock mentioned ransom strips. Are there situations where the powers could be used?

The Convener: Jon Hollingdale, do you want to try to answer that? If we have time, we may come back to ask Peter Peacock for a specific example of where those powers might be used.

Jon Hollingdale: Briefly, on compulsory purchase powers, I tend to agree with Peter Peacock but also with Andrew Bauer; the process needs review, but that is not a reason not to have the powers in the bill. A potential specific example that strikes me is when Forest Enterprise has a forest that is landlocked and inaccessible, where it cannot remove the timber and the owner of the surrounding land refuses to sell a section of land that would be sufficient to put in a road to extract the timber.

I do not know whether there are any live cases—I am aware that there have been such situations in the past and a solution has eventually been found. In one or two cases, the community has bought the forest and managed to find a solution where FE could not, so such a situation might not even pass the compulsory purchase test. It would certainly have been helpful had there been plenty of examples to illustrate how the powers would be used.

Can I say one thing about disposal? Are we covering that at this point or will we come back to it?

The Convener: I would like to stay on compulsory purchase if I may. If land has access restrictions, that is probably reflected in the purchase price, so that may be part of the process

as well. If compulsory purchase is used to open up land, perhaps compensation is due because the powers are being used. Anne Gray, would you like to comment on that?

Anne Gray: Yes. We do not feel that the case has been made at all for having the compulsory purchase powers in the bill. The only explanation that I have had for why they are there is, “There is a compulsory purchase power for forestry in previous legislation that we want to carry over and do not want to lose.” However, that power has never been used. I think that there was a public inquiry in England years ago that suggested that it was not a very good idea to use that power and it has not been used since. The only explanation for extending that power to cover sustainable development purposes is one of equity—“We want equity in the bill so we want it to apply to both purposes.” It is a very broad power. We do not think that it should be in the bill. I want to be absolutely clear about that. If it is going to be in the bill, we definitely need clearer criteria on how it will be used for sustainable development purposes.

There is no definition of the land that the power might apply to or whether there are any exemptions or exclusions from land that it might be applied to, and there are no criteria under which an assessment or a judgment would be made about whether it would be appropriate to compromise the private use of land and take it into the public sector.

The Convener: I think that we have had a balanced view on that and I would like to move to the next theme. I will just remind everyone to keep their answers short—we have quite a few more themes to get through and I would like to hear the views of the panel on all of them—as would the committee, I am sure.

Rhoda Grant: Section 19 refers to a definition of a community body. There is other legislation that defines what a community body is. Does this definition work along with the other definitions? Should it be amended to fit in better with the Community Empowerment (Scotland) Act 2015, for example?

Jon Hollingdale: The 2015 act has four separate definitions of community bodies and one problem is that it would not be possible to come up with a definition that matches all of those.

Our view of sections 18, 19 and 20 is that it is not necessary for them to be in the bill at all and they should be removed.

The Forestry Commission currently has powers to delegate its functions for forest management to community groups. The Scottish ministers do not need to have those powers transferred to them because they already have them. The Forestry

Commission has needed them as a special exemption to allow leasing. Prior to 2010, that was not possible at all. It was possible for the Forestry Commission to lease land for agriculture, for instance, but leasing woodland for woodland management was not allowed under the 1967 act, which had to be amended to add those powers.

10:30

The powers are in the bill because of a general process whereby if something is in the 1967 act, it will be transferred. However, we do not believe that the powers are necessary, because the Scottish ministers already have the powers to lease, sell and buy. Section 17 of the bill will give the Scottish ministers the powers to dispose of land. The Community Empowerment (Scotland) Act 2015 sets out the mechanisms by which community bodies, as defined in the 2015 act, can apply to acquire land from the Scottish ministers and public bodies. Sections 18, 19 and 20 of the bill do not really add anything to that. We can talk about whether the definition should be changed, but it is not necessary to have it at all. It is a very positive intention from the Scottish Government, which we welcome, to demonstrate its commitment to the community empowerment agenda, but we do not think that it is necessary to have that power in the bill.

The Convener: Peter, I will give you the opportunity to give not a yes-or-no answer but certainly a short one.

Peter Peacock: Jon Hollingdale has made a good, reasoned point. I suggest that it should be tested with the bill team and the minister. We might be missing something about why the additional powers are needed, but I cannot see why they are in the bill. Jon's point would seem to commend itself in that regard.

Rhoda Grant: Do you believe that there are powers to delegate the functions? I know that the Scottish Government can lease, sell or whatever, but section 18(1) talks about delegating its functions under sections 9 and 13 to a community body. I am sorry if that is a wee bit technical.

Jon Hollingdale: Our understanding is that that arose because of the original restriction on the forestry commissioners, who were not allowed to delegate forest management functions. The language came from that situation and it was used for the amendment to the Public Services Reform (Scotland) Act 2010. However, if you look at paragraph 38 of the explanatory notes to the bill, you will see that it makes it very clear that the power applies only to land that is being let to communities. If you were looking at matching the Community Empowerment (Scotland) Act 2015, the definition that you would need is the one that

applies to communities that are letting, which is in part 3 of the 2015 act.

Once the land is leased, the lease contract can set out the requirements for managing the land in certain ways, such as the UK forestry standard. However, section 17 of the bill would give ministers the power to dispose of land by sale, lease or gift to anybody, without any caveat. It therefore seems rather strange to set up something special for community bodies. If the land can be leased to any private individual or any organisation, why is there a need to define special rules about the functions for community bodies?

Just stepping back, I add that our view of disposal is that, when ministers dispose of land, there should be a commitment for whoever takes it on, whether buying or leasing it, to continue to manage it to the UK forestry standard. We think that it is important that land does not go out of forestry.

The Convener: Can I just push you a wee bit on that? Obviously, most forestry land that would be sold would be subject to planting agreements and standards would therefore be implied anyway. Currently, the Parliament has agreed that the Scottish ministers may dispose of land from the forest estate provided that they replace that land and grow trees. The bill would take that requirement away so that, in effect, the forest estate could be reduced. Are you comfortable with that? A yes or no answer would be fine.

Jon Hollingdale: We would like to see the policy continue of recirculating the moneys from disposal. Repositioning the estate is not necessarily a bad idea, but we would not want to see wholesale sell-off without the proceeds being reinvested.

The Convener: We will move to the next theme, unless Rhoda Grant wants to ask a follow-up question.

Fulton MacGregor (Coatbridge and Chryston) (SNP): Are the provisions on felling an improvement on the Forestry Act 1967? Is anything missing from the bill? Should anything be removed?

Anne Gray: As I said, we have concerns that too much is being left to secondary legislation. We would like the exemptions in the 1967 act to be in the bill, for clarity. Also, there is a slightly odd definition of "felling", which needs to be reviewed, because it is not wholly accurate. Our main concern is that the felling regulations in the 1967 act, which have served us well up to now, have not been taken wholesale into the bill, and it is proposed that a lot of the detail will be dealt with under secondary legislation.

It comes back to the long-term nature of forestry. Forestry is not a very certain business to get into, given that people have to wait 40 years for a crop. Investors in commercial forestry would like as much certainty around regulation as possible. Our preference is for more detail in the bill.

Fulton MacGregor: What you want is more detail in the bill, rather than the removal of anything.

Anne Gray: Yes.

Jon Hollingdale: We are not sure that everything needs to be in the bill. We are also slightly unsure that the registration of felling notices with the keeper of the land register of Scotland is a necessary step. The approach might add quite a lot of bureaucracy in practice.

The Convener: Neither Peter Peacock nor Andrew Bauer has caught my eye, so we will move to the next theme.

Peter Chapman (North East Scotland) (Con): We have touched on the regulations on felling, and we know that the bill lacks detail in that regard. Are the witnesses content that much of the detail on felling will be in regulation, such as the exemptions to the requirement for a licence to fell trees, which are in the 1967 act? Are you concerned about other regulations that relate to the bill?

The Convener: Does Anne Gray want to come in on that? You covered the issue in your previous answer.

Anne Gray: I reiterate what I said. We would prefer more to be in the bill and less to be left to secondary legislation.

I echo the concern about the requirement to register felling notices with Registers of Scotland—we do not object in principle; the issue is whether the approach is proportionate and whether it will create an awful lot of extra work and costs that are largely unnecessary.

The Convener: Stewart Stevenson wants to pick up on that point.

Stewart Stevenson: This question is for Anne Gray, because the subject is mentioned in the SLE submission. Your position is that registration with Registers of Scotland should not be required. How do you envisage that a purchaser of forest land will know that there are obligations of the type that will be registered under the bill? How will the lawyers who are advising someone who is purchasing land be aware of such obligations—which will be a cost to the purchaser—if the information is not with Registers of Scotland?

Anne Gray: That is a fair point; the Forestry Commission register is not part of solicitors'

searches. However, I do not think that there has been a problem up to now. People who are seeking to buy commercial forestry are well aware of what they are getting into and the obligations around it. It is a big investment and not something that they will do without getting advice.

Stewart Stevenson: Do forgive me—I understand that; indeed, I think that we all do. However, I go back to my fundamental question: how would they know about these obligations?

Anne Gray: Through their advisers.

Stewart Stevenson: And how would their advisers know?

Anne Gray: Because they are part of the industry and they understand the obligations and the way in which the system works.

Stewart Stevenson: Are you therefore trying to tell the committee—and it might be perfectly proper for you to do so—that every adviser knows about every such order throughout the purview of the forest estate in Scotland?

Anne Gray: I understand your point. In theory, if you want to be sure, things need to come back through a solicitor's search, but my point is really about proportionality. Is there actually a problem here that this measure is trying to address? If not, does the extra cost and burden merit the effort?

Stewart Stevenson: What is your understanding of the cost?

Anne Gray: As I understand it, the Forestry Commission or the Forestry Authority—the regulator—would be required to decide how much information it passed to Registers of Scotland, which would then be required to add something new to the register. That would be a cost to the public purse.

Stewart Stevenson: Mr Hollingdale, you referred to the same topic. Are you aligned with Scottish Land & Estates on this?

Jon Hollingdale: It would be a curious alignment, but in fact there is a lot of similarity between our views. I think that the financial memorandum mentions 1,000 potential notices at £60 a year; I have no information on whether that is accurate—I am just reading from the memorandum—but 1,000 seems like a lot and will take up a lot of staff time.

As for your question about how people would know about these obligations, the Forestry Commission website has a very good web-based utility that is open to the public and allows people to find out about any piece of land that they are interested in, whether there have been forestry grant or Scottish forestry grant scheme projects on it and so on. I am not absolutely sure whether the utility covers felling licences, but I do not think that

it would be difficult to add that sort of thing. Having the Forestry Commission—or the Scottish Government forestry division, as it will be known in the future—run that kind of open web-based system would be much a more straightforward, open and transparent approach, and I would have thought that it would be sufficient for someone who was doing due diligence on a purchase.

Stewart Stevenson: So you would—as the bill does—place a duty on the Forestry Commission and its successors to provide the land register number that describes the land or, alternatively, identifies the deed in the register of sasines. After all, the selling of land, in particular, can break up a previous registration in the register of sasines, because such a sale might split a property. In the end, then, you have the same administrative burden, but are you saying merely that the Forestry Commission should carry it at no cost to the person who owns the forest? Is that what you are suggesting?

Jon Hollingdale: No. I do not know and I am not going to debate the technicalities. I was suggesting that, if the information was made publicly available on a web-based database with, say, a felling licence reference number, anyone who was interested would be able to find whether there was a felling licence—or, indeed, some other notice to comply—affecting the land that they were interested in, and they would be able to go to the Forestry Commission or its successors and ask for more details in those cases where such details were needed.

Stewart Stevenson: So you are saying that there should be a register but that it should be published by the Forestry Commission not Registers of Scotland.

Jon Hollingdale: It seems simpler to use the commission's existing web-based system than Registers of Scotland, which is going to be very busy with the huge amount of land registration work that it will have to do.

Stewart Stevenson: But there should be such a system.

Jon Hollingdale: Yes. I think that the information can be made available in a much simpler way.

10:45

The Convener: Claudia Beamish wanted to come in briefly and then I will move on to the last theme.

Claudia Beamish: My question is about land more broadly so perhaps I should ask it at the end.

The Convener: In that case, we will move to the next theme. I ask our witnesses to answer the question as succinctly as possible.

Jamie Greene: Are the witnesses content with the financial memorandum in its current form and does anyone have a view on the costs of the restructuring, rebranding and reorganisation? Should that money come from current Forestry Commission funds, or should it be provided by additional funding from the Scottish Government?

The Convener: I will give that question to Jon Hollingdale, as I suspect that he may already have a view, which might allow others to formulate theirs if they have not done so already.

Jon Hollingdale: I will focus on two particular things. First, the financial memorandum has a very high variance in respect of the cost of information technology, which is a matter for concern. In some ways the whole idea of the integration of computer systems is something that fills the forestry sector with alarm, because its experience of that has been the Scottish rural development programme process. The committee is well aware of issues not only with the cost of such systems but with making them work in the first place, so I do not think that I need to say any more on that.

The other section in the financial memorandum is branding, which has a cost estimate of £4 million. I do not have the means to argue with that figure, but I would be concerned about the rate of implementation and whether that includes the costs of staff physically changing the infrastructure. It is not just about changing the letterheads, the sign outside the building and the website—there is a huge amount of physical infrastructure in Scotland's forests that will have to be changed and someone will have to do that job. If that is done in one or two years, does that mean that Forest Enterprise does that and nothing else, or will contractors be brought in to do that work, and will that bring additional expense?

We are concerned that the policy seems to be that the money will be found from within other Forestry Commission budgets. Our fear is that the money for the rebranding exercise will be taken away from social and environmental projects—all the positive things that Forest Enterprise does at the moment. If extra money is required, it should come as a one-off allocation.

The Convener: That was quite a full answer. Can I ask everyone only to add to that or disagree with it, depending on your views? Andrew Bauer, do you have anything to add to that?

Andrew Bauer: No.

Peter Peacock: I have never found a financial memorandum to be an entirely reliable guide to

reality. It is in the ranges that one would normally expect, so I have no particular comment.

On the one hand, it would be nice to get additional resources so that there is no cost to the programmes that Jon Hollingdale mentioned, but, on the other hand, it is a once-in-many-decades expenditure and will probably spread over several years, so I do not think that it is a big issue.

The Convener: Are there any comments on what would be a very cheap computer system by current standards?

Anne Gray: I picked up on the rebranding and I go back to the original point about whether it is necessary at all. If we just have Forestry Commission Scotland and do not go down the route of taking it under a division or agency of the Scottish Government, we would not need to incur those costs. There is a much more straightforward and potentially sensible route that would save us all quite a lot of money.

The Convener: I can let you ask a very brief question, Claudia.

Claudia Beamish: Thank you, convener. My question is very brief and I would appreciate a brief answer. Does the bill facilitate opportunities for wider community ownership of forestry and woodland in tandem with other relevant bills? If not, what would you like to see? Please answer in three sentences at the most.

The Convener: So a yes-or-no answer, with perhaps a two-sentence addition. Who would like to lead on that?

Anne Gray: The bill offers opportunities for communities to become more involved in forestry ownership and management. Like Jon Hollingdale, we would like to see a better alignment of the definitions of community bodies with those in the Community Empowerment (Scotland) Act 2015.

Jon Hollingdale: I do not think that the bill does facilitate community ownership—I have commented already on sections 18, 19 and 20—but that is not the bill's job. The strategy will have an important role to play in stressing the future management arrangements, ensuring that forestry and land Scotland carries on the good work that it has done historically through the national forest land scheme and now the community asset transfer scheme. It has been a policy matter for the Forestry Commission to advance land reform, and I hope that the strategy makes sure that it carries on doing so.

The Convener: Well done—you stretched that out a bit.

Peter Peacock: I agree with the last point; it sums it up rather well. In our evidence, we have suggested that we would like to see communities

given the right to ask the new arrangements—forestry and land Scotland—to own land on their behalf as an interim step to buying land, or the right to manage the land in conjunction with forestry and land Scotland. Something could be added to the bill, in the spirit of other pieces of legislation, to give communities rights to interact with the new body in that way.

The Convener: That was a very long three sentences.

Peter Peacock: Absolutely.

Andrew Bauer: Whether it does or does not change the facts, the bill sends a clear message that community ownership is the direction of travel. Communities are being encouraged into this.

The Convener: Thank you all for coming and giving evidence to the committee. I will suspend the meeting to allow the next panel to come in.

10:51

Meeting suspended.

10:57

On resuming—

The Convener: We will continue with item 1, which is evidence on the Forestry and Land Management (Scotland) Bill. I welcome our second panel. We have Willie McGhee, the co-ordinator of the Forest Policy Group; Charles Dundas, the public affairs manager for Scotland for the Woodland Trust; Malcolm Crosby, chair of the Forestry Commission trade unions; Dr Maggie Keegan, head of policy and planning with the Scottish Wildlife Trust and representing Scottish Environment LINK; and Professor David Miller, knowledge exchange co-ordinator with the James Hutton Institute. Thank you very much for being here.

We have divided the questions into themes. I will try to give everyone the chance to answer questions. I ask you to look at me if you want to be brought in. If you look away from me, you will not get in. When you are speaking, please also look at me, because there might be times when I encourage you to be briefer with your answers, although I hope that that situation will not arise.

The first theme will be introduced by John Finnie.

John Finnie: Good morning, panel. I am sure that you will recognise much of what I am going to say, because I will ask the question that I opened the previous evidence session with. Do you have any comments on the structure of the bill and how easy it is to understand? Could improvements be made?

I read with interest Mr McGhee's written evidence, which says:

"We approve of the Bill as far as it goes."

However, you go on to say that you

"want to be sure that the long title ... embraces this potential."

Will you expand on that?

Willie McGhee (Forest Policy Group): The Forest Policy Group believes that forestry serves a wide range of functions, especially in respect of rural development and for communities. That is one of the main reasons why we think that the long title should encompass what we are looking for from the bill.

John Finnie asked about the structure, clarity and understandability of the bill. We are relatively relaxed about the structure and how the bill is set out, but we believe that it could be much more innovative and could encompass much of what we think forestry can achieve for other Scottish Government policy objectives on issues including land reform, rural development and small business development. As the bill progresses, we would like there to be much more focus on those issues. In the earlier evidence, there was much debate about sustainability. We think that the answer in many cases is the focus on enterprise and small-scale community enterprise.

11:00

John Finnie: Is breadth of ownership an issue?

Willie McGhee: It is difficult to make definitive statements about forestry ownership in Scotland. We recognise that the bill is an opportunity to diversify ownership, and we would like the bill to have some means of measuring the scope and extent of different types of ownership of forestry in Scotland.

Malcolm Crosby (Forestry Commission Trade Unions): I have been involved through the national forest land scheme and the replacement for that, CATS—the community asset transfer scheme—in working with communities on a number of things. Generally, the will exists in the Forestry Commission to do such things, but the difficulty is often in practical application. For example, communities are desperate to do renewables projects, but the finances just do not stack up. However, the facilities and the willingness exist.

Dr Maggie Keegan (Scottish Environment LINK): I want to set out Scottish Environment LINK's and the Scottish Wildlife Trust's response to the bill. We look at the bill through the lens of the natural environment and native woodlands and the opportunities that arise from that. It is about

optimising the forest asset. We have probably come a long way since the Forestry Act 1967. The approach is not just about timber production and the economy; forests deliver so much more in terms of ecosystem services. The question is whether the bill will help to realise the assets in Scotland.

Professor David Miller (Scottish Environment, Food and Agriculture Research Institutes): I will just observe that the title of the bill raises some interesting expectations with its reference to land management. I dare say that we will come on to the issue of what we expect of Scotland's land and the role that it plays for Scotland's communities and more widely. The bill gives an opportunity to see where land can be part of the pathway towards meeting the sustainable development goals. There are some big-picture stories, given that woodland, trees and forests occupy such a high proportion of Scotland's land, and given the type of land that it is, with carbon-rich soils and key water catchments.

The Convener: Charles Dundas has not said anything yet—but I feel sure that you have a view.

Charles Dundas (Woodland Trust): On the structure, the bill is workmanlike and sets out to do what it needs to do to transpose the Forestry Act 1967 into Scottish legislation. However, we should not kid ourselves that the bill does much more than that. There are a few sweeties thrown in—for example, a statutory forestry strategy and a commitment to sustainable forest management—but the bill does not radically shake up the way in which forestry is managed. I hope that that will be done by the policy that is implemented in the Scottish forestry strategy, which is not covered in the bill.

John Finnie: I have a question specifically for Mr Crosby. Will you outline your concerns about the separation of the FCS and FES?

Malcolm Crosby: I have worked for the commission for 37 years, and the whole process has been about integration and working with what we call the Forestry Commission as opposed to the enterprise side. I work with colleagues on that, and that feeds into the work that I currently do on renewables, including preventing wind farms from felling too much.

Earlier, the debate was about forest land and non-forest land. The whole point of forestry is to bring all those things together. The staff bring those things together, and the work that goes on between the policy people, the delivery people and the regulatory people is what makes it work. That integration of the staff, those partnerships and the understanding of where people are coming from and what they do is what makes the Forestry Commission successful. If you split those

elements into two separate things, there will not be an overnight change, but people will gradually drift off. The Scottish Government has an agenda, Forest Enterprise has a slightly different agenda and so on. That will lead to a gradual moving apart that will mean that it will be impossible to deliver the aims of the bill.

John Finnie: Do other members of the panel share that concern?

Willie McGhee: Yes. It is not a good excuse, but the reason why we did not major in the structure in our submission is partly that we had the feeling that it is a done deal. When we met civil servants more than 18 months ago, their parting shot to us was that there was no need to worry about the Forestry Commission being wrapped in the arms of Victoria Quay. However, if you want an example of things going badly wrong as a result of a change in relation to forestry, you can look at Wales.

From the point of view of the small-scale community environmental groups that we represent, the Forestry Commission is the only Government department that listens—the rural payments and inspections division certainly does not, the Scottish Environment Protection Agency listens only rarely and Scottish Natural Heritage is fairly toothless. The Forestry Commission changed how it worked because of its status. It took advice from advisory groups including the woodland expansion advisory group and the forestry for people advisory panel. The Forest Policy Group was set up as an adjunct to those advisory groups. We do not see the Scottish Government being as flexible and open to listening as the Forestry Commission has been over the past 20 or 30 years. There is no other department that would have achieved the same outputs and outcomes for communities and land management.

The Convener: Charles, do you share that view?

Charles Dundas: The Woodland Trust made no bones about the consultation and the change to the structure—we made a fuss. Like Willie McGhee, we felt that, with regard to the forestry authority side of its work—which concerns regulatory and policy aspects—the Forestry Commission is one of the best-functioning public bodies in Scotland. I would trust it to deliver on biodiversity targets or the implementation of the land use strategy far more than I would trust other bodies in other parts of Scottish public life to deliver similar aims. Our concern was that the change would not only rob Scotland of a stand-alone policy and regulatory body and the kudos that comes with the ability to bring that work in-house, along with everything else that the Scottish Government does, but would also open up the possibility of there being a dilution of the expertise

within the organisation, which I am sure we will touch on later.

The Convener: Those are three quite clear opinions. Dr Keegan, do you have a view on that?

Dr Keegan: Our view is quite similar. We had the same concerns about the regulatory and policy functions and about maintaining expertise, which you might address later in the meeting. The situation might be okay for the first few years, but we do not know whether the situation will be the same in 10 or 20 years and whether we will still have foresters as civil servants in the Scottish Government.

The bill talks about sustainable forest management. As is the case with sustainable development, that is about getting the balance right between economic interests, social interests and environmental interests. We see a risk that those decisions might become more political if the process is dealt with by a Government directorate rather than in a more arm's-length way.

Professor David Miller: I will comment on our experience when constructing the research agendas with the Scottish Government, various policy groups and the co-ordinated agenda for marine, environmental and rural affairs science—CAMERAS—partners, of which the Forestry Commission is one.

In general, we found access and the horizontal connections to be good—although there are, no doubt, some specific issues. The proposal could be part of bringing into other parts of Government the Forestry Commission's good reputation for openness and approachability in relation to communities and industry, on which colleagues just gave evidence. It could be part of the evolution of regulation and people.

The Convener: That seems to be a positive spin on the concerns of the others.

John Finnie: Given the concerns that have been voiced, would official recognition of the role of foresters by the civil service and having a chief forester allay any of your concerns?

Charles Dundas: Yes, and our submission makes reference to both those measures. Maintaining the expertise within the organisation is very important. Recognition of the role of the trained forester, and ring fencing for trained foresters of roles including chief forester, the heads of divisions and the conservators within each area of the organisation would do a lot for that.

In response to Mr Greene's question to the earlier panel about an example of losing expertise, I point to what happened when the Royal Commission on the Ancient and Historical Monuments of Scotland was merged with Historic

Scotland. A unit was set up within the Scottish Government to work on policy. I will consider that to be analogous to a division within the Scottish Government. One year after that merger, the staff within that unit had been scattered to the four winds across the culture division to fill in gaps here and there. I appreciate that it would be more difficult to do that with forestry, given its dominance within the Government, but that is still a concrete example of how, once somebody is in Victoria Quay, they can start getting distracted, unless there is some security and ring fencing of the organisation.

Malcolm Crosby: The difficulty is that splitting up FCS and FES will not work. Therefore, we recommend that they be retained as one piece. If you split them up, you will need some function to head them. The idea of having a head of forestry is difficult. Yesterday, I was talking to one of my colleagues who is a health adviser who came from the national health service. We have brought into forestry a range of other skills; we have an education adviser who was a teacher and we had somebody who came from the social sector and looked after drug rehabilitation of offenders in Glasgow. We call their roles “forestry” but they are not. The ministers and officials have said that they will recognise forestry as a profession in the Government, but we are much more than that—our staff do a range of stuff. We bring in all those experts and they pick up the culture that we have in the organisation. It is a can-do organisation that delivers things on behalf of the policy makers. That is how we succeed. If you split up FCS and FES, that will gradually disintegrate. People are proud to work for the Forestry Commission.

John Finnie: Could anything be included in or alongside the bill to reassure the witnesses that the new organisational structure is fit for purpose?

Dr Keegan: I was quite taken with what Peter Peacock said. If we are going to have the structure as proposed—it appears that that is the way we are going—we need checks and balances in place. What will happen to some of the structures that come with the Forestry Commission currently—for example, the national committee for Scotland, which has an advisory role, and the regional forestry forums, from which the committee took evidence? There are also annual reporting, planting and restocking targets and the financial accounts, which go to Parliament and can be scrutinised. Will that level of scrutiny still happen when the commission becomes a division of the Scottish Government?

Willie McGhee: I reinforce that point: part of the strength of the commission’s current structure is that answerability to a national committee. As I said in my first comment about stakeholders, the Forestry Commission has consistently listened

through regional fora, and we want that to be maintained. We do not want to be told that a matter will appear in some piece of policy later down the line. It would be a great step forward if the bill or statute were to say that whatever comes next must have an advisory committee, such as a national committee, and must maintain the listening groups—the regional fora.

11:15

Professor David Miller: I have one quick observation about the fora that have been referred to. New fora are emerging, and they could include the land use strategy’s expectation of the regional land use partnerships. Where do those fit into the governance structure of holding to account and exploring visions? That is just another complication, but it needs to be worked through.

The Convener: Richard Lyle will ask about the next theme.

Richard Lyle: I go back to a theme discussed with the first panel. I note that the Woodland Trust and Scottish Environment LINK have written about forestry functions in their evidence. The Woodland Trust suggested that the duty to promote sustainable forest management should be placed not just on ministers but on public bodies and private landowners. I am sure that Charles Dundas will agree with that.

Charles Dundas: Let me come in on that.

Richard Lyle: I am sure that Maggie Keegan will also agree.

Charles Dundas: I agree with my point—I do not always do so, but I will in this case.

That is an example of the reference in my first answer to a workmanlike bill that does the job of transposing something. It does not have the great vision for the future of forestry that I know the Scottish Government has. If I can sook up for a minute, I commend the Scottish Government for the role that forestry plays in its new programme for government. It is a jewel in the crown of what Scotland does and I am glad to see it recognised as such.

Such things as the duty to promote sustainable forest management are great, but the bill covers only a small percentage of Scotland’s forests. If we wanted to be radical, why did we not say that anyone who owns a forest has to manage it sustainably? That would be visionary.

Dr Keegan: We agree with that point. When private owners get a grant, the UK forestry standard kicks in, but that is four or usually five years later when the grant is delivered. What is missing is making sure that they manage their forests in a sustainable way during the time

between the planting of the forest and the realisation of the commercial aspect of timber production. In that intervening time, such things as deer management are part of sustainable forest management—including in the bill a duty on private owners could help to address that.

Native forests in Scotland are a rare resource and even the UK forestry standard requires only that 5 per cent of a commercial forestry plantation is planted with native species. As we know from the Scottish biodiversity strategy, we are not even hitting the targets of planting 3,000 to 5,000 hectares a year of native forest. The bill could do more to help address other Government objectives.

Professor Miller: In most, or at least many, of the functions of our forests the distinctions are between public and private, except in terms of public goods, which might include their roles as carbon sinks, in biodiversity and as landscapes. Forests have those functions irrespective of who has title for the area, and we interpreted the bill as indicating that part of the direction of travel is towards the role of forestry in the bigger picture of land in Scotland. Therefore, the functions need to be thought about with regard to what we are looking for, rather than necessarily with regard to the distinctions of public and private ownership. The onus would then be on all aspects of land—and all aspects of woodland—to share the vision of what we want from them.

The Convener: Before I bring in Malcolm Crosby, I ask Richard Lyle to widen things out slightly.

Richard Lyle: The Woodland Trust has talked about planting and afforestation; indeed, Mr Dundas mentioned the term “sweeties” earlier on, which I found quite funny. I know that you are doing a bit of soaking up today, but I am interested to know what those sweeties are.

I will now ask the question that the convener wants me to ask. Should the bill contain an additional provision relating to the forestry strategy or a commitment to further planting? I am sure that Charles Dundas is bursting to grow that one.

The Convener: But I am going to let Malcolm Crosby come in first.

Malcolm Crosby: I wanted to make a point about the difference between the public and the private sectors. A lot of the frustration of being in the regulatory sector is that you are able only to persuade people to do this work; you have to rely on grants, incentives and encouragement. The national forest estate is about delivering sustainable forest management, and we use support from ministers to do it. Much as we might like the private sector to do that work, you will

need money. If you want people to do it, you are going to have to pay them.

Willie McGhee: Coming back to Professor Miller’s comment, I think that those of us who swim in the sea of forestry make a very clear distinction between the public benefits arising from the public estate and those arising from the private sector. Malcolm Crosby has just alluded to the mechanism by which public goods are derived from the latter. In respect of your view of that or your view of ownership, I suggest that, in the main, where you have public estate or, say, common ownership or the common good, there is already an underlying commitment to achieving sustainable forest management with all its public benefits. That is not necessarily the case with the private sector.

Charles Dundas: On the issue of afforestation, the Forestry Act 1967—the Westminster act that this bill seeks to bring over into Scottish legislation—makes it quite clear that one of the Forestry Commission’s duties is to plant more trees. I was interested to hear earlier this morning some reticence among the previous witnesses with regard to putting that duty in the bill. They said, “Perhaps at some point we will have enough trees in Scotland.” I have to say that I raised a quizzical eyebrow at that, because I am not sure that we will ever reach a point at which there will be no need to plant more trees in Scotland.

Richard Lyle: I am sure that Confor will want to comment on that.

Charles Dundas: Absolutely.

I will briefly mention some of the other things that are missing from the bill. First, there is the management of deer and woodland creatures. The existing Forest Enterprise Scotland is the biggest and most efficient deer manager in Scotland. If we are talking about a duty to manage forestry sustainably, deer will play a huge part in that in the coming years, and the bill provides a legislative vehicle that would give an opportunity for people to talk more about the issue. I am aware that the committee will want to leave that entirely to the ECCLR Committee and Graeme Dey, but we will all have to pull together if we are to tackle what is arguably the biggest threat to woodland in Scotland—indeed, a threat even bigger than climate change.

The Convener: Did you want to come in on that issue, Claudia?

Claudia Beamish: It is the perfect opening, convener. I am not correcting you, Mr Dundas, but it is not just Graeme Dey but the whole committee that has profound concerns about deer management.

That brings me to my question, and it would be helpful if people could give brief answers. Multiple benefits have been highlighted by this and the previous panel, but to what extent does the panel think that section 4, which relates to the preparation of the forestry strategy, should cover issues beyond climate change? Are there particular “land rights and responsibilities” that should be highlighted in the bill? Indeed, should it be set out at the start of the bill that all of the multiple benefits that have been mentioned have to be taken into account in all the issues that the bill addresses?

Dr Keegan: The forestry strategy will be one of the most important documents. It will direct ministers in promoting sustainable forest management. We believe, as others have said, that there should be wide consultation on the strategy: it should go to committees and the Parliament, and that is not required by the bill at the moment.

I also agree that the bill mentions only the land use strategy and the land rights and responsibilities statement but, of course, the forestry strategy will impact on so many other things. The policy memorandum says that those other issues are already recognised, but who is going to look at the policy memorandum five years down the line? Nobody. We need to see those other things in the bill to show that they are important and how they are all integrated. Then we might start to get land use and public goods integrated, because the bill could deliver so much more. It should be delivering along the lines of the Nature Conservation (Scotland) Act 2004.

The Convener: Does Willie McGhee agree that there should be wide consultation on the forestry strategy?

Willie McGhee: Absolutely, yes, and I endorse what Maggie Keegan said—the purpose of the strategy should be to deliver across Scottish Government objectives. Since we are talking about the strategy, I heard in the previous evidence session the figure of five years in relation to reporting. One of the positives to come out of deer legislation is that because there is a requirement to report it has remained quite high on the Government’s agenda. We would wish to see either three or five-yearly reporting on the Scottish forestry strategy.

The Convener: Does Charles Dundas want to comment on that?

Charles Dundas: I certainly agree that policy integration is needed between the forestry strategy and all the other strategies that the Scottish Government has, not least the Scottish planning policy and the Scottish economic strategy. It would do no harm to have them expressly mentioned in

the bill. I have experience from previous bills of trying to get policy integration into the legislation. Whenever that is raised, the civil servants answer that it is happening anyway because the Scottish Government works in a very joined-up way. If so, there is nothing to fear from putting it in the bill, so I agree with my colleagues about that.

The Convener: Do you agree that the strategy should be consulted on?

Charles Dundas: Absolutely. We have benefited massively from having a Scottish forestry strategy over the past 15 or so years, but we have suffered from not having it updated over the past decade. Anyone who looks at the document from 2006—Willie McGhee and other foresters—will recognise good forestry practice, but it does not reflect good integration with the rest of Scottish Government policy. The document even says “Scottish Executive” at the top; that is how old it is. Not only should the strategy be consulted on, but I would recommend that that is done on a five-yearly basis rather than every 10 years.

Malcolm Crosby: We consult on practically everything else so I do not see why we should not consult on the forestry strategy. Our land management plans and strategic plans go out to widespread consultation. We have nothing to fear; that is what we do. We listen to people and develop agendas accordingly.

Professor Miller: Yes. The function should be up front for contextual reasons. There is no reason to argue against the strategy being consulted on in the most effective ways. I add to the discussion a question about what the boundaries of such a strategy might look like, geographically. Does it consider the strategy for the immediate non-forest land and the prospects for the evolution of the land that is under prospective management? Does that strategy for land include consideration of land that is not currently forested, what could be added, and exploration of the aspirations set out for multiple benefits?

The Convener: David, you are going to get me kicked shortly by the deputy convener who is going to come on to that subject.

Professor Miller: Sorry.

The Convener: If Claudia Beamish agrees that the answers to her question were sufficient I would like to move on to that issue with the deputy convener.

Claudia Beamish: Yes, thank you, in the context of the time available.

11:30

Gail Ross: Are you clear about the differences between forestry land and other land? Are any changes needed?

The Convener: David, as I just cut you off in full flow, would you like to say whether you are clear about the differences?

Professor Miller: There are opportunities. There is already non-forested land in the estates; the question seems to be what opportunities may be set out of obtaining land—of purchase and of replacement—and whether those opportunities will be built into forward thinking.

I was heading earlier towards the question of the boundary between forest land and our urban environment. What is the link between trees and green infrastructure? That fits in with planning policy, which was mentioned earlier. Where will forestry be part of the local awareness of our cities and urban populations? I think that the strategy should consider where, geographically, there are plans or aspirations for non-forest land and then think through what the implications of that might be, which could be considerable.

Dr Keegan: I am clearer now that I have heard the previous evidence sessions. I have been sitting and listening to them on my laptop at work, so I am a lot clearer than I was. Having said that, what is not clear is whether land that is other land is soon to be planted up with trees if it is suitable. For example, if it is deep peat or blanket bog, will that land be managed for sustainable development? I am sure that we will come on to that. More clarity on that in the bill will help people now and in the future, when we will not be having these debates.

Malcolm Crosby: I think that it is an entirely artificial dichotomy that is completely unnecessary. We have strategies that we consult on. I spend my time ensuring that our wind farms are keyholed and do not require the felling of large areas, so that they become genuinely part of the forests. We also manage peat bogs and carry out deforestation if forestry is not appropriate.

We have talked about urban areas, and one of our biggest initiatives over the past 10 years has involved woodlands in and around towns—precisely in order to move them into urban areas. It is about bringing the benefits of woodland to those who live in urban areas and ensuring that we work in those areas where the vast majority of people live. The work that we have done in Glasgow, in Drumchapel and Easterhouse, has been fantastic, and those communities have been transformed as a result of what we have done.

The definition of non-forestry land comes out of the “Forestry and Land” bit of the bill’s title, and

the concern is that “and Land” might bring in land that is not for forestry. We manage lots of bits of land that do not have trees on them. We now consult and do not plant up peat bogs. Yes, we did that in the past but we have learned from our mistakes. We now go out and consult, and we do not do that.

To me, the issue of non-forestry land is entirely artificial. It should be part of our strategies that we work with the relevant experts to look after the land in the best way.

Charles Dundas: It cannot be disputed that the drafting is inelegant. As previous evidence sessions have shown, it causes confusion. A possible solution to that confusion may be found where the bill refers to forestry land. Essentially, that means the national forest estate. If it were to use that terminology, things might be clearer.

The concern, certainly among environmentalists, is that the bill will place a duty on those who have land that is not forested but that is within the national forest estate to manage it according to the principles of sustainable forest management. Some environmentalists read that as requiring the land to be planted up with trees, which will not necessarily be appropriate. However, the final line of the Helsinki definition of sustainable forest management, which is quoted in the policy memorandum, says that a key element of sustainable forest management is that it is not done to the detriment of other ecosystems. That check and balance will prevent my colleagues being worried that there is a march towards the afforestation of every square inch of Scotland—which, I am sure, none of us wants to see.

The Convener: Rhoda Grant would like to come in and then perhaps Willie McGhee can answer that question.

Rhoda Grant: I have a wee question on forestry land being the national forest estate. Given that time will pass from the bill’s implementation, do you think that that definition will continue? I would have thought that there is a clear difference in the land held by the Forestry Commission—the bill is trying to point out that the Forestry Commission will also hold non-forestry land.

Charles Dundas: It may have been Confor, during a previous evidence session, that suggested that an elegant solution would be to define forestry land as land that has trees on it and other land as everything else. That would solve the problem from my point of view.

The Convener: I see Malcolm Crosby shaking his head, but I will let Willie McGhee respond first.

Willie McGhee: I do not have very strong views on it. The other land has been brought in just

because the Forestry Commission holds other land for the national forest estate. I do not think that there is any intention to afforest it.

Malcolm Crosby: Before I moved into renewables, my previous role was in forest planning, the whole point of which is to bring everything together so that the plan includes everything—all the land that is not planted is equally important as anything that has trees on it. If you try to distinguish between them, it just becomes impossible.

Dr Keegan: Forestry land is the activity of forestry, not the forest itself; there is also the potential for it to become forestry, although it may not. We now have the Forestry Commission as the advisers on getting the balance right, but in 10 years' time, if the body is subsumed into the Scottish Government directorate, there may be different priorities. Given that there are targets that are quite difficult to reach, there is a risk that other land will become forestry land. There is no doubt about that.

John Mason: I will continue with the management of land and section 13 of the bill on further sustainable development. I liked the statement in Mr McGhee's submission that

"'Sustainable development' has been described as 'the slipperiest piece of soap you'll find in the bathtub'."

I do not know whether that quote is yours or whether it came from somebody else.

What thoughts do people have around section 13 and the management of land for sustainable development?

The Convener: I will let Willie McGhee grasp that knotty problem.

Willie McGhee: That expression was not mine, but I am fully behind it. As in the forest strategy, you can use as many expressions as you want, but it is a bit trickier to see tangible results coming out the other end in the spirit of what you mean by sustainable forest management or sustainable forest development. As I said, if we had a commitment to manage forestry for rural development combined with good environmental practice, further recreation and all those other aspects that are included in other Government strategies, you would be getting closer to grasping that slippery piece of soap.

Charles Dundas: My understanding of section 13 is that, if you are going to have a big—dare I say—monolithic agency that will manage all of Scotland's publicly owned land, you will need some sort of principle by which it will manage the land that is not forestry. The Government has chosen sustainable development, which makes sense.

On defining sustainable development, we went through the battles of the Land Reform (Scotland) Act 2016 last year. The Brundtland definition of sustainable development is well recognised and commonly used in the Scottish Government. I am relaxed that that does what it intends to do.

Malcolm Crosby: At the risk of repeating myself, it is all about integrating. I worked the woodland removal policy through with the Forestry Commission so that it was integrated. Sustainable development is what we do. We now have 1,000MW of installed capacity for wind and hydro on the national forest estate. That is sustainable development, which we integrate into the forest.

If someone wants us to manage something else, we will do that. In the earlier session, someone mentioned the risk that we might end up managing national nature reserves. We already manage a large number of sites of special scientific interest, a lot of which are not forestry SSSIs. That is what we do. We bring in the necessary experts, if we are not the relevant authorities because we have been trained as silviculturists. We bring people in and they become part of our culture.

John Mason: Is it going too far to have two separate phrases: sustainable forest management and sustainable development? Should we try to come up with one?

Malcolm Crosby: I would not pretend to be an expert on legal definitions. A lot of people here know far more than I do about other bills and how they affect these matters. As an organisation, we work with ministers to deliver what they ask us to do. That is our purpose.

The Convener: Maggie, are you relaxed about the use of the term "sustainable development"?

Dr Keegan: I think that I know what it is. LINK has given up on asking for the definition of sustainable development to be on the face of bills, because the same arguments are trotted out. As long as everyone is clear about what it means, we should leave it at that.

It depends whether sustainable development top trumps sustainable forest management. Both are about balancing the economic, social and environmental interests. If we look at other land that is to be managed for sustainable development, is eco-housing sustainable development, and could that happen in native woodlands? It might happen in the future. Who would decide? Would ministers decide that the development should go ahead, or would a planning authority decide because it is about houses? It is not clear how such decisions will be determined.

Professor Miller: By coincidence, next month is the 30th anniversary of the Brundtland report. The

definition of sustainable development from that report is still contemporary and is still the underpinning of most of the rest. I am not certain of my ground, but I would have thought that Brundtland and the following Rio summit was part of the underpinning of what evolved into the national forest standard and best practice from the Forestry Commission.

Sustainable development is the picture within which the sustainable management of forests is one element. People are a core part of that. In thinking about what we want for the land, we should at least give consideration to the pathways to change. We must not cut off our options by a poor, ill-considered or short-term decision when, as trees demonstrate, the game plan stretches 50, 100 or several hundred years down the line. Sustainable development has to be taken in the long term.

We need to join up the thinking about what we want with the strategy, with the land that is currently trees and the land that is not and how that will change. Not all land will remain in trees, as we found with the flow country, and other land will become wooded.

I would go with the terms “sustainable development” and “sustainable forestries” in parallel.

John Mason: Are you saying that there would be a danger in a tight definition of sustainable development because, in a few years’ time, we would need to change it?

Professor Miller: I would keep the Brundtland definition of sustainable development. The question is how we refine it and tag it for the realities in our landscape. We should have the evidence of where we have changed our mind and therefore changed policy because other or bigger pictures have become apparent. What I am trying to say is that there are certain more sectoral aspects—whatever the sector—that may on occasion be shorter term, and that those could head off or corral some of our activities and mean that our options are not as flexible in the future.

The Convener: We will leave it there. I invite Mike Rumbles to lead off on the next theme.

11:45

Mike Rumbles: Thank you, convener. I will focus on compulsory purchase. We have been told that the bill not just transfers ministerial powers from the 1967 act but increases and develops them. We have also been told that those powers have never been used in the half century since the 1967 act was passed. I have read your submissions, but I would like to hear your views on

the compulsory purchase powers in the bill. Are they required at all?

The Convener: Charles, your written evidence was clear, but I would still like to hear your views.

Charles Dundas: I agree with my written evidence. A lot of fuss has been made about this. A huge amount of these powers are duplications of powers that the Scottish ministers already have. Therefore, it is almost irrelevant whether they are transferred over from the 1967 act.

In principle, the fact that the powers have not been exercised in several generations suggests that there is no cause to have them. If I were the cabinet secretary, I would consider this a great public relations opportunity to say, “Look at me. I’m turning down powers that I could have.” However, I am not the cabinet secretary.

Mike Rumbles: How unusual that would be.

Charles Dundas: Indeed. It would be refreshing and useful.

I do not see any reason why the powers need to be transferred, not least because they are replicated in other legislation already. The Land Reform (Scotland) Act 2016 provided compulsory purchase powers to manage land in a sustainable way.

The Convener: First you praise the cabinet secretary and then you say that you want his job. Willie, would you like to add anything?

Willie McGhee: One point on which I agree with Charles Dundas is that this is a facet of rolling over powers from the 1967 act. I am not sure that the provision was ever intended to work in the way that our previous panel feared—there seemed to be a great deal of unrest about it. I am a little more sanguine than Charles Dundas. If I were the cabinet secretary, even if I did not use that particular tool I would still quite like to have it in the toolbox just in case. Quite a lot of fuss has been made about a relatively innocuous line in the bill.

The Convener: Malcolm, do you want to add anything?

Malcolm Crosby: Our style is to try to work in consensus. It does not make much difference to us whether the power is in the bill; we do not want to use it because we would much rather work with people.

The Convener: Does David Miller or Maggie Keegan want to come in?

Dr Keegan: Scottish Environment LINK’s view is the same as the Woodland Trust’s view. If the power is retained, protocols and guidance need to be put in place to make sure that it is not abused.

The Convener: I have a question on disposal of land. The current policy as far as the forest estate is concerned is that land can be disposed of—I think it is called rationalisation and reorganisation of the forest estate—provided that land is purchased to replace it. That is the parliamentary position, although I am not sure that that is how it has been interpreted.

Are you happy for forest estates to be sold off or should that caveat remain? I will ask Willie McGhee to start and then let Malcolm Crosby in.

I can see that you are all thinking about your answers, so we will start on my left instead, with David Miller.

Professor Miller: On rotating—not in a forestry sense but in the sense of how our land is used—given the time horizons for trees, climate change will mean that some areas will be better suited than others to certain types of land use. There might be new opportunities for certain crops to be grown—I am talking about tree crops, too—in certain areas, and therefore, we might want to relinquish other areas. The situation might not be quite as extreme as in the flow country, but there might be other areas where the presence of trees is not contributing significantly, but that might be well down the line—it could be decades down the line. However, if the bill is setting up the framework, such rotation of land in and out of a particular use would seem to be sensible and astute planning.

The Convener: I am sorry; perhaps I should have made myself clearer. I understand the rotational use of land; I was trying to ascertain whether you would be comfortable with the forest estate reducing in size by the disposal of land. Does Maggie Keegan have a view on that?

Dr Keegan: We believe that the process should be transparent, but the money should be reinvested for the people of Scotland into our standing examples of forests, either by acquisition or creation. The money should not just be subsumed into Government coffers. We do not want to see the forest estate diminish in size if there are places where it could be expanded. We want to see careful disposal and reacquisition.

Malcolm Crosby: There are several types of disposals—there are repositioning ones and there is rationalisation. Unfortunately, a lot of those disposals have an impact on our members. If more of the estate is sold off, we will have less work. Things are put out to contract, for example, and that is not in the interests of our members.

I think that you are talking about repositioning and the money being recycled into buying new land. That diminishes the size of the estate because, in general, we sell off things that are cheaper because they are less attractive and we

buy more expensive land. We then have to pay to plant that land.

There is a difficulty with any organisation that reviews its management and office structures and delivery mechanisms. If we keep on shrinking the number of offices, more of the forest will get further away from the offices and will be more difficult to manage. There have no doubt been a lot of disposals that have led to a loss of jobs, which is certainly not in our interests as union representatives, and that has diminished the size of the estate. That has also diminished what we can do, because we have moved out of large areas in which Willie McGhee in particular and Charles Dundas would want us to work with communities. We no longer have those connections because of disposals. The repositioning has meant that our estate is shrinking.

Charles Dundas: We have just been through a round of repositioning, which has been rechristened “new woodland investment”. Basically, that involves selling off land to create money. The most recent round was inspired by the Scottish National Party manifesto pledge to plant up X acres of former opencast mine and turn that into forestry. However, to get the money to do that, Forestry Commission Scotland is having to dispose of some sites.

We have worked with Forest Enterprise Scotland to try to ensure that the formula that it uses to work out which sites it will select protects the most important woodland that needs to be maintained in public ownership to ensure that it is protected in the best way. There are certainly some sites in the current round that we do not think should be sold. We think that they should be retained and protected by the state.

The solution to that is conservation burdens, which are a legislative device. Those burdens would be registered on the property's deeds, and the transfer over would ensure that the new owner would have to maintain a certain level of ecological value on the site. Conservation burdens have not been used yet; frankly, if our state is not using them to protect land, I do not know who else will use them. The Woodland Trust will continue to try to ensure that Forest Enterprise Scotland or its successor bodies will start to put burdens on land as it disposes of it to ensure that it remains protected.

The Convener: Does Willie McGhee have a short addition to that?

Willie McGhee: Quelle horreur!

In principle, the Forest Policy Group sees nothing wrong with repositioning or new woodland investment. We are very conscious of the capacity reduction in Forest Enterprise Scotland.

A lot of it is in the detail. Selling remote, rural conifer blocks to fund land reclamation, where private companies have gone bust or have walked away from their responsibilities, is not a tremendously good idea, especially given the very high costs of reclamation and the money needed. We see Forest Enterprise broadly as a mechanism for diversifying woodland ownership, whether it works in partnership with communities or is leasing to communities. You talked about disposal, but the new object heaving over the horizon is lease, and it is quite feasible that at some point in the near future we will get big private companies wanting to come in and take on large elements of the state forest. We would be a lot more uncomfortable about that.

The Convener: More uncomfortable?

Willie McGhee: It is not that the private company per se would not manage the forest to a high standard and still provide public benefits, but we would want to have a degree of openness, transparency and consultation before anything like that happened.

The Convener: I can see that Maggie Keegan wants to comment, but I am afraid that time is forcing me to ask Rhoda Grant to lead on the next theme.

Rhoda Grant: Are the witnesses content with the definition of “community” in the bill and how it sits with other legislation, or are they of the same mind as our previous panel, who thought that sections 18 to 20, which deal with communities, are not required because the Scottish Government already has those powers?

Willie McGhee: The answer given by Jon Hollingdale from the first panel broadly mirrors our views. There are many things in the bill, such as acquisition and compulsory purchase provisions, which Charles Dundas mentioned. We would agree that the definition of “community” is well phrased in other legislation, so we are not hung up on seeing it defined again in the bill.

The Convener: Everyone nodded at that, so unless there is a completely diverging view, let us move on to Rhoda Grant’s follow-up question.

Rhoda Grant: I understand that the witnesses are happy with the definition of “community” in the bill, but does it need to be there at all? Do you share the views of the previous panel?

The Convener: I have seen a few people shake their heads. Anyone who thinks that it needs to be there can answer. Charles Dundas obviously does.

Charles Dundas: No—I am attempting to clarify that it is the fact that it does not need to be there that we agree with, as the definition is caught up in the three definitions in previous legislation.

Dr Keegan: The important point is that the definitions are consistent across legislation so that everybody knows what a community is.

Malcolm Crosby: We have used the NFLS definition and have moved to the CATS definition, which is perfectly satisfactory.

Fulton MacGregor: I asked the previous panel about felling and I would like to ask this panel for views on whether the provisions in the bill are an improvement on the Forestry Act 1967, whether there is anything missing from the bill, or whether there is something in the bill that should not be there.

Malcolm Crosby: I do not claim to be an expert on the felling provisions. On the conservancy side of things, we deliver what we are required to deliver. Whether those provisions need to be in the legislation, and whether there should be charging, is not for us to have a view on.

Charles Dundas: I have a slightly hot take on the issue that is different from that of the other witnesses. The committee has heard a lot of people say that they would like to see more detail in the bill and that they are not happy with the principle of moving things over into secondary legislation. I would generally agree with that, but I would caveat it quite strongly with the fact that we in the Woodland Trust have experience of certain felling practice that could be described as taking advantage of a loophole in the 1967 act. As there was no prospect of closing that loophole, because it would require primary legislation at Westminster, the moving of a lot of the detail on felling into secondary legislation gives an element of flexibility, which certainly in that example would have delivered better results for forestry. That is just one example.

12:00

The Convener: Are you talking about one example and one experience?

Charles Dundas: No—there are a number of examples of the same practice.

The Convener: What is it?

Charles Dundas: I do not want to advertise the loophole and get everyone using it. Under felling regulations a person is allowed to take out 5 cubic metres per quarter for their own use. If someone who owns a forest and wants to clear fell an element for development subdivides their property between four different owners, they have access to 20 cubic metres, and they can fell in the corners of the four units to make one unit; if the next day is counted as falling in the next quarter suddenly they can remove 40 cubic metres and, in essence, they have perfectly legally clear felled a site for development.

By working with colleagues in the Forestry Commission we have been able to clamp down on such activity, but the loophole exists in the current legislation. We are working with civil servants on the framing of secondary legislation to try to close the loophole.

The Convener: It sounds a bit devious to me.

Peter Chapman: Scottish Environment LINK has expressed concern about the felling provisions in section 23 and is considerably worried about off-site compensatory planting. I ask Maggie Keegan to explain her concerns about those issues and the other panel members whether they share them.

Dr Keegan: We are looking at scenarios in which it would be inappropriate to plant trees. In some areas, there are other eco-systems that should remain in place. When someone is required to restock on “other land”, as the bill says, how do we know that that land is suitable for tree planting? That is the point that we wanted to make. There might be a low risk of unsuitable land being used, but when we consider bills we must always consider the unintended consequences and how one thing might lead to another.

Malcolm Crosby: When someone wants to plant land they need to have permission, and the application must go through the conservancy office and be approved. If the land is unsuitable because of another environmental priority, it is highly unlikely that the planting will get approval.

Peter Chapman: Do the other witnesses agree with that?

Willie McGhee: I absolutely agree.

Dr Keegan: I have nothing to worry about, then.

Peter Chapman: Your concern might not be so acute now.

Dr Keegan: We always look for unintended consequences.

Stewart Stevenson: Charles Dundas said that registration of environmental burdens with Registers of Scotland would be a good thing to do, although it is not happening. The bill provides for registration of various matters that relate to felling. Do you think that Registers of Scotland is the best place in which to keep records of obligations that are associated with land? I think that the balance of the evidence from the previous panel was that such records could adequately and properly be provided through the website of the Forestry Commission Scotland or its successors.

Charles Dundas: I will hold my hands up and say that when we read the provision in the bill we thought that Registers of Scotland seemed to be the right place, but I admit that I did not think through the consequences. Having listened to the

evidence that you heard this morning, I am now in two minds. Perhaps the information could easily be registered with the Forestry Commission. That could certainly be done more cheaply.

I would not want to present myself as saying that we are absolutely tied to what is in the bill. If there were an alternative, such as doing it through the Forestry Commission’s existing IT system, I would be quite happy to look at that.

Stewart Stevenson: As a matter of principle, it should be not necessarily “registered” with a capital R, but publicly available to be seen.

Charles Dundas: Absolutely. As a principle—

Stewart Stevenson: However that is delivered.

Charles Dundas: I agree.

The Convener: Maybe Malcolm Crosby has experience of how the process works at the moment and can explain it; I think that the committee would find that very useful. It seems quite a simple system.

Malcolm Crosby: In the past, we had to send a licence to somebody if they wanted data. As part of the open government approach, we have moved to publishing as much as possible online. Forest Enterprise, for example, publishes its entire sub-compartment database online. It can be accessed through the website. If a developer wants to look at it, they can do so.

The Forestry Commission does exactly the same with all the constraints, the woodland grant scheme and so on—everything is there on its publicly available website, which is maintained and updated by, I assume, my colleagues in the Forestry Commission Scotland. All data, such as SNH data, is gathered into one repository, where it is publicly available.

Registers of Scotland is quite busy at the moment, as it has to register everything by, supposedly, 2019. That is an absolutely mammoth task, and it will be very interesting to see whether it achieves it.

The Convener: Is it easy to access that database?

Malcolm Crosby: Yes.

Stewart Stevenson: You used the phrase “as much as possible”. I slightly worry about that. Are you implying that, if the bill were to take a different approach from that taken by Registers of Scotland, it should at least specify what information would have to be published? In that way there would be no ambiguity in respect of the responsibilities of all the parties.

Malcolm Crosby: Any obligations need to be published. Obviously, there might be some

constraints that we are not aware of, and we cannot be expected to publish those, but our approach has moved to open government.

It costs us far less to put data on a website than to have somebody ring up and ask us to supply them with such and such information, and then have somebody else do the same thing the following day. That is why we published all the renewables data.

Dr Keegan: I have a brief point, with my Scottish Wildlife Trust hat on. We have plenty of volunteers who regularly use that excellent website. If the information that we are discussing were there as well, everything would be in one place.

The Convener: I have to say that I have always found it quite easy to use.

Charles Dundas: I agree that it is a very easy website to use. I recommend that you all have a look.

The Convener: We move on to the last theme, which Jamie Greene will introduce.

Jamie Greene: Thank you, convener. I would like to close the meeting by discussing the financial implications of the bill. I have two short questions, which I will ask separately.

First, one assumes that the budget lines for FCS and FES, which at the moment are separate and come with their respective accounting, reporting and audit functions, will be subsumed within the forestry directorate. Do the witnesses have any concerns around that? More important, if they have concerns, what should the bill include to address them?

Malcolm Crosby: I strongly object to the proposals. I have made it very clear that we feel that our staff will be greatly at risk if the proposed structure comes about.

In sessions with us, when we met the minister and officials, and with the committee, officials have used the fact that we have two separate sets of accounts as evidence that we are two separate organisations. I hope that I have been able to show this morning that that is not the case and that we work very closely together and just have accounting arrangements that demonstrate that we spend this bit on FCS and this bit on FES. We have appropriate audit systems.

As others have commented, if things are separated out, there will be no accountability for what the Scottish Government spends on the regulation/policy side. Our case is entirely consistent: there needs to be a separate organisation that is fully accountable and fully transparent, and we would prefer it to be a single organisation with both parts in it.

Dr Keegan: I think that Malcolm Crosby is referring to a point that we raised in our submission. I suppose that the question is whether we can think of an amendment to the bill and whether we get a commitment and assurances when the cabinet secretary is sitting before the committee next week in relation to how the spending will be scrutinised and how Parliament can scrutinise it. I am not quite sure yet whether that is something that can go in the bill, but we will think about it. In the meantime, you could ask the cabinet secretary about it because it is a valid point, and get on the record what the thinking is behind the proposal. As was raised in the previous evidence session, we would not want to see restructuring of the organisation take away from optimising Scotland's assets in terms of woodland creation, woodland restoration and native woodland creation. Even if it is short term, it is probably going to be quite costly.

Charles Dundas: It is a great irony that, due to what is, I am sure, an unintended consequence, a bill that sets out to try to increase accountability and transparency will remove a great deal of transparency on the funding that goes into those two Scottish Government operations. It should not be too difficult to fix that. It is about reporting and accounting, so there needs to be a requirement on the division to provide full accounts to Parliament or something along those lines. I have not given any thought to that; that is the job of you guys.

Willie McGhee: I endorse the points made by Charles Dundas and Malcolm Crosby about the structure.

Are you going to ask about IT and rebranding as a follow-up?

The Convener: If Jamie Greene raises that point now, you will get a chance to answer.

Jamie Greene: Sure. I have a similar question to the one that I asked the previous panel. There was a bit of a mixed response from the previous panel as to how important the issue is. Estimates of the costs range from £6 million to £12 million. It is a substantial amount of money, which I get the impression would come from existing forestry budgets as opposed to there being new money from the Scottish Government. Does the panel think that the Scottish Government should fund the costs of the restructuring, which, at the end of the day, is a political decision?

Willie McGhee: The short answer is yes. Somebody mentioned the RPID and a few of us sitting around the table used those systems to get access to grants. I do not think that we should go anywhere near new IT. Rebranding over a number of years with the same livery but perhaps with a different play on the words would mean that you would not have to spend a lot of money getting

white vehicles or going around Scotland's forests changing all the signs and so on.

The Convener: So you accept rebranding. We have heard this morning about the high esteem that the Forestry Commission Scotland is held in and the fact that it is fairly well integrated. Before you just accept rebranding, can I check whether you are saying that the structure needs to be rebranded?

Willie McGhee: No, I would not restructure or rebrand. However, as someone who is sometimes a fatalist, if the decision was to do such a thing, we should try to maintain the colours and words in such a way that we do not spend £4 million—or however many million pounds—that could be better spent elsewhere.

The Convener: A good way to wrap this up is to give you all a chance to answer the question. Does the Forestry Commission need to be rebranded and, if it does, where should the money come from?

Charles Dundas: Although I would never call myself a fatalist, I agree completely with Willie McGhee. Our original position that this does not need to happen does away with all those issues. One of our initial responses to the consultation was that the Forestry Commission is such a strong brand and has such a great reputation that it would be a real loss to Scotland to lose it.

My understanding is that the Forestry Commission brand will be maintained in England. It will continue to be the Forestry Commission. Perhaps we should adopt an approach that is similar to that taken by yes Scotland in relation to the pound—it is our Forestry Commission too, and we have just as much right to use that branding and to continue along those lines. However, I have not heard any appetite for that approach.

12:15

If we take the fatalist approach and rebranding is thrust upon us and we have to do it, I would not want to see any money transferred from operations on the ground to IT or new signs. If rebranding detracts from putting one tree in the ground, it will have done a disservice to Scotland.

Malcolm Crosby: As I understand it, the brand is owned by the Forestry Commission and, as such, belongs to Westminster. Consequently, if you split off, you do not have licence to use the brand. We have not yet discussed Forest Research, the management of which looks likely to end up remaining part of an agency of the Forestry Commission England. Therefore, it will be able to use the brand in Scotland—there is a branch of our research establishment at the northern research station just outside Edinburgh.

The proposal is that the Forestry Commission in Scotland moves out of that arrangement. If negotiations can take place about the cross-border nature of Forest Research, I do not see it as being terribly difficult to come to some agreement about the use of the brand. I really cannot imagine that Westminster would die in a ditch over that. We would have no need to change the brand, although we could make minimal changes. For example, we have suggested "Forestry Scotland" rather than "Forestry Commission Scotland", which would be a very minor change. The important thing is to keep the two parts together.

On the money, an element of IT investment is very definitely required in the organisation. There has been a lot of uncertainty and we have perhaps not spent as much as we should have spent, so some investment is required in IT. A move into the Scottish Government with the facilities that it already has could be of great benefit to us, but it will require some investment. However, spending a lot on rebranding will be a complete waste of money and will not go down very well with your constituents. In addition, as others have said, there is a severe threat to our staff. The requirement is that whoever divorces pays the bill. When Wales left, it had to pay the bill; and when Scotland left, it had to pay the bill. However, all that has happened is a transfer to the Forestry Commission, and we have been told, "You pay for it." That is a severe threat to our staff.

Dr Keegan: My main point is that, as I said, money should not be diverted to a new brand from the activity of forestry and delivering sustainable forest management. If we could keep the same name, we would save money.

Professor Miller: If you do not mind, I will start with IT, then go on to the brand. I understand why lots of reputations can be damaged by lots of things not necessarily working. However, looking forward, whatever information technology is required will need continual reinvestment to be contemporary and leading edge for managing the best part of a fifth of Scotland's land. We should not leave things by reflecting on a lack of investment in what is going to be the underpinning infrastructure for the efficient management of the system. Where the investment comes from is not for me to pick up.

On the branding, I think that it is really important to try to keep the good will and the name. My colleagues here have expressed that cogently. The question for me is that, given that we are touching on 100 years of the commission, what should the brand be in 2117 for the generations coming up? Will the next generation to use and benefit from the forests associate with the Forestry Commission or the Forestry Commission Scotland in the same way? The dialogue, debate and

consultation could be about what that should be for the current generation and for the next 100 years. Again, I will pass on the question of payment for that, if you do not mind.

The Convener: I thank you all very much for the evidence that you have given this morning, which has been very interesting. We have certainly learned a lot about forestry, and the passion that you have spoken with has come through.

That concludes this part of the committee's business. Our next meeting will take place next week. We will look at the Islands (Scotland) Bill, take evidence from the cabinet secretary on the Forestry and Land Management (Scotland) Bill and the small holdings legislation, and consider our approach to the budget.

I now close the meeting, but I ask committee members to remain seated briefly.

Meeting closed at 12:20.

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