

Scottish Forestry submission of 27 July 2022

PE1812/RR: Protect Scotland's remaining ancient, native and semi-native woodlands and woodland floors

Thank you for your letter and for giving me the opportunity to provide evidence at the committee and then to support Minister Mairi McAllan.

I apologise for the delay in responding, this is as a result of taking the time to investigate evidence to respond to your further questions.

This is as follows:

- **The number of occasions between 2012 – 2022 where Scottish Forestry consider that ancient and native trees have been unlawfully felled, broken down by year**

We investigate all reports of illegal felling but only keep records where we consider that further investigation is required. To this end, we have insufficient records to provide an accurate response. This in itself suggests that felling of ancient and native trees, which exceeds felling exemption tolerances is exceptionally infrequent. The Forest and Land Management (Scotland) Act 2018 has enabled us to further tighten our controls around ancient and semi-natural woodlands and there is now no volume exemption in native woodlands between 0.1 and 0.5 ha. This has strengthened our protection of these woodland types.

- **The number of prosecutions Scottish Forestry have undertaken in relation to ancient and native tree felling between 2012 – 2022, broken down by year;**

There have been no prosecutions in the time span requested in relation to ancient and native trees. A successful prosecution was achieved in 2019 but in relation to non-native tree species.

- **The number of occasions where an ancient tree has been felled without the necessary permissions, but where this has not proceeded to prosecution**

Nil response for the reasons above. As stated at committee, it is often very difficult to secure a prosecution and more often, we seek an

opportunity to agree a management plan with the woodland owner as an alternative to prosecution procedures.

- **The reasons why such cases have not been prosecuted.**

As stated at committee, it is often very difficult to achieve a prosecution as a result of PF availability and mitigating factors or including voluntary reinstatement / replanting for example. This is quite often at very small scale where the public benefit and cost of pursuing a prosecution is marginal. Where on a much larger scale, the presence of ancient and native woodland is established during land searches and surveys; thereby being avoided before felling commences. Through the Forest and Land management (Scotland) Act 2018, we have strengthened our controls by, for example, introducing an option to serve a restocking direction whether we pursue and achieve a prosecution or not. This allows for a quicker and more proactive response.

I am more than happy to answer any further questions and wish the Committee, the petitioners and Ms McAllan, Minister for Environment and Land Reform, well.