



OFFICIAL REPORT
AITHISG OIFIGEIL

Rural Economy and Connectivity Committee

Wednesday 6 December 2017

Session 5



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RURAL ECONOMY AND CONNECTIVITY COMMITTEE
35th 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 ATTENDED:

Claudia Beamish (South Scotland) (Lab)

Fergus Ewing (Cabinet Secretary for Rural Economy and Connectivity)

Andy Wightman (Lothian) (Green)

CLERK TO THE COMMITTEE

Steve Farrell

LOCATION

The Mary Fairfax Somerville Room (CR2)

Scottish Parliament

Rural Economy and Connectivity Committee

Wednesday 6 December 2017

[The Convener opened the meeting at 09:15]

Forestry and Land Management (Scotland) Bill: Stage 2

The Convener (Edward Mountain): Welcome to the committee's 35th meeting in 2017. I ask everyone to make sure that mobile phones are on silent.

Agenda item 1 is stage 2 consideration of the Forestry and Land Management (Scotland) Bill. I welcome Fergus Ewing, the Cabinet Secretary for Rural Economy and Connectivity, and his officials from the Scottish Government.

Everyone should have a copy of the bill as introduced, the marshalled list of amendments that was published on Thursday and the groupings of amendments, which set out the amendments in the order in which they will be debated. The clerks have advised me that amendment 136 appears in the wrong place on the marshalled list and should, in fact, be after amendment 114. We will take it at that place in the proceedings. That change does not affect the groupings.

It may be helpful to explain the procedure. There will be one debate on each group of amendments. I will call the member who lodged the first amendment in that group to speak to and move that amendment and to speak to all the other amendments in the group. I will then call any other members who have lodged amendments in that group. Members who have not lodged amendments in the group but who wish to speak should indicate that by catching my attention in the usual way. If he has not already spoken on the group, I will invite the cabinet secretary to contribute to the debate just before I move to the winding-up speech. The debate on the group will be concluded by me inviting the member who moved the first amendment in the group to wind up.

Following the debate on each group, I will check whether the member who moved the first amendment in the group wishes to press it to a vote or to withdraw it. If they wish to press ahead, I will put the question on that amendment. If the member wishes to withdraw their amendment after it has been moved, they must seek the agreement of other members to do so. If any member present objects, the committee will immediately move to

the vote on the amendment. If any member does not want to move their amendment when called, they should say, "Not moved." Please note that any other member present may move such an amendment. If no one moves the amendment, I will immediately call the next amendment on the marshalled list.

Only committee members are allowed to vote. Voting in any division is by show of hands. It is important that members keep their hands clearly raised until the clerk has recorded the vote. The committee is required to indicate formally that it has considered and agreed each section and schedule of the bill, so I will put a question on each section at the appropriate point. We aim to complete stage 2 today, but we will see how we get on.

Section 1 agreed to.

After section 1

The Convener: Group 1 is on the purpose of the bill. Amendment 14, in the name of Rhoda Grant, is the only amendment in the group.

Rhoda Grant (Highlands and Islands) (Lab): Amendment 14 would introduce a purpose section to the bill. The intention is to add clarity about the purpose of the bill. We all know that the bill came about because of the devolution of the Forestry Commission, which is welcome, but we must have more ambition for forestry than just that. The amendment shows that ambition and what our focus should be: to promote sustainable management of forestry and promote the social, economic and environmental impacts of forestry. The new section would state clearly at the beginning of the bill the purpose of the bill and the benefits that forestry can bring.

I move amendment 14.

Jamie Greene (West Scotland) (Con): The only comment that Conservatives have to make is that, in principle, we agree with Rhoda Grant's suggestion that there should be an overarching purpose to the bill. The problem is that we are unable to support the specific wording of amendment 14, which we feel is not sufficiently encompassing and is too prescriptive in its definition of the bill's purpose. We would like to see a purpose set out, but I will be voting against the specific wording in the amendment. We would like to see the cabinet secretary take on board whether the bill's purpose could be introduced with wider wording.

John Mason (Glasgow Shettleston) (SNP): My view is very much on the same lines as Jamie Greene's. A purpose section for a bill is an extremely good thing. The Parliament was set up with the statement:

“There shall be a Scottish Parliament.”

Such a section clarifies things and helps the courts to look at the spirit, rather than just the letter, of the law. However, like Jamie Greene, I have reservations about the wording of this particular purpose section.

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): Alas and alack, if we put the section in, it will be the letter of the law and not the spirit of the law. Its effect is to restrict the scope of the bill, rather than to extend it, because, by putting a purpose in, the whole bill is defined by that purpose and nothing that is not defined in it. Therefore, I am afraid that, notwithstanding my sympathies with the underlying approach that Rhoda Grant is taking, I cannot support amendment 14.

John Finnie (Highlands and Islands) (Green): I support amendment 14. Everything is open to interpretation. There is clarity about what has been said there, and the section is a worthwhile addition to the legislation that is in front of us.

The Convener: Cabinet secretary, before I ask Rhoda Grant to wind up, are there any comments that you would like to make on the amendment?

The Cabinet Secretary for Rural Economy and Connectivity (Fergus Ewing): Good morning, convener and members of the committee.

At the outset, I would like to thank members of all parties for the constructive meetings that I had prior to stage 2. My officials found them useful; I hope that members did as well. I want to make it clear that, between stages 2 and 3, I will follow the same process and offer a further series of meetings with members, with the aim of working together to ensure that the legislation is in the best possible state. Today, at various points, I will offer to take away important issues that have been raised by members, with an undertaking to work with them to improve matters and to come back at stage 3. I want to emphasise at the beginning of the meeting that that is my approach.

To turn to Rhoda Grant’s amendment, I share its ambitions for the forestry sector in Scotland. The Government has an unequivocal commitment to forestry, which I hope and believe is not in doubt. We have introduced the first primary legislation on forestry since the Parliament was reconvened in 1999. The bill has a purpose: it is the main legislative vehicle to complete devolution of forestry and to establish modern arrangements for this key land use in Scottish legislation. It fulfils a long-standing Scottish Government manifesto and programme for government commitment. Therefore the purpose goes beyond sustainable forestry management; it is also about devolution, which is not stated in amendment 14. The bill

provides a modern legislative framework for regulation, support, development and management of forestry in Scotland. It also embeds sustainable forestry management across that framework, introducing, in section 2, a duty on the Scottish ministers to promote sustainable forestry management and to publish a forestry strategy with sustainable forestry management at its core.

The internationally agreed definition of sustainable forestry management is:

“the stewardship and use of forests and forest lands in a way, and at a rate, that maintains their biodiversity, productivity, regeneration capacity, vitality and their potential to fulfil, now and in the future, relevant ecological, economic and social functions, at local, national, and global levels, and does not cause damage to other ecosystems”.

Given the importance of that phrase, I thought it useful to put that definition on the record early in stage 2. It is about good management of forestry for the long term and for multiple benefits at all levels, which is why it is already at the heart of the forestry functions in the bill.

I question the use of the word “impacts” in amendment 14. I do not support amendment 14, but were I to do so, I would think that “positive impact” or “benefit” would be better alternatives to “impacts”, which has potentially negative connotations.

I share and indeed applaud the sentiments of Rhoda Grant and John Finnie, but I respectfully suggest that amendment 14 is technically flawed, would not achieve the aims that it sets out to achieve and risks causing difficulties, as Mr Stevenson said. For those reasons, I encourage members not to agree to amendment 14.

Rhoda Grant: It is important to have a purpose section in the bill. An awful lot of the amendments that we will consider later were lodged because there is no such section; they are trying to frame the bill in a way that people can understand and use. I firmly believe that the bill requires a purpose section.

I heard what members said about the wording, so I will not press amendment 14 at this stage. However, I will take the issue away and speak to other parties and members, in an attempt to find wording that would help. I understand that the cabinet secretary is not keen on having a purpose section—full stop—so I do not expect to work with him on that, but I would appreciate input if he has concerns, and I will share any proposed new amendment with him, in the hope of getting things right at stage 3.

Amendment 14, by agreement, withdrawn.

Section 2—Duty to promote sustainable forest management

The Convener: Group 2 is on a sustainable forest management code of practice. Amendment 118, in the name of Gail Ross, is grouped with amendment 119.

Gail Ross (Caithness, Sutherland and Ross) (SNP): The purpose of amendments 118 and 119 is to include in the bill a duty to develop a statutory method of assessing and monitoring sustainable forest management, by adopting the best practice forestry guidelines that are set out in the UK forestry standard as legislative requirements.

The UK forestry standard is far reaching and a good representation of best practice, but it is not currently embedded in legislation. The adoption of a code of practice would ensure that future afforestation is transparent and that its environmental benefits are clear and in the public interest. It would also protect against the risk of changing policy environments, which might not place sustainability in such high regard.

I am open to discussion about the approach, including a discussion about whether the bill or the forestry strategy is the correct place for the code of practice.

I move amendment 118.

Jamie Greene: There are admirable intentions behind amendments 118 and 119. There is certainly a shared opinion that section 2 is quite light on detail about the duties on the Scottish ministers to promote sustainable forest management. My only problem is that amendment 119 is very prescriptive, in that it would require the Scottish ministers to consult Scottish Natural Heritage and other parties. There is room for expanding on what ministers must do, but the proposed provisions are probably too detailed for primary legislation.

Rhoda Grant: On a point of clarification, Gail Ross said that the purpose of amendments 118 and 119 is to enshrine the UK forestry standard in the bill, but from my reading of the amendments, they appear to replace the UK forestry standard.

Gail Ross: The purpose is to adopt the code of practice that currently exists under the UK forestry standard.

Rhoda Grant: Okay.

The Convener: Gail, if you are asked a question, you may deal with it when you wind up the debate.

Gail Ross: Sorry.

09:30

Fergus Ewing: I appreciate the efforts that Gail Ross is making with this amendment to address concerns that were raised during stage 1 about

the definition and technical aspects of sustainable forest management. During the committee discussions, there was broad acceptance from stakeholders that the current UK forestry standard is a good guide to sustainable forestry practice, providing practical guidance on sustainable forest management in Scotland.

However, the detailed interpretation of what constitutes sustainable forest management is continually developing, and I do not believe that it is appropriate to commit to any specific standard on the face of the bill. I have therefore accepted the committee's recommendation that the Scottish Government should lay out its approach in the Scottish forest strategy, as well as set out how it will integrate that with the UK forestry standard. Given that I have accepted the need to lay out both the definition of sustainable forest management and the means by which we will integrate the UK forestry standard in the strategy, I do not believe that these amendments are required. Therefore I respectfully ask Gail Ross not to press the amendment, but I offer to meet her so that I can better understand the intent behind it and explore options to address her concerns.

The Convener: I ask Gail Ross to wind up and press or withdraw amendment 118.

Gail Ross: I thank Jamie Greene, Rhoda Grant and the cabinet secretary for their input. Amendment 118 is a probing amendment. Given the cabinet secretary's comments, I accept his recommendation and withdraw the amendment.

Amendment 118, by agreement, withdrawn.

Section 2 agreed to.

After section 2

Amendment 119 not moved.

Section 3—Duty to prepare forestry strategy

The Convener: The third group of amendments is on forestry strategy: content. Amendment 120, in the name of Rhoda Grant, is grouped with amendments 1, 7, 8, 116 and 117.

Rhoda Grant: Section 3 refers to the forestry strategy and the need for it to include Scottish Government "objectives, priorities and policies" with respect to certain things. Amendment 120 seeks to add to those the economic development of forestry, in particular in communities that are dependent on forestry.

It is clear that many of our communities are dependent on the economic development that is generated by forestry, and their needs must be taken into account in the economic development of forestry. For too long, communities have had

little engagement with forestry. Historically, much of the forest planting that has been done has been done as a tax break rather than for economic and environmental good. Ideal forest land is close to our most fragile communities, and while promoting forestry, we have an excellent opportunity to grow and strengthen those communities.

I turn to the other amendments in the group. Although I will listen with interest to the debate on them, I have some concerns. Amendment 1 might constrain the Scottish ministers when they acquire or dispose of land. If what it proposes were not in the strategy, could an acquisition or disposal be challenged? However, I envision a challenge being made only were the land to be subject to compulsory purchase, so it could put a further barrier in the way of compulsory purchase.

I agree with the other amendments in the group, especially amendment 8. I would really like to see more native woodland, and not just for aesthetic reasons. I would like to see us manage and use native timber and native trees.

I move amendment 120.

Mike Rumbles (North East Scotland) (LD): My view is that this is a good bill that will be helpful to forestry in Scotland. Because it is such a good bill, I was surprised to find that we would be dealing with 140 or so amendments. I have lodged three of them, and I will speak to just one—amendment 1—because amendments 2 and 3, which we will consider later, are consequential amendments. I have tried to put the issue forward in a constructive way, to add importance to the bill and make it more comprehensive, and I hope that the minister and committee members will accept amendment 1.

Section 3(3) provides that

“The forestry strategy must include the Scottish Ministers’ objectives, priorities and policies with respect to—

- (a) the economic development of forestry,
- (b) the conservation and enhancement of the environment by means of sustainable forest management,
- (c) the realisation of the social benefits of forestry.”

Paragraphs (a) to (c) are all good.

Amendment 1 would add one further paragraph, which would require the Scottish ministers to include in the forestry strategy their objectives, priorities and policies in relation to the acquisition and disposal of land under sections 15 to 17. The strategy is entirely in the hands of ministers in that regard. Such an approach would not be restrictive and would enhance the bill and make it absolutely clear what we are trying to achieve. I hope that members will agree to amendment 1.

On amendment 8, I understand John Finnie’s wishes, but from speaking to the industry, I know

that it thinks that providing for a percentage in relation to the planting of native woodland would be overly restrictive. That is the view that has been put to me, and I accept it, so I am not inclined to support amendment 8.

I particularly like amendments 116 and 117, in Richard Lyle’s name.

Peter Chapman (North East Scotland) (Con): I will move amendment 7. There is an omission in the bill, in that it contains no targets on how much planting we want as we go forward. I am keen to see more planting in Scotland, as the cabinet secretary is well aware, and we need targets in the bill that we can scrutinise. Amendment 7 would provide for planting targets, which would give us the opportunity to see how we were progressing in that regard.

I struggle to understand what Rhoda Grant is trying to do with amendment 120. It refers to communities that depend on forestry, but there is no indication of how dependency would be measured. There is a lack of meaning there.

I support Mike Rumbles’s amendment 1.

I oppose John Finnie’s amendment 8, because a percentage is the wrong way forward. We need to plant more of the productive trees that will support the forestry industry and the sawmills. More native woodland will probably be planted as the planting area increases, but it would be wrong to require a certain percentage to be planted, because that would mean planting less of the productive timber that we need.

I support Richard Lyle’s amendments 116 and 117.

The Convener: I remind members that they do not need to move their amendments at this stage.

John Finnie: Amendment 8 is about increasing the percentage of native woodland. The predominant species in Scotland is the Sitka spruce, which is a non-native species that covers a third of our total forest area—I am advised that reliance on a non-native species is unusual in Europe. In Scotland, native woodland accounts for under a quarter of the total woodland and less than a fifth of the national forest estate.

Native woodland has a role to play in forestry production. People will be aware of the big Norbord factory near Inverness, which imports hardwoods from the Baltic states. Native woodland can deliver much more for the ecosystem, recreation, wellbeing, flood prevention and education, and it delivers better soil and air quality and greater biodiversity. Indeed, that is recognised in the Scottish biodiversity strategy.

What we are talking about here is having a target for improving the condition and extent of

native woodland. That target is not being met at the moment—indeed, there is an independent assessment of native woodland that says that things are moving in the wrong direction. By accepting my amendment to increase

“the percentage of forest land that is native woodland”,

the Scottish Government could send a very clear signal. Just to be clear, I should point out that it would apply to all forest land, whether publicly owned or privately owned but in receipt of public grants.

The cabinet secretary is entirely right to say that very constructive discussions took place in advance of this meeting. As for Scottish Environment LINK’s proposal that half the woodland should be native, I did not go ahead on that basis; nevertheless, my amendment still talks about increasing the percentage of native woodland. I am very happy to engage in discussions with the cabinet secretary on the issue, but it would be helpful to find out what the Scottish Government’s general direction of travel is.

I should also say that I am supportive of Rhoda Grant’s amendment 120. As has been outlined, the issue is of great significance to some communities. I am relaxed about the amendments in the name of Mike Rumbles and Peter Chapman, and I will be supporting Richard Lyle’s amendments 116 and 117.

Richard Lyle (Uddingston and Bellshill) (SNP): The bill will, among other things, repeal the Forestry Act 1967, which gives ministers

“the general duty of promoting the interests of forestry, the development of afforestation and the production and supply of timber and other forest products”.

A number of organisations that were consulted thought that those duties should be carried forward into the bill, but after consideration, the committee came to the view that the proposed forestry strategy should take account of the need to expand forest woodland cover in Scotland and ensure sufficient production of timber for Scotland’s future needs. Amendments 116 and 117 will ensure that the bill reflects the recommendation in paragraph 52 of the committee’s stage 1 report; perhaps more important, it will ensure that Scotland retains a clear and unambiguous commitment to afforestation.

Forest cover in Scotland is 18 per cent, whereas the European Union average is 38 per cent. Forest cover in France, Spain, Germany and Italy is over 30 per cent, while in Scandinavian countries such as Finland and Sweden, it is way above that at 65 per cent and over. At a lunch that I hosted last month for Pakistani MPs, I was told that they had

planted more than 1 billion trees in their region alone. We need to do better here.

The committee recognises that the Scottish Government has an ambitious forestry policy that has wide support across the industry and from non-governmental organisations. However, times change, and that might not always be the case. If Scotland’s forest cover were in line with European norms, one might be justified in dropping the existing legal requirement for afforestation, but at a time when we as a nation are seeking to expand our forests and woodlands in order to lock up carbon and support our vital low-carbon industry, dropping the requirements for afforestation and ensuring the supply of timber and forest products would send out the wrong signal.

I therefore urge committee members to support amendments 116 and 117.

Stewart Stevenson: Unusually, I want to encourage Mike Rumbles to at least speak to amendment 2, as the lead amendment in group 6, because if he does not do so, we will not be able to start the debate on the group. His amendment 1 is sensible and adds clarity.

I have no great problems with the underlying intention of the other amendments in the group, but I have some difficulties with their construction. Like Peter Chapman, I have difficulty with the reference to “communities dependant on forestry” in Rhoda Grant’s amendment 120. I would argue that all communities in Scotland are dependent on forestry, in the sense that we have timber-framed houses and furniture made of wood. We need only look around the Parliament; we are sitting at a wooden table. It is therefore not clear that that phrase adds anything.

With regard to Richard Lyle’s amendments 116 and 117, I feel my usual hesitation and reluctance about extending lists. In particular, I think that the reference to

“the production and supply of timber and other forest products”

in amendment 117 is already covered by the reference in the bill to

“the economic development of forestry”.

However, that is debatable.

I share others’ reservations about John Finnie’s amendment 8, although I wish the practical effect of the bill to be an increase in the amount of native woodland in appropriate locations, where it will flourish.

09:45

Fergus Ewing: I thank members for an interesting discussion. I am grateful to Mike Rumbles, Peter Chapman, John Finnie, Richard

Lyle and Rhoda Grant for lodging the amendments in this group. I am content to support the majority of them in principle, although further work is required in some cases. I signalled to the committee during stage 1 that I recognise the need to be more explicit and to provide clarity on the potential content of the Scottish forestry strategy, and I believe that the intent behind most of the amendments in the group is to achieve the same aim.

I make it clear that I am committed to increasing the benefits that forestry provides to Scotland, whether in improving our environment, our economy or the lives of our people. To achieve that, we must have balance in what we do, employing the best silvicultural practices and engaging with stakeholders to ensure that we have the right tree, whether it be a broad-leaf or a conifer, in the right place for the right reasons. It is fair to reflect that, in some cases, that did not happen in the past.

As the committee has heard me say before, forestry has unique potential for delivering a multitude of environmental, social and economic benefits from one piece of land, and it is important that our strategy recognises and helps to realise that potential. Part of my commitment to increasing the contribution that forestry makes to our rural economy is to secure vibrant rural communities, to which Rhoda Grant refers in amendment 120. However, I feel that the purpose behind that amendment is already clearly articulated in the principles of the land use strategy and the provisions of the Community Empowerment (Scotland) Act 2015, which provide people with opportunities to engage and to influence decisions that affect their lives and future. I therefore respectfully ask Rhoda Grant not to press amendment 120.

On amendment 1, I have committed to securing the national forest estate as a public asset and I intend that the overarching principles for disposals should appear in the forestry strategy. I am therefore happy to support Mike Rumbles's amendment and I appreciate his general comments on the bill. However, if the committee supports Mr Rumbles's amendment, I reserve the right to look further at the drafting before stage 3 in case there are any technical difficulties with it that have not yet come to light.

I also accept the principles behind amendments 7, 8 and 116, but I believe that there are some difficulties and gaps in their approach. I therefore offer to work with members to lodge a Government amendment at stage 3 to capture the intentions of those amendments, and in particular the important objective of increasing the area of native woodland. As members may be aware, I have already made available increased grant support

for native woodland creation in the Highland Council area, in recognition of the substantial benefits that such woods can bring. An additional £400 per hectare has been made available for planting of native woodland in that area. We are also developing work on woodland crofts, and we work closely with bodies such as the Woodland Trust. In conclusion, I ask the members concerned not to move amendments 7, 8 and 116 and to accept my offer to bring forward an appropriate amendment at stage 3 that addresses all three.

Finally, on amendment 117, I recognise the concerns of the forestry sector regarding the continued commitment of the Scottish Government to woodland expansion in order to underpin the sustainable timber products industry, which also ties in with our climate change ambitions to increase the amount of timber that is used in house building. For that reason, I support amendment 117.

The Convener: I ask Rhoda Grant to wind up and to say whether she wants to press or withdraw amendment 120.

Rhoda Grant: I will reflect on some of the comments that have been made and will perhaps come back at stage 3 with an amended amendment. I will not press amendment 120.

Amendment 120, by agreement, withdrawn.

Amendment 1 moved—[Mike Rumbles]—and agreed to.

Amendment 7 moved—[Peter Chapman].

The Convener: The question is, that amendment 7 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Chapman, Peter (North East Scotland) (Con)
Greene, Jamie (West Scotland) (Con)
Mountain, Edward (Highlands and Islands) (Con)

Against

Finnie, John (Highlands and Islands) (Green)
Grant, Rhoda (Highlands and Islands) (Lab)
Lyle, Richard (Uddingston and Bellshill) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mason, John (Glasgow Shettleston) (SNP)
Ross, Gail (Caithness, Sutherland and Ross) (SNP)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)

Abstentions

Rumbles, Mike (North East Scotland) (LD)

The Convener: The result of the division is: For 3, Against 7, Abstentions 1.

Amendment 7 disagreed to.

The Convener: Amendment 8, in the name of John Finnie, has already been debated with amendment 120.

John Finnie: I have a brief comment to make in light of what the cabinet secretary said. I am very keen to have some certainty on the issue and to know whether the figure will apply to all forests or to the national forest estate. Rather than moving the amendment, I will engage in further discussions on the matter.

Amendment 8 not moved.

The Convener: Amendment 116, in the name of Richard Lyle, has already been debated with amendment 120.

Richard Lyle: I respect the cabinet secretary's comments in respect of the amendment. He is a very honourable man and I look forward to working with him on the issue, because I am set on increasing the amount of afforestation in Scotland.

Amendment 116 not moved.

Amendment 117 moved—[Richard Lyle]—and agreed to.

The Convener: The next group of amendments is on forest strategy preparation, revision and reporting. Amendment 9, in the name of Peter Chapman, is grouped with amendments 15, 121, 122, 4, 123 to 128, 16, 17, 10, and 130. If amendment 9 is agreed to, I cannot call amendment 15.

Peter Chapman: We have just heard that the cabinet secretary requires clarity with the bill and I consider that amendment 9 provides a degree of clarity. We need a review of the strategy every five years and a refresh of the strategy every 10 years. That is only right and proper. We need the ability to scrutinise the progress of the strategy. Amendment 9 provides an important addition to the bill and I hope that it will receive support from members.

As the convener pointed out, amendment 15, in the name of Rhoda Grant, would fall if amendment 9 in my name is agreed to.

I do not agree with amendment 121, in the name of Fulton MacGregor. There is too much analysis and the amendment would make the bill overly prescriptive and far too detailed.

I would vote against amendment 122, in the name of Claudia Beamish, because it is far too specific and burdensome on ministers. I can support Claudia Beamish's amendment 4, because what it proposes is reasonable and logical. However, I do not support her amendment 123. The bill is a forestry one, so why do we need to get bogged down in deer management issues? There are deer management strategies in place elsewhere, so the matter does not need to appear in the bill.

Rhoda Grant's amendment 124 is about having regard to the Kyoto protocol. Again, we are

already signed up to that and it is an international treaty that I believe has no place in a forestry bill in Scotland; ditto for amendments 125 and 126, which refer to international agreements that are well understood and have no place in the bill, and for amendment 127, which is also about a matter that has no place in the bill. I am against amendment 128, on communities, persons and policies, because it would override elements of agricultural tenancies. I can support amendment 16 as it would add another layer of scrutiny that would be fair and proper. I can also support Rhoda Grant's amendment 17, because it would give a fit and proper level of transparency. The cabinet secretary's amendment 18 would tighten up wording, which is fine.

On my amendment 10, it is important that there is an annual report. It is important that there is financial transparency and that we can monitor targets in the forestry strategy, so an annual report is essential. I believe that my amendment 10 is superior to John Finnie's amendment 130, because we need an annual report rather than one every three years.

I move amendment 9.

Rhoda Grant: I will speak to my amendments 15, 124 to 128, 16 and 17, and to others in the group.

It is important that the strategy is reviewed regularly to ensure that it meets the needs of forestry, and I suggest that that is most important for the first strategy. My amendment 15 is along similar lines to Peter Chapman's amendment 9 in that it would set timescales for review. However, I believe that my amendment would allow greater flexibility, in that the strategy could continue without revision if that is not required, but such a decision would face scrutiny as Scottish ministers would have to publish an explanation as to why they decided not to revise the strategy.

Jamie Greene: Will Rhoda Grant take an intervention?

The Convener: I will let you come in later, Jamie, if I may.

John Mason: Convener, are interventions not allowed?

The Convener: Because the groupings are quite big, I am just trying to let members go through them. However, it is up to Rhoda Grant whether she is happy to take the intervention; otherwise, I am happy to bring Jamie Greene in at the end with the other members who want to speak on particular amendments.

Rhoda Grant: Because I did not move the lead amendment in the group, I do not think that I have a wind-up speech. It therefore might be useful to

hear just now what Jamie Greene is asking about so that I can give him clarity.

The Convener: Okay.

Jamie Greene: Thank you, convener, and I appreciate Rhoda Grant taking my intervention. It feels intuitively easier to intervene on a specific point while she is speaking about it, particularly as this is such a large group of amendments.

Does Rhoda Grant not feel that the second part of her amendment, regarding the Scottish ministers publishing an explanation of why they have not revised the strategy, would give the ministers a bit of a get-out clause? An amendment that would make it mandatory for the strategy to be reviewed and refreshed would be more powerful. There are similarities between Peter Chapman's amendment 9 and Rhoda Grant's amendment 15, but we would prefer to lock down that Scottish ministers must review the strategy, as opposed to giving them a get-out-of-jail card. I am keen to probe that aspect further.

10:00

Rhoda Grant: It is not a get-out-of-jail card; it is the opposite. A forestry strategy needs to be long term because of the nature of the industry. Therefore, it would not be helpful to change direction every five years. However, there may be issues in the first strategy in particular that have unintended consequences, so it would need to be reviewed to ensure that it is right.

Allowing for a review but not prescribing one is the right way forward, as it would enable the strategy to look further into the future. If there was a problem, ministers could review it. At the same time, ministers would not be able to decide not to review the strategy without giving an explanation that the Parliament would scrutinise. If there was a need for a review, one would happen because it would have to come to the Parliament and the committee could recommend that a full review should take place if that was necessary. Amendment 15 would just mean that people would not have to jump through all the hoops every five years.

Amendments 124 to 126 add some international conventions and the Kyoto protocol to the list of things to which the Scottish ministers must have regard when preparing the strategy. In the past, we have heavily depended on European legislation for working alongside other countries and ensuring that we follow best practice and protect our environment. Before too long, we will no longer have that protection. Therefore, it is good to ground our practice internationally to ensure that we remain world leaders. Not so long ago, blocks of Sitka spruce were planted randomly around the countryside and forests were planted

on the flow country, releasing carbon rather than capturing it. It will take us a long time to undo those wrongs, but we must ensure that we never repeat past mistakes. I hope that amendments 124 to 126 will go some way towards ensuring that protection.

Amendments 127 and 128 return to the theme of protecting communities. Although forestry is a good thing in itself, it is important to use every lever that is at our disposal to grow and empower fragile communities. Amendments 127 and 128 add repopulation and agricultural businesses to the list of issues to which the Scottish Government must have regard when preparing the strategy. One hopes that that would happen instinctively but, given the importance of those issues to fragile communities, it is right that they be given that protection and importance in the bill.

Amendments 16 and 17 concern the consultation on, and parliamentary scrutiny of, the strategy. Given the fact that much of the detail surrounding forestry will be in the strategy, it is right that the strategy should be widely consulted on and that the outcome of the consultation should be scrutinised by Parliament. The timeframe given would allow a committee of the Parliament to take evidence and make recommendations to the Scottish ministers on the strategy. Given the time that the strategy will cover, it is right that it should be fully tested to ensure that it meets the needs of future generations.

I will speak to some of the other amendments in the group. I support Claudia Beamish's amendments 122, 4 and 123. There has to be a reporting mechanism, so I will also listen to the debate on John Finnie's amendment 130 and Peter Chapman's amendments 9 and 10 and decide which of those to support.

Fulton MacGregor (Coatbridge and Chryston) (SNP): Amendment 121 is concerned with the consultation requirements when the strategy is being prepared or advised. It amends the duty to consult in section 4 to specify that the general public must be consulted. It would also mean that ministers would also have to consult

"such bodies as they consider appropriate".

That conforms to Scottish Government good practice on consultation across a range of areas. I hope that the Government will recognise that appropriate consultation is fundamental to developing, reviewing and revising the strategy.

I await with interest the debate on the other amendments in the group. I welcome Claudia Beamish's input, but I have some concerns about her amendments 122, 4 and 123. Amendment 122 is a long, non-comprehensive list and is already covered by principles in the land use strategy. Amendments 4 and 123 to 128 appear to duplicate

existing legislation, as ministers already have a biodiversity duty under the Nature Conservation (Scotland) Act 2004.

The Convener: I call Claudia Beamish to speak to amendment 122 and the other amendments in the group.

Claudia Beamish (South Scotland) (Lab): Good morning, cabinet secretary. Amendment 122 intends to ensure that Scotland's wealth of forestry expertise is preserved in the new devolved arrangements, specifically in the preparation or the revision of the forestry strategy.

The bill requires ministers to "consult such persons as they consider appropriate",

whereas my amendment 122 lists specific requirements of those persons who are to be consulted. I appreciate the earlier comments about lists having their dangers, but it is important to highlight these areas.

A sustainable forestry industry can deliver multiple environmental and socioeconomic benefits for the public good. Indeed, that is sustainable development. To truly unlock the benefits, our forests need to be managed through an integrated and sustainable approach. Stakeholders from the forestry industries and community and environmental groups have shared their concerns that rearranging Forestry Commission Scotland and Forest Enterprise Scotland could lead to a loss of forestry focus and expertise. The existing arrangements allow for resource and knowledge sharing and close working relationships with those on the forest floor. It would be a great loss if the joined-up approach and vital expertise were reduced by the devolution of forestry and land management, particularly in those sectors that are important to climate change, biodiversity, the economy and communities.

Amendment 122 requires ministers, in the preparation or the revision of the forestry strategy, to consult those with knowledge of "social and economic development" as well as knowledge of the other areas that I have listed. I also make the point that, as I understand it, the land use strategy is not a statutory requirement.

I lodged amendments 4 and 123 separately, so that one or the other could be supported, depending on members' views.

Section 4, "Preparation of forestry strategy", states:

"Scottish Ministers must—

- (a) consult such persons as they consider appropriate,
- (b) have regard to—
 - (i) the land use strategy ... and
 - (ii) the land rights and responsibilities statement".

The two policies mentioned should be included in this exercise, but the list is not complete, and other important policies that are relevant to the forestry strategy should be included. Therefore, amendments 4 and 123 are needed to ensure that biodiversity and deer management—two essential components of achieving sustainable forest management—are recognised in the bill.

I will not go into the details of where those components are referred to in other acts, but I reiterate that the amendments address one of the points made about the bill at stage 1 by the Environment, Climate Change and Land Reform Committee in its letter to this committee. We stated:

"The Committee is unclear as to what degree wider policy objectives, including those relating to biodiversity, deer management and climate change, are reflected in the Bill and in particular, are to be taken account of in the preparation of the Forestry Strategy ... The Committee also considers there is merit in including the need to have regard to biodiversity and deer management requirements on the face of the Bill."

Your committee's stage 1 report states:

"The Committee believes that strong links between forestry and policy areas"—

I will not quote all the areas; they are listed in the report. However, I must point out that, although biodiversity is listed, deer management is not. The report continues:

"It notes the Scottish Government's awareness of its existing statutory commitments. However, it is clear that stakeholders are seeking reassurance that the need for this policy integration will be clear and unambiguous and that there will be a requirement for it to be delivered."

I thank the committee and the cabinet secretary for listening to my points. I support Rhoda Grant's amendments. As a member of the ECCLR Committee, I support the climate change amendment, but I support the others, too. Rhoda Grant's point is well made: as we head towards Brexit, it is important that we recognise other international agreements and tie ourselves to those in our important forestry sector.

The Convener: I call John Finnie to speak to amendment 130 and the other amendments in the group.

John Finnie: In amendment 130, which relates to the preparation of the forestry strategy in section 4 and the bill's relationship to overarching policy objectives, I suggest that the reporting period be three years.

Section 4 states:

"In preparing ... the forestry strategy, the Scottish Ministers must—

- (a) consult such persons as they consider appropriate,
- (b) have regard to—

- (i) the land use strategy ... and
- (ii) the land rights and responsibilities statement.”

Those two policies should certainly be included in that exercise, but the list is, in my view, not complete. Other very important policies are relevant to the forestry strategy and should be included, too.

Having listened to what my colleague and dear friend Claudia Beamish had to say, I think that we have very similar views on what is important here. I am not going to repeat many of the things that she said, but I will say that her amendments are needed to ensure biodiversity and deer management—two components that are, as the bill recognises, essential for achieving sustainable forest management. They will also ensure that the forestry strategy contributes to the delivery of public policy objectives in those two areas. The subsection in question should include references to that strategy or those strategies as long as Scottish ministers are required to designate the Scottish biodiversity strategy under section 2 of the Nature Conservation (Scotland) Act 2004 and the code of practice on deer management that Scottish Natural Heritage is required to prepare and keep under review in accordance with section 5A of the Deer (Scotland) Act 1996.

Indeed, the Nature Conservation (Scotland) Act 2004 requires all public bodies to have regard to the Scottish biodiversity strategy, which recognises the importance of native woodland to Scottish biodiversity and whose route map sets ambitious native woodland planting targets. I would also point out that the voluntary code of practice on deer management places a responsibility on all land managers to manage wild deer—the issue is highly pertinent to our discussions; after all, deer live in the woods and eat trees—and aims to integrate deer management with other land use objectives such as woodland creation and the regeneration targets. The concept of responsible deer management in the code focuses on three things: managing deer as a resource sustainably; minimising negative deer impacts on public interests; and safeguarding deer welfare.

I was going to quote from the report of the Environment, Climate Change and Land Reform Committee, of which Claudia Beamish is a member; I will not do so, but the reference itself is highly pertinent. I simply point out that our own stage 1 report commented on the strong links between forestry and policy areas such as land use planning, community empowerment and climate change.

I am prepared to wait and hear what Peter Chapman and Rhoda Grant have to say about the other amendments in the group. I favour Rhoda

Grant’s position, and I will be supporting her amendment. Likewise, I will support Fulton MacGregor’s amendment and Claudia Beamish’s amendments—which I heard someone call restrictive, although they are quite the reverse. A list that begins with the phrase “in particular” is not an exclusive one, and I am sure that Claudia will expect the fullest consultation to be carried out on those issues.

The Convener: I will call a number of other members to speak, but the fact that a member spoke at the beginning of or halfway through the debate does not mean that they cannot come back in later. The process should not be restrictive in that respect, although that does not give anyone an excuse to repeat their arguments.

Stewart Stevenson: The idea that scrutiny can be undertaken only if amendment 9, in the name of Peter Chapman, is agreed to is entirely false. Indeed, the amendment gets ministers off the hook, because it gives them the responsibility for scrutiny when it should be Parliament that decides timetables, scrutiny and so on. If the Parliament or a committee thinks that it is right to have scrutiny after 18 months, it should be in control of that and have that scrutiny. Whether the period should be five or 10 years is, I think, an issue more of nuance than of principle, but scrutiny should be under the Parliament’s control instead of the issue being put in the way that Peter Chapman has put it.

The amendments in the group give us a choice of approaches, and I think that amendment 130, in the name of John Finnie, offers the best of the bunch. Nevertheless, I have a wee bit of difficulty with subsection 3(a) in that amendment, as it requires the reporting period to start from the day that the bill receives royal assent. I suspect that, if the bill is agreed to, we might have to look at that again at stage 3, because I think that the right time for the three-year reporting clock to begin is more likely to be at commencement or when the strategy is adopted. However, that detail can be dealt with later.

10:15

Claudia Beamish’s amendment 122 perfectly illustrates the danger of having lists in primary legislation, although I am not against having them in secondary legislation, where we can change them rapidly as needs require. For example, the list in the amendment does not include the use of forests for public good. I accept that it says “consult, in particular” but, the moment that we produce a list and say “in particular”, we demote all other ways in which we might consult to a lesser level than those that we choose to put in the list. In broad principle, I do not like having lists in primary legislation, although I have no objection to

them in secondary legislation, where they can be amended quickly as required.

By the same token, amendments 4, 123, 124, 125 and 126—I will leave aside amendment 127 for the moment—all refer to matters that already bind us, as the UK's signatories to the protocols or that, alternatively, are part of our legislative framework in the case of amendments 4 and 123. Again, once we start to stick words in in the manner of a list, we demote, by implication, the things that we choose not to put in.

I have less of an objection to amendment 127, as there is some merit in it.

Finally, the construction of amendment 17, at paragraph (b), has a serious flaw. It says that the Government must publish

“any representations received as a result of the consultation”.

That appears to remove the right of people who wish to submit a representation without their details being published. Therefore, there is a technical flaw in the construction of amendment 17 that means that I cannot readily support it.

Mike Rumbles: We have been given alternative approaches to revision reporting here. I much prefer Peter Chapman's amendments 9 and 10 to the others. I do not agree with my colleague Stewart Stevenson that amendment 9 lets the Government off the hook; it does precisely the opposite. As I read it, the amendment that Peter Chapman has moved gives Parliament the authority and does exactly the opposite of what Stewart Stevenson suggests.

Stewart Stevenson: Will the member take an intervention?

Mike Rumbles: No. I heard what the member said and I am contradicting him because I do not believe that he is correct. As a committee of the Parliament, we instruct the Government or—if “instruct” is perhaps too strong a word—require it to come back and do that. I am sure that the Government thinks that that should be appropriate. I cannot see what the problem with it might be. Amendments 9 and 10 give the Government more time to do that, but it is putting into legislation the requirement to do it. It is about Parliament being in charge and not the Government, so I entirely disagree with the position taken by Stewart Stevenson.

I agree with Fulton MacGregor's amendment 121, which shows good practice on consultation, and I am happy to support it.

I am afraid that I cannot support the other amendments in group 4, on the ground that we are scrutinising the bill, we have called for evidence and we have taken evidence on the bill. When

have we taken evidence on the voluntary code of practice on deer management? At stage 1, we spent a great deal of time going through all that, and then suddenly we have an amendment thrown at us that talks about a code of practice—

John Finnie: Does the member accept that this piece of legislation will not stand in splendid isolation from others and from codes?

Mike Rumbles: That is exactly my point. It is not necessary to have it here. I am glad that John Finnie supports my point of view. I think that I have been comprehensive enough, so I will close my remarks at that point.

Jamie Greene: I will speak briefly to amendments 9 and 10.

My understanding is that there are quite acceptable precedents of five and 10-year reviews and refreshes. I believe that the language in amendment 9 is similar to the language in another bill that this committee is considering—the Islands (Scotland) Bill—for which the Government seems to find five and 10-year timeframes quite adequate for Parliament to scrutinise strategy.

On amendment 10, I have spoken to industry stakeholders who had initial concerns about the overarching rationale behind the bill and the integration of the Forestry Commission into Scottish Government departments. They feel that an annual report is a vital part of the on-going governance of the strategy and, indeed, that it would be prudent for the Government to report on an annual basis, including on finances, as the Forestry Commission is currently used to doing. Amendment 10 would ensure that that reporting was on-going and would not slip in any way from the status quo.

Claudia Beamish: In response to Stewart Stevenson's point about the phrase

“in particular, persons with experience and knowledge of”,

it might be appropriate for me to consider not moving amendment 122 at this stage and using the word “including” rather than “in particular”. I have listened to the point that the member raised.

In relation to Rhoda Grant's amendments and my own, I would like to know why it is unacceptable to have any list added. Section 4(b) includes the wording

“have regard to— ... land use strategy ... and ... the land rights and responsibilities statement”,

so there is already a precedent in the bill for putting important strategies and declarations in a list.

In relation to Mike Rumbles's comment, deer management was highlighted by the Environment, Climate Change and Land Reform Committee in

our letter at stage 1, and I had attended a number of this committee's meetings. I also raised and highlighted the matter in the stage 1 debate. I am just making the point that it has been highlighted before.

Fergus Ewing: It has been another interesting discussion, which has even contained moments of entertainment—something that is not always present in stage 2 debates in my experience. I am grateful to all members, and to Claudia Beamish, Peter Chapman, Rhoda Grant, Fulton MacGregor and John Finnie for lodging these amendments. I support the intentions of a number of them.

I am also pleased with the cross-party support for the development of the forestry strategy. It is heartening that there is strong agreement on all sides that it needs to reflect the broad-based, multifunctional nature of Scotland's forests and woodlands. Again, convener, I would emphasise that I am committed to working with all parties to develop and improve this part of the bill.

Before I address specific amendments, I wanted to reflect on the fact that, by its very nature, the completion of the devolution of forestry will result in enhanced levels of scrutiny of forestry by this Scottish Parliament. That is something of which we should not lose sight. It is also something to be welcomed and borne in mind when framing the legislation on the strategy.

I also observe that the processes for publishing, reviewing and scrutinising the forestry strategy must be proportionate and enabling. I believe that we must avoid putting into law requirements that, ultimately, might impede the publication of the strategy or place barriers in the way of revision. I know that the sector has expressed reservations about that happening.

Amendments 9 and 15 are, perhaps, alternatives. They deal with the review and refresh of the forestry strategy. I ask members, in considering them, to note two important points, and to refer to the wording of section 3 of the bill, which members will have before them. Section 3(4) already requires Scottish ministers to

“keep the forestry strategy under review”

and states that they

“may, if they consider it appropriate ... revise the strategy.”

Therefore, that requirement is contained in the bill as it stands.

As I said to the committee at stage 1, I am mindful that the forestry sector depends on a long-term and stable policy environment. That is important to ensure on-going investment, which I believe we all recognise is required. Therefore, it is vital that the review cycle for the strategy is of appropriate length. I believe that fixing a five-

yearly review cycle for the strategy would not be sufficiently long—it would be shorter than the current common agricultural policy cycle of seven years; and I say, in passing, that discontinuity has proven to be a problem for sustaining consistent forestry activity.

I have committed to ensuring that the strategy remains up to date and relevant. Therefore, I ask Peter Chapman not to press amendment 9 and Rhoda Grant not to move amendment 15, on the basis that I commit to come back at stage 3 with an amendment that sets out an appropriate review and revision cycle of no more than 10 years.

As I suspect members know very well, forestry is a very long-term process. The period from planting to maturation is 40 years, even for the most quick-growing species, and can be up to 80 years or longer for other species. We are talking about 40 to 80 years, so it is a long, long-term business. If there was to be a strategy review every five years, even taking the fastest-growing species, which I believe—although I am no expert—to be the Sitka spruce, there would be eight strategy reviews between planting and maturation. Is that consistent with the approach that, I believe, we wish to take?

Jamie Greene: Will the cabinet secretary take an intervention?

Fergus Ewing: I certainly will, but let me finish the point. We are talking about five years versus a longer period of up to 10 years. Is a five-year period of sufficient length? With great respect, I suggest that because, unusually, we are talking about a very long-term process, such a requirement for review should not be embedded in the legislation.

I make the further point that the Parliament is sovereign over the Scottish Government so, at any time after the bill is passed and becomes law, it can require the Government to review the strategy. In circumstances in which a review was necessary, I would fully expect members to scrutinise the Government and demand a strategy review. I wanted to point that out, although Mr Rumbles made the point earlier.

I am happy to take an intervention from Mr Greene, if he still wants to intervene.

Jamie Greene: Does the cabinet secretary not accept that a review of the strategy does not necessarily mean a complete overhaul? Would it not be prudent to have a five-yearly refresh? Is it not appropriate that the Government should afford Parliament and the public the opportunity of at least one refresh or review within each parliamentary cycle, which is five years, whatever form that review takes?

Fergus Ewing: Not really. As I said, the Parliament in this session and in future ones can always require Government to do things. Indeed, the Parliament has required the Government to do things in the field of rural affairs, and I hope that we have acted on that—the National Council of Rural Advisers is just one example. Not every member is always absolutely happy with the outcomes, but we act on Parliament's wish, and Parliament can require a review.

I am saying that we should not set in law having to do a review within five years—I believe that it is too short a period given the long-term nature of forestry. However, I emphasise that if the authors of amendments 9 and 15 do not press or do not move those amendments and accept my commitment to work with them and to come back at stage 3 with an amendment that sets out an appropriate review and revision cycle of no more than 10 years, I will be happy to work with them.

10:30

On amendments 121 and 122, from Mr MacGregor and Ms Beamish, I recognise that appropriate consultation is fundamental to developing, reviewing and revising the strategy, and that is the approach that the Government takes to all of its policy formulation. However, to be appropriate, consultation needs to reflect the needs of the time and not include partial lists that risk becoming rapidly out of date. Mr Stevenson gave an example of a potential consultee that was not included in the list, although Ms Beamish might say that the reference in her amendment to consulting "in particular" would not exclude consulting others, to be fair to her. However, the Government is not in favour of long, exclusive lists in primary legislation, because they can date quickly and fail to draw in relevant matters.

An even more pressing objection is to the requirement to consult, in particular,

"persons with experience or knowledge of"

various matters, which then imposes on the Government a duty to carry out some form of process to ascertain who does or does not possess experience or knowledge. That would, I suspect, be a highly contentious process; it would involve making subjective judgments and, inevitably, would be controversial. I see no easy way of deciding who has or does not have knowledge; indeed, the process of judging someone to have no—or insufficient—experience or knowledge would be a somewhat odious one that no Government could easily or readily perform without a great deal of difficulty or controversy. With respect to Claudia Beamish, I am sure that that is not something that she would wish to occur at all. I hope that members can see my objection

as a commonsense one, pointing to a technical infelicity in draftsmanship.

I respectfully ask Claudia Beamish not to press amendment 122 and, instead, ask members to support amendment 121 in the name of Mr MacGregor, which, as Mr Rumbles pointed out, is in the customary form and imports a duty to consult widely. I am not aware of any cases of the Scottish Government being accused of failing to consult the right people in consultations, although if I am wrong, I will no doubt hear about that.

On amendment 128, it is not helpful to list specific groups of stakeholders and the amendment covers the same ground as the duty under section 4 to have regard to the land use strategy, which contains a specific principle of giving people opportunities to contribute to land use decisions that affect their lives and futures. Therefore, I ask members not to move amendments 4 and 123 to 128 and to accept a commitment that the Government will return at stage 3 with an amendment that delivers the improved policy alignment that they wish to see without creating a long and exclusive list on the face of the bill.

Turning, penultimately, to amendments 16 and 17, on the important question of parliamentary scrutiny, I fully support the principle of appropriate scrutiny and oversight of the Scottish forestry strategy, but the process and timescales outlined are disproportionate given the scale and scope of the strategy. The process appears to be the same as that required under climate change legislation, which is larger, more complex and multisectoral. There might be alternative, more proportionate approaches that would meet Parliament's desire for scrutiny while ensuring sufficient time for the crucial processes to complete the strategy before 1 April 2019.

I agree with the processes laid out in amendment 17—laying an explanatory document represents good practice. However, I ask Rhoda Grant not to press her amendments and offer to lodge a Government amendment at stage 3 that lays out an appropriate process for parliamentary oversight of the forestry strategy.

Finally, amendments 10 and 130 deal with reporting. A three-yearly reporting cycle is an appropriate term for updating Parliament on progress on implementing the strategy, as it reflects the slowly changing nature of forestry. I support amendment 130, in the name of John Finnie, but I want to lodge an amendment at stage 3 to ensure that the reporting cycle starts when a strategy has been published. I will also want to consider how the requirement for a three-yearly reporting cycle will inform amendments that I lodge at stage 3 on reviewing the strategy and parliamentary scrutiny of it. As I said earlier, I offer

to work with all parties on the relevant sections of the bill.

In consequence of my support for amendment 130, I respectfully ask Peter Chapman not to move amendment 10, which proposes annual reports, given that key forestry statistics—for example, on the area of new woodland created—will continue to be published annually as national statistics. Forest and land Scotland—the new agency that will replace Forest Enterprise Scotland—will produce annual reports, as Forest Enterprise has done.

Peter Chapman: I will press amendment 9. It is important that the strategy be reviewed every five years. I appreciate what the cabinet secretary said about the lifetime of a tree, which is considerably more than five years, but we are speaking about not the lifetime of a tree but a parliamentary session, and things can change radically in five years. I am grateful for what Mike Rumbles and Jamie Greene said in support of the approach that amendment 9 is trying to achieve. It is important that there is clarity, that any new Parliament gets the opportunity to review the strategy and that the strategy is revised every 10 years.

I heard what the cabinet secretary said about amendment 10, but it is normal procedure for any organisation to produce an annual report—most organisations do it and it is important to have transparency in that regard. Therefore, I intend to move amendment 10.

The Convener: The question is, that amendment 9 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Chapman, Peter (North East Scotland) (Con)
Greene, Jamie (West Scotland) (Con)
Mountain, Edward (Highlands and Islands) (Con)
Rumbles, Mike (North East Scotland) (LD)

Against

Finnie, John (Highlands and Islands) (Green)
Lyle, Richard (Uddingston and Bellshill) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mason, John (Glasgow Shettleston) (SNP)
Ross, Gail (Caithness, Sutherland and Ross) (SNP)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)

Abstentions

Grant, Rhoda (Highlands and Islands) (Lab)

The Convener: The result of the division is: For 4, Against 6, Abstentions 1.

Amendment 9 disagreed to.

Amendment 15 not moved.

Section 3, as amended, agreed to.

Section 4—Preparation of forestry strategy

Amendment 121 moved—[Fulton MacGregor].

The Convener: The question is, that amendment 121 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Finnie, John (Highlands and Islands) (Green)
Grant, Rhoda (Highlands and Islands) (Lab)
Lyle, Richard (Uddingston and Bellshill) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mason, John (Glasgow Shettleston) (SNP)
Ross, Gail (Caithness, Sutherland and Ross) (SNP)
Rumbles, Mike (North East Scotland) (LD)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)

Against

Chapman, Peter (North East Scotland) (Con)
Greene, Jamie (West Scotland) (Con)
Mountain, Edward (Highlands and Islands) (Con)

The Convener: The result of the division is: For 8, Against 3, Abstentions 0.

Amendment 121 agreed to.

The Convener: Amendment 122 is in the name of Claudia Beamish.

Claudia Beamish: In view of the points that the cabinet secretary and Stewart Stevenson made, I will not move amendment 122. However, perhaps in dialogue with the cabinet secretary, I will consider returning to the issue at stage 3, because I think that there is considerable stakeholder concern about the matter, whether it is provided for in the bill or elsewhere. Similarly, I do not intend to move amendment 4, but I would be happy to have further discussions on the issue.

Amendments 122 and 4 not moved.

The Convener: Amendment 123 is in the name of Claudia Beamish.

Claudia Beamish: I am not going to move amendment 123, but in recognition of the serious concerns about deer management, I would like some assurance that it might be possible to discuss that further.

Amendments 123 to 128 not moved.

Section 4, as amended, agreed to.

After section 4

Amendment 16 not moved.

Section 5—Publication of forestry strategy

Amendment 17 not moved.

Section 5 agreed to.

Section 6—Duty to have regard to forestry strategy

The Convener: Amendment 18, in the name of the cabinet secretary, is grouped with amendments 19 to 22, 24 to 35, 38, 111, 112 and 115. I point out that if amendment 38 is agreed to, I cannot call amendment 39 in the group on disposals of land and compulsory purchase of land.

Fergus Ewing: This set of Scottish Government amendments has been lodged in response to stakeholder and parliamentary feedback at stage 1. A number of stakeholders and the committee sought greater clarity on the bill's duties relating to land management, specifically on the land that is to be managed under section 9 for the purposes of sustainable forest management and the land that is to be managed under section 13 to further the achievement of sustainable development.

I have listened to the concerns raised and received many helpful suggestions on how the sections might usefully be reframed. I am pleased to lodge amendments that address the issues raised and which have been welcomed by the forestry sector as providing helpful clarification.

In response to questions about how land to be managed under each duty would be identified, my amendments introduce a simple determining characteristic upon which the decision will be made: namely, land that is forested must be managed under the section 9 duty for sustainable forest management; land that is not forested will be managed under the section 13 duty to further sustainable development.

Amendments 24 to 31 acknowledge that change and reframe the section 9 duty to apply to "forested" land, rather than "forestry" land. As amended, section 10 will define forested land to include both land in the national forest estate that is forested and land that is otherwise owned or managed by Scottish ministers and is forested. Taken together, the effect is that all forested land owned or managed by Scottish ministers will be managed under the section 9 duty in accordance with sustainable forest management. For the purposes of the bill, "forested" includes land undergoing afforestation.

10:45

The bill, as introduced, identified the power for ministers to manage forestry land for the purposes of sustainable development. That provided the ability to move land between the forestry land management duty and the sustainable development land management duty. Due to the introduction of "forested" as the characteristic of the land that will determine the duty, that power is no longer needed and will be removed from the bill by amendment 26.

I have explained that section 10, as amended, will define forested land to include the forested parts of the national forest estate. Amendment 38 specifies that the non-forested parts of the NFE are to be managed under the section 13 duty to further sustainable development with other non-forested land. Some stakeholders had concerns that the bill, as introduced, implied that all of the national forest estate was forested and that labelling it as "forestry land" was misleading. I hope that this approach, which recognises the nature of the estate as one third open land, allays that concern. The division of the NFE between the two land management duties will be achieved by the allocation of management blocks to each duty, based on the detailed inventory that is held by Forest Enterprise Scotland. The inventory covers the entire estate and includes information on what land is forested and non-forested. New acquisitions of land, and land that is managed on behalf of other people under section 14, will be allocated on the same basis, according to whether they are forested or non-forested.

The definition in the bill of the national forest estate is amended in consequence of the changes to sections 10 and 13(2). New acquisitions of land, if forested, will automatically come under the section 9 duty and do not need to be labelled as NFE to do so. For that reason, the definition of the NFE in the bill has been amended to mean the land in Scotland that is currently under management by the forestry commissioners and which will transfer to Scottish ministers on devolution. The definition in section 11 is further amended so that only land that remains in the ownership of ministers is included. That is to ensure that the land management duties cease if ownership changes.

Amendments 18 to 22 make consequential amendments to section 6, which places duties on ministers to have regard to the forestry strategy when performing certain functions. The effect of the amendments is to require ministers to have regard to the strategy when managing forested land, acquiring land under the bill and disposing of forested land.

I hope that members will consider that the amendments provide the clarity that was sought around the operation of the land management powers in the bill, and I encourage members to support them.

I move amendment 18.

The Convener: No members wish to speak on the amendment.

Amendment 18 agreed to.

Amendments 19 to 21 moved—[Fergus Ewing].

The Convener: Does any member object to a single question being put on amendments 19 to 21?

Peter Chapman: Yes, I object.

The Convener: I will put a question on each amendment individually. The question is, that amendment 19 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Finnie, John (Highlands and Islands) (Green)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rumbles, Mike (North East Scotland) (LD)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)

Against

Chapman, Peter (North East Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)

The Convener: The result of the division is: For 8, Against 3, Abstentions 0.

Amendment 19 agreed to.

The Convener: The question is, that amendment 20 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Finnie, John (Highlands and Islands) (Green)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rumbles, Mike (North East Scotland) (LD)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)

Against

Chapman, Peter (North East Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)

The Convener: The result of the division is: For 8, Against 3, Abstentions 0.

Amendment 20 agreed to.

Amendment 21 agreed to.

The Convener: The next group concerns disposals of land and compulsory purchase. Amendment 2, in the name of Mike Rumbles, is grouped with amendments 39, 6, 40, 3, 41, 42, 12 and 12A. I remind members that, if amendment 38, which was debated in the previous group, on land managed by Scottish ministers, is agreed to, I cannot call amendment 39 in this group. I must

further point out that, if amendment 41 is agreed to, I cannot call amendment 42.

Mike Rumbles: I thank the minister for accepting my first amendment, amendment 1, in the spirit in which it was lodged. Amendments 2 and 3 are simply consequential amendments, so I will not spend a great deal of time on them. I hope that the minister and members of the committee will accept that, because we have agreed to amendment 1, it is logical to agree to amendments 2 and 3.

I will spend my time focusing on the other amendments, which address what is, in my view, the one controversial issue in the whole of the bill. At stage 1, we took a great deal of evidence on the proposal to transfer the compulsory purchase of land from the Forestry Act 1967 to the new bill. We focused on that in our report, and although we thought that it was fine to transfer those powers we did not think that it was fine to enhance the powers. In a division, the majority of the committee voted to make that clear in the stage 1 report.

I was rather hopeful that the minister might have taken that on board, and that he might have lodged amendments to do that, but he obviously has not done so. Amendments 39, 6 and 42, which are the key amendments, have been lodged by Peter Chapman. That reflects the view that the committee took in a majority vote at stage 1, and here we are at stage 2. One would hope that the committee members who voted that way at stage 1 would vote the same way now at stage 2. I cannot think what has changed, unless guidance has been given to members from various sources to suggest that they change their minds. I hope that members of the committee are stronger than that.

John Mason: Will the member take an intervention?

Mike Rumbles: I think that John Mason will have a moment to speak if he wants to, so I do not see the need for an intervention. I am just trying to make a point.

I well remember my first experience of stage 2 proceedings, during the first session of Parliament, when I had an envelope passed to me with guidance from the Government—or the Executive, as we called it at the time. I did not even read it. I just wrote the minister's name on the envelope and handed it back. We have a job in this committee and in the Parliament to look at the evidence, examine it and make up our own minds. I am confident that members of this committee have the strength of character to do the right thing.

I move amendment 2.

Peter Chapman: I will speak to amendments 39 and 6, in my name. This is an important part of the

bill, and to my mind it is a red-line area. It is about compulsory purchase powers and the proposal to increase compulsory purchase powers to allow purchase for sustainable development. I am strongly against adding extra powers under the compulsory powers rules. We are content to roll over the powers that exist under the 1967 act, because we agree that, in certain circumstances, compulsory purchase powers may be necessary, but extending those compulsory purchase powers to include sustainable development opens it far too wide and gives ministers far too much power. I think that it is completely unnecessary.

We need to reflect on the fact that, although there are compulsory purchase powers in the 1967 act, in the 50 years that they have been there they have never actually been used. I cannot understand why it is thought to be necessary to widen those powers. It is important that we amend the bill in that regard, so I hope that amendments 39 and 6 will receive the committee's support.

Fergus Ewing: I will deal with the amendments that relate to the disposal of land before I turn to the ones on compulsory purchase.

Amendment 41, in my name, flows from the Government amendments on management of land by the Scottish ministers, the effect of which is to change the definitions of "forestry land" in section 10 and "national forest estate" in section 11. The purpose of amendment 41 is to reframe section 17, which deals with disposals of land, to ensure that the Scottish ministers may dispose of not only land in the national forest estate but other forested land that they own and that is not part of the estate, such as forested land that is acquired under the bill. Amendment 41 will also amend section 17 so that ministers may dispose of non-forested land that they have acquired under the bill.

I understand that amendments 2 and 3, in the name of Mr Rumbles, are consequential to his amendment 1, which I supported, so it follows that I will support them. However, before stage 3, I would like to look at the potential interaction between those provisions and the Government's amendments that relate to land management, in case there are unintended consequences that need to be addressed. Mr Rumbles will appreciate that that is a necessary process.

Amendments 12, in Mr Finnie's name, and 12A, in Mr Greene's name, are about the hypothecation of funds that relate to the disposal of land in the national forest estate. Mr Finnie's amendment provides that such funds would be used solely for the purposes and functions that are set out in the bill; Mr Greene's amendment goes even further and would restrict the use of the funds to buying land for forestry—the funds could not be used for any other function.

I understand the intentions behind amendments 12 and 12A, but I do not think it necessary to set out the position in primary legislation. There are more appropriate mechanisms for examining Government policy on disposals. As the committee recognises, it is current practice for Forest Enterprise Scotland to reinvest income in the national forest estate, enabling reconfiguration of the estate to meet strategic priorities, including new woodland creation. I point out that there is also investment in other, non-forestry purposes, such as recreation, tourism and services for people with mental health issues, therefore to restrict the use of funds to forestry would be unduly restrictive and is perhaps not what Mr Greene intended.

Forest Enterprise Scotland's existing framework document sets out policy on disposals and acquisitions and the criteria for selection of land that is put up for sale. Following the committee's recommendation at stage 1 and Mr Rumbles's amendment 1, I intend that the overarching principles on disposals shall be set out in the Scottish forestry strategy, with further information in forestry and land Scotland's framework document and corporate plan—which will be similar to Forest Enterprise Scotland's corporate documentation. The forestry strategy and the new agency's corporate plan will be subject to public consultation. That should provide sufficient reassurance that there will be appropriate scrutiny of the Government's intentions in relation to disposals.

In addition, I am concerned that amendments 12 and 12A would unreasonably or artificially constrain the Government's ability and scope to make judgments about the overall management of the nation's public finances. Such judgments are, rightly, subject to parliamentary scrutiny on a regular basis. It is a widely recognised and appropriate approach to the management of Government budgets to retain the flexibility to deploy surpluses for other priorities—indeed, it might be necessary to allocate budget from elsewhere if the agency were subject to unpredicted financial pressures; it works both ways, and flexibility is key. Therefore, I ask Mr Finnie and Mr Greene not to move amendments 12 and 12A respectively.

11:00

We turn now to compulsory purchase powers. I state again that there is absolutely nothing unusual in having such powers. Compulsory purchase orders are part of the statutory landscape in Scotland and indeed Britain. Powers are held by a number of public bodies, and for a variety of purposes.

Due to the diligence of my officials, I know of 20 acts of Parliament that include such powers in Scotland. Of those, I note that around half were passed by Conservative Administrations. I have here a little list, which includes compulsory purchase powers that were set out by such Administrations under Mrs Thatcher and Mr Major, who were not noted land reform campaigners, as far as I recall. There are compulsory purchase powers in the Crofters (Scotland) Act 1993, the Education (Scotland) Act 1980, the Electricity Act 1989, the Enterprise and New Towns (Scotland) Act 1990, the Housing (Scotland) Act 1987, the Housing Associations Act 1985 and the Environment Act 1995. I might have missed out a few acts. If so, I apologise for that infelicity. However, the point that I make is a serious one: the creation of compulsory purchase powers is a routine, ordinary aspect of the establishment of legislation. It is no more than that.

Committee members will recall the evidence that was given, I believe by Simon Hodge, at stage 1, that such powers, in respect of forestry, were set out in the 1967 act. Over the ensuing 50 years, they have been used on zero occasions. The controversy is in relation to not the forestry but the land management issue, but I suggest that the argument that I have set out—that such an approach is routinely deployed by Governments of all hues—should be seen as that, rather than as any desire on my part to start to act in a dictatorial fashion. I assure the committee that I have no intention of doing so, and I cannot imagine that it would be part of any ministerial actions.

It might be helpful if I set out the scope of the proposed power. Section 16(1)(b), as read with section 13, provides that the Scottish ministers

“may compulsorily acquire land that they require”

in order to exercise their duty to manage land

“for the purpose of furthering the achievement of sustainable development.”

Government amendment 38 has clarified that the “land” referred to includes

“land in the national forest estate that is not forested”,

as well as other non-forested land that the Scottish ministers have acquired or otherwise agreed to manage under the powers of the bill.

Section 16(1)(b) will not give ministers powers compulsorily to purchase land to address issues of sustainable land management where there is no connection to land that is already managed under the duty set out in section 13 of the bill. That is an important point. Ministers will be able to use the proposed power to purchase land only when that land is required in order for them to exercise an existing land management function under the bill. I have set out the technicalities to indicate that the

precise wording of the powers is set out to constrain the potential exercise of the power in an inappropriate fashion.

The power has been provided in order to support the new duty that is placed on ministers by section 13 to manage non-forested land for the purpose of furthering the achievement of sustainable development. Around a third of the national forest estate is non-forested land and will be managed under the section 13 duty. The duty being placed on ministers in relation to such land is new, and I believe that it is prudent to take a CPO power that can support ministers in fulfilling that duty—for precisely the same reasons as committee members’ reasons for accepting that it is appropriate to have the power in respect of forest land, namely, that the power will exist as a backstop, to ensure that negotiations over, for example, a ransom strip, can successfully be brought to a conclusion. I remember that, at the previous stage, Mr Mason made that very point, in justification of the conferral of the powers.

Non-forested land in the estate is diverse and includes bogs, open mountain and farmland. Managing such land so as to further sustainable development will require ministers to consider a range of social, economic and environmental outcomes. It is not possible to say here exactly what those might be and how they might affect any particular piece of land. There might be issues with access to a site, management of a particular ecosystem or unlocking a piece of land’s economic potential. As I have set out, it is prudent to retain a power that can support the specific duty and that relates to land in respect of which the Scottish ministers will exercise land management duties. It is not intended to allow ministers to intervene in other situations.

It is also important to recognise the robust processes to which compulsory purchase powers are subject. The procedure for using the majority of CP powers is set out in the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947; the bill provides for the use of that procedure for both of the section 16 compulsory purchase powers, ensuring that the process in the bill follows that for other compulsory purchase powers.

Because the exercise of compulsory purchase powers requires public notice of the intent to purchase and notices to be made to owners, lessees and occupiers, there is the opportunity for objections to be made. If necessary, a local inquiry can be held to weigh the order’s public benefit against the private interests of those with an interest in land, and ultimately, a challenge can be made to the Court of Session. This is, therefore, a robust process, which no acquiring authority, including Scottish ministers, would ever embark on lightly.

We recognise that the CPO process could be improved and modernised, and the Scottish Government is doing separate work on that in advance of legislation, including reviewing the current framework for preparing, confirming and implementing orders. We are drafting updated guidance for acquiring authorities and will be preparing updated and improved guidance for landowners, to improve transparency and confidence in the existing system.

Given the points that I have made about the scope of the power and robustness of the compulsory purchase process, I respectfully ask Mr Chapman to consider not moving amendment 39.

Stewart Stevenson: Is the cabinet secretary able to confirm that the Crichton Down rules will continue to apply to compulsory purchases made under these headings? In other words, if the land acquired by the Government for a particular purpose is not used for that purpose, will it be returned to the original owner?

Fergus Ewing: I have been told that the answer is yes. I am happy to provide that confirmation.

I hope that the additional information that I have provided in what I am afraid has been a rather long contribution about the various arguments, the whole backdrop to this and the existing checks and balances will lead members to decide that the Government can be supported on these matters.

Amendment 40 clarifies that the compulsory purchase powers in the bill include the power to acquire rights and interests in and over land. That flexibility will enable rights to be taken that fall short of outright ownership of the land—for example, a servitude right of vehicular access—and it will allow the creation of new rights and interests if reliance on an existing right or interest is not sufficient in the circumstances. There is precedent for such an approach in enabling acts such as the Roads (Scotland) Act 1984, and I also point out that the exercise of the power to acquire rights or interests compulsorily is subject to the same high tests as exercising it to gain ownership. The committee will be familiar with the scenario of landlocked timber; back-stop powers of compulsory purchase have been recognised as a valid tool in the box, and amendment 40 adds to that toolbox by providing an additional option to outright purchase.

I thank you for your forbearance, convener.

John Finnie: Amendment 12 relates to section 17, which sets out the power to dispose of land, and its very simple aim is to ensure that funds raised as a result of disposals from the national forest estate are reinvested in that estate. Between 1999 and 2016, the repositioning programme for the national forest estate, which

covered acquisitions and disposals, yielded a net profit of £59.3 million, and amendment 12 seeks to ensure that such profits are reinvested on behalf of the people of Scotland in securing sustainable management of the national forest estate, with the potential to create new native woodland, and acquiring additional outstanding examples of forest and woodland in Scotland and, importantly, securing them for posterity. Given that the amendment is entirely in line with the committee's recommendation in its stage 1 report that income generated from disposals be reinvested in the national forest estate, I think it appropriate for the Government to include such a commitment in the bill.

I have heard what the cabinet secretary has had to say, so I am not expecting any agreement on this matter. Nevertheless, I will continue to engage on the issue. That said, I am going to press the issue today, as it was highlighted in our report. I hope to get a commitment for those matters to be included in the forest strategy, including details of the repositioning programme, so that they can be included in the consultation on the strategy and, importantly, be scrutinised by the Parliament.

I was not as animated as everyone else seemed to be about compulsory purchase orders. Appropriate checks and balances are in place, which continue to apply—I am relaxed about that, and about the powers relating to sustainable development. It has been argued that such powers are not used, but they are part of the range of options that are available.

The cabinet secretary and other members will be as familiar as I am with a very high-profile case in the Highlands in which a significant benefit to the public was being held back by a ransom strip. Fortunately, negotiations meant that a CPO did not have to be utilised, but the public good must be at the forefront. As I said, appropriate checks and balances are in place, so I support the cabinet secretary's position on the powers.

The Convener: I call Jamie Greene to speak to amendment 12A and other amendments in the group.

Jamie Greene: There is much that I agree with in John Finnie's comments about the use of revenues generated from the sale of land for forestry functions. My view is quite simple: the size of the forestry estate should not diminish in any way. However, I am nervous that the revenues achieved from the sale of land might be used to fill potential budget shortfalls or to fund the functions of the new division. In essence, the revenue generated from the sale of land should be used for the purchase of land for the planting of trees, to ensure that the size of our forestry estate does not diminish in any way. Therefore, amendment 12A goes further than John Finnie's amendment 12 in

proposing that capital from the sale of land be used for the purchase of land.

I will move on to other amendments in the group. On Peter Chapman's amendments 39, 6 and 42, the cabinet secretary pointed out in great detail the compulsory purchase powers that other Governments in other jurisdictions have proposed. It is worth clarifying that we do not have any argument with that. In fact, we support the rollover of compulsory purchase powers from the Forestry Act 1967.

I understand that Mr Chapman's proposed approach is that the compulsory purchase powers should be retained for the duties in section 9 but not for those in section 13. As a committee, we took a majority view in the stage 1 report that we were happy with that. Mr Chapman's amendments simply reflect the view that was expressed in the report, so I hope that other committee members will stick to the agreed view and vote in favour of them.

Stewart Stevenson: I will address Mr Rumbles's remarks about the decisions that we made at stage 1. He seems to suggest that instructions inform what SNP members do in this committee. The fact that SNP committee members voted on different sides of the argument at stage 1 is perhaps the evidence to the contrary. Of course, he who never changes his mind is unlikely to ever change anything. We will shortly see the results of my constructive discussions with my colleagues, but I cannot entirely predict what they might be.

When my granny died, I was minus 13 years old. I was told that she had said only one political thing in her life: never trust the Tories. On the subject of land, I adhere to that absolutely.

The Convener: Right. I am not sure that that was a great anecdote to trot out.

Richard Lyle: I have some comments that are not as bad as Stewart Stevenson's.

Although Stewart Stevenson and I were on separate sides of the fence last time that we discussed the matter, I agree with him. This morning, I have recorded that I intend to press the Government to plant more trees as much as possible. I intend to stick to that. When I hear Mr Chapman continually vilifying the cabinet secretary because he has not planted more trees and then saying that he wants to tie the cabinet secretary's hand behind his back in regard to compulsory purchase, I am appalled. It is inconsistent.

11:15

Jamie Greene: Will Richard Lyle give way?

The Convener: Are you prepared to, Richard?

Richard Lyle: Do you want to make an intervention, Mr Greene? Carry on. I will accept your intervention and then I will come back in.

The Convener: I ask you to do it through the chair.

Richard Lyle: Sorry. He did not clarify whether he wanted to intervene.

Jamie Greene: Mr Chapman's amendment 6 pursues the rollover of the compulsory purchase powers for the purposes of section 9, which concerns the management of forestry land. That includes planting, and there is broad agreement that we would like there to be more planting. I am not making any political points, because there is consensus on that. The only thing that amendment 6 does is to exclude section 13 from compulsory purchase powers. That section is about the management of land to further sustainable development, which is not about planting.

Richard Lyle: I thank you for the intervention. However, I want the Government to do more and to plant more trees and I, for one, will not tie its hands behind its back. I intend to ensure that it plants more trees. Members who have consistently said that they want the Government to do that should do the same as me.

Rhoda Grant: I will vote against Peter Chapman's amendments 39, 6 and 42. It is important to have compulsory purchase powers for sustainable development in the bill. That keeps it in line with other legislation, so it is right. However, I welcome the cabinet secretary's comments about reviewing the powers.

I support John Finnie's amendment 12, because it is important to protect finance resulting from the sale of forestry and the like for reinvestment in forestry. I have some sympathy for Jamie Greene's amendment 12A, which takes John Finnie's approach a bit further. I am slightly worried that it might take it a bit too far in that it might result in activities that support sustainable forestry not being funded and, if there is a shortfall in the finance, that could hold forestry back. That is my one concern about amendment 12A and it would be useful if Jamie Greene would address that at some point.

Peter Chapman: I take umbrage at Richard Lyle's comments about how I would be trying to tie the cabinet secretary's hands. Nobody is suggesting that we do that in any way, shape or form. I want more trees to be planted and have always said so.

I am not saying that there should be no compulsory purchase powers. I am content to roll over the powers that are in the 1967 act. I made that clear as well. I object to widening the powers to cover sustainable development when no

attempt has been made to justify that. It is a step too far and is not necessary. The cabinet secretary confirmed that, in the 50 years that ministers have had the powers, they have not used them, so, considering that fact, why on earth does he think that he needs any more?

As far as I am concerned, the 1967 act powers can remain but the widening of the powers to include sustainable development has not been proved to be necessary and, therefore, I object to it. That is what my amendments 6, 39 and 42 are about.

Gail Ross: A lot of reference has been made to the stage 1 report. I point out that, in recommendation 104, we said:

“the majority of the Committee is of the view that the Scottish Government is yet to provide sufficient justification for its proposed extension of compulsory purchase powers to cover sustainable development.”

However, in what the cabinet secretary said to the committee today, he provided sufficient justification for the extension of the powers, which is what the committee asked for.

The Convener: I will now bring myself in to speak. I will do so at two stages during the meeting, and this is the first one.

I support Jamie Greene’s amendment 12A, because we do not want diminution of the forest estate. The people of Scotland expect the forest estate to grow, and therefore it is fundamentally wrong to take money out of it by selling land and using that to fund the general running costs of the new body. I would therefore like the money to roll forward to be used for purchasing. Indeed, that is my understanding of the Parliament’s policy when it decided to allow the repositioning of the forest estate to take money from sales and put it back into purchasing estate. I believe that that gives people the surety that they need in relation to forestry, because forestry has a rolling aspect. Land without trees is purchased, if necessary, and trees are put on it. Once the trees are there and the safeguards are in place to ensure that they remain there, it is perfectly right for the Forestry Commission to sell that land and move on to the next bit. That approach will gradually increase the forest estate and forestry in Scotland, and amendment 12A allows for just that.

On the compulsory purchase powers, the cabinet secretary’s comments about previous legislation made me smile, because we are now in 2017 and a lot of the legislation that he mentioned was from way before the time when I became involved in politics. I declare that, as a surveyor, I have been involved in compulsory purchase powers and have some knowledge of them. I should also declare that I have an interest in a farm, for those who consider that important,

although I do not think that it is important in relation to the bill. The compulsory purchase powers are deeply flawed as they are structured. I believe that they do not work very well and that they need to be completely reformed to make them fit for 2017.

Given that the compulsory purchase powers for forestry have never been used since the 1967 act came in, they are not that much of a threat. A lot has been made of the fact that threats have been made that they will be used, but I have never seen any evidence of that. When we pushed the officials who came to the committee, they said that there might have been one or two occasions on which they could have been used as a threat, but there is no clear evidence that they were. In this case, a threat does not particularly work because, under the Acquisition of Land Act 1981, a ransom strip, which the cabinet secretary said he wanted to avoid, still has to be compensated for at its value. All that happens is that someone says that they want it, and they have to agree the value. According to the definition of open market value, which is what an acquisition is based on, a ransom strip has a value, and that has to be taken into account.

Therefore, I do not support rolling forward the 1967 act provisions into the bill, although I can see why it gives the cabinet secretary some confidence. That is why, as an individual, I am happy to see those in relation to forestry. However, in relation to other land, I do not see that it provides a benefit at all. The other land that the Forestry Commission has—the one third of its estate that is not forested—will not be benefited by the compulsory purchase powers. I do not see how that will work, because that land is managed in accordance with the forest estate. I do not see much requirement for that, so I will not vote in favour of it.

Having set out my position, I now withdraw from the debate and put my convener’s hat back on. I see that Claudia Beamish wants to come in. I ask her to do so briefly, so that I can pass back to the cabinet secretary.

Claudia Beamish: It is simply to reinforce the point, which the cabinet secretary has clarified, about the need for management of land to further the achievement of sustainable development. That applies to the list that the cabinet secretary gave earlier in this grouping, and to other areas such as agroforestry, which may fall more under the definition of sustainable development than strict forestry definitions. It is very important that we keep the sustainable development opportunity.

The Convener: Cabinet secretary, you have already spoken, but if you would like to come back briefly on any of the points that have been made, I am happy to let you in.

Fergus Ewing: I have enjoyed listening to the debate, and I had my opportunity earlier to set out the points in the way that I wished.

The Convener: Thank you. I call on Mike Rumbles to wind up and to say whether he wants to press or withdraw amendment 2.

Mike Rumbles: The minister eloquently outlined a number of acts over the years that have conferred compulsory purchase powers. He said that Parliaments have routinely given the powers to Government. We already know all of that, but it is good to be reminded of it, because that is exactly my point, which is that the Government has enough compulsory purchase powers already, and does not need any more. The 1967 powers have never been used, as we all know. Ministers of all parties always say that they would never want to gather further unnecessary powers, and the powers in the bill are unnecessary.

I do not focus on our current minister, who is an honourable man, but even he will accept that he will not be a minister forever.

Stewart Stevenson: Surely not. [*Laughter.*]

Mike Rumbles: In principle—this is about the principle of Parliament versus Government—it is not good for Parliament to give unnecessary executive powers to ministers. Over the years, I have asked questions about that to ministers of different parties—whose civil servants, by the way, always want them to have unnecessary powers—and they normally say that they simply want to future proof legislation. They say, “Who knows how things are going to change? We need the powers to future proof.” Well, Parliament should be wary of the Government’s future proofing.

Stewart Stevenson said that I said or implied that some members of the committee received instructions on how to vote on the issue from the Government. I would never say that. To repeat for the avoidance of doubt, I said that some members of the committee had received guidance on how to vote. There is a great deal of difference between instructions and guidance. The Government is perfectly entitled to issue guidance to MSPs, and it is for MSPs to choose what they do with that guidance. It is up to individual members round the committee table to decide for themselves, and they must live with the decisions that they make. I said that it is up to colleagues on the committee to vote the way that they wish to vote.

As to the evidence on the subject, I was a bit shocked to hear that there is new evidence. I have seen nothing, and nothing has changed in the evidence. I have not seen any new evidence brought to us by the minister that should affect our decision at stage 1. However, I am a realist, if nothing else, and I know what the numbers amount to. It is disappointing to realise that the

recommendations in the stage 1 report might not be followed. They were good recommendations, although they were not accepted by all members of the committee. Of course people have different views, but it was a genuine compromise and attempt to do the right thing by Parliament and Government. I put the situation down to the Government guidance that has been received by some members. However, I repeat that it is guidance, and it is up to every individual member to decide what they should do.

The Convener: Do you want to press or withdraw amendment 2?

Mike Rumbles: I want to press it.

Amendment 2 agreed to.

Amendment 22 not moved.

The Convener: Because of the length of time that it has taken to get to this stage, I propose a five-minute suspension to allow members a comfort break.

11:28

Meeting suspended.

11:35

On resuming—

The Convener: The next group of amendments is on delegation to community bodies. Amendment 23, in the name of Richard Lyle, is grouped with amendments 43, 132, 44, 45 and 110.

Richard Lyle: During stage 1, the committee heard evidence from a number of stakeholders that the provisions in the bill relating to delegation of land management functions to community bodies, in particular sections 18, 19 and 20, are at best unnecessary and at worst will introduce additional complexity and bureaucracy for groups that seek to get involved in land management. That view was expressed in the context of the commencement in January this year of part 5 of the Community Empowerment (Scotland) Act 2015, which deals with asset transfer. We also heard concerns that the definition of “community body” in the bill is different from that in other community empowerment legislation—notably, the 2015 act—which, potentially, will cause confusion.

The cabinet secretary for rural economy assured the committee during his stage 1 evidence that officials were aware of and were looking into the potential overlap between the bill and asset transfer legislation. On 3 November, the Scottish Government gave a response to the committee’s stage 1 report, in which the cabinet secretary confirmed that officials were considering the matter

“with a view to bringing forward any necessary amendments at Stage 2”.

In the event, we have seen no amendments from the Government. I refer the cabinet secretary to the views of key stakeholders, who have advised that the provisions are unnecessary and should be removed from the bill. I consider that the stakeholders are right, so my amendments seek to leave out sections 18, 19 and 20. Existing legislation—namely, the asset transfer provisions under the 2015 act—delivers the necessary outcomes for communities. Members should note that amendment 44 seeks to remove section 19: agreement to it would therefore make Jamie Greene’s amendment 132, which seeks to amend that section, unnecessary.

I move amendment 23.

Jamie Greene: As Richard Lyle just pointed out, the removal of section 19 would negate the need for my amendment 132. However, we have given some careful thought to the matter. I was a little bit surprised to see Richard Lyle’s amendments, which are small in wording but huge in effect: they would take out all references to community bodies from the bill.

Mr Lyle mentioned the ambiguity around the definition of “community body”. Amendment 132 seeks to resolve that by strengthening the definition, saying that “community body” would have the same meaning as it has in the 2015 act. That clarity would strengthen that whole area of the bill—sections 18, 19 and 20.

I am yet to be convinced or persuaded that we should support removal of sections 18, 19 and 20, so I am keen to hear more over the course of the debate on this group of amendments. For that reason, I am minded to maintain that my amendment 132 would strengthen the definition of “community body”. I hope that members accept that and that they will listen with great interest to why the sections should be removed.

Fergus Ewing: I thank Richard Lyle for lodging amendments 23, 43 to 45 and 110, and am content to support them. In consequence, I do not support Mr Greene’s amendment 132; I think that he understands that it will be negated if Mr Lyle’s amendments are accepted by the committee. I also thank the members of the Rural Economy and Connectivity Committee, members of the Environment, Climate Change and Land Reform Committee and many stakeholders for their scrutiny of the provisions and their insightful suggestions for improvement.

I signalled to the committee during stage 1 that officials were considering the provisions on delegation of land management functions to community bodies—specifically, how those interact with existing community empowerment

law. I have concluded that the provisions in the bill duplicate and do not enhance law elsewhere on community empowerment. Further, I agree with points that were made during stage 1 evidence by the Community Woodlands Association that there is a risk that the existence of the provisions might unnecessarily complicate the landscape for delivery of community empowerment objectives, including for community bodies themselves.

I am content that the asset transfer regime under part 5 of the Community Empowerment (Scotland) Act 2015 can be relied on to deliver the policy objectives behind sections 18, 19 and 20 of the bill, and that those sections can therefore be removed. I note that a wide range of stakeholders, including the aforementioned Community Woodlands Association and Community Land Scotland, recommended that course of action, and that it is supported by the forestry sector, including Scottish Land & Estates.

I note the intention behind amendment 132, which is to deliver better integration between the bill and the 2015 act. As I have indicated, I am sympathetic to that outcome, but consider that it can best be achieved through removing sections 18, 19 and 20 altogether, rather than through their retention and amendment. For that reason I do not support amendment 132.

There is a strong track record of community involvement in managing forestry, and I wish to see that continue as we complete devolution of forestry. In January this year, Forest Enterprise Scotland launched the new community asset transfer scheme—or CATS—by implementing part 5 of the 2015 act. That builds on the highly successful national forest land scheme, which predated the statutory asset transfer regime and delivered 42 sales totalling 17,000 acres, including 31 sales to communities totalling more than 10,000 acres. The first successful request under CATS was announced last month, and a further 20 requests are in the pipeline. It is encouraging that the Scottish Government’s policies are giving people more control over decisions that affect them, and enabling communities to shape their individual and collective futures.

I therefore support the amendments in the name of Richard Lyle.

Richard Lyle: I will keep this short. The cabinet secretary has just made most of the comments that I was going to make. Therefore, I intend to press my amendments in the group, so I ask members to support them.

Amendment 23 agreed to.

Section 6, as amended, agreed to.

After section 6

Amendment 10 moved—[Peter Chapman].

The Convener: The question is, that amendment 10 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Chapman, Peter (North East Scotland) (Con)
Greene, Jamie (West Scotland) (Con)
Mountain, Edward (Highlands and Islands) (Con)
Rumbles, Mike (North East Scotland) (LD)

Against

Finnie, John (Highlands and Islands) (Green)
Grant, Rhoda (Highlands and Islands) (Lab)
Lyle, Richard (Uddingston and Bellshill) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mason, John (Glasgow Shettleston) (SNP)
Ross, Gail (Caithness, Sutherland and Ross) (SNP)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)

The Convener: The result of the division is: For 4, Against 7, Abstentions 0.

Amendment 10 disagreed to.

Amendment 130 moved—[John Finnie].

11:45

The Convener: The question is, that amendment 130 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Finnie, John (Highlands and Islands) (Green)
Grant, Rhoda (Highlands and Islands) (Lab)
Lyle, Richard (Uddingston and Bellshill) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mason, John (Glasgow Shettleston) (SNP)
Ross, Gail (Caithness, Sutherland and Ross) (SNP)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)

Against

Chapman, Peter (North East Scotland) (Con)
Greene, Jamie (West Scotland) (Con)
Mountain, Edward (Highlands and Islands) (Con)

Abstentions

Rumbles, Mike (North East Scotland) (LD)

The Convener: The result of the division is: For 7, Against 3, Abstentions 1.

Amendment 130 agreed to.

The Convener: The next group of amendments is on the involvement of persons with an interest in forestry. Amendment 129, in the name of Claudia Beamish, is the only amendment in the group.

Claudia Beamish: Amendment 129 aims to preserve the involvement and inclusion of people on the ground in forestry and land management. The provision would follow section 6, which is entitled “Duty to have regard to forestry strategy”, and ensure that people who have an interest in

forestry are involved in delivery and acting out of the functions of the bill by ministers. Agreement to the amendment would create a requirement to involve people

“with ... knowledge ... of securing sustainable economic benefits ... sustainable forest management ... silviculture ... land management”

and “environmental” and “biodiversity issues”. Amendment 129 would also require “consultation with persons” and representative organisations, such as unions.

Amendment 129 demonstrates the scope of social, environmental and economic functions that will be delivered by the Forestry Commission, and is designed to ensure that each of the six areas that it lists, which are vital tenets of forestry management, are taken into consideration.

Scotland has exceptionally knowledgeable and experienced people in its forestry sector, as I am sure that we all agree. My amendment 129 would enshrine their inclusion in forestry policy, regardless of the new arrangements for forestry organisations after devolution of forestry.

I ask members to consider supporting amendment 129 so that the matters that I have mentioned will be included in the bill.

I move amendment 129.

Stewart Stevenson: I have a technical issue with how the amendment is cast. It says:

“take steps to ensure that such arrangements involve”.

I really have no idea what is meant by “involve”, in this context. Does it mean that we need someone under each of the subparagraphs to be on a board of some kind? Does it mean that the minister simply has to have the people in for dinner and listen to them once every 50 years? Is it something in between? I am very uncertain about what “involve” might mean.

I repeat my regular rail against use of lists. Claudia Beamish mentioned unions when she spoke to her amendment. Unions, per se, do not appear in the list, but I accept that there will be unions that have the expertise that she is looking for. I guess that we will hear from the cabinet secretary once again about the difficulties for Governments in identifying people

“with experience in or knowledge of”

the listed areas.

Jamie Greene: Stewart Stevenson’s comments hark back to the cabinet secretary’s comments about the ambiguity in interpreting

“persons with experience in or knowledge of”.

It is incredibly difficult to do that.

Amendment 129 includes other vague terms, such as

“consultation with persons ... who have an interest in”.

Lots of people have

“an interest in forestry and sustainable forest management”

but how would we define what is meant by “interest”? Stewart Stevenson made a similar point about the term “involve”. What is involvement? In any case, the amendment might restrict the minister in his ability to discharge his duties under the act. Therefore, I am unable to support amendment 129.

Fergus Ewing: I thank Claudia Beamish for lodging amendment 129. I fully recognise the importance of ensuring that people who have the right professional skills, knowledge and experience are engaged in development and delivery of forestry in Scotland, but I am not persuaded that the amendment would deliver that outcome.

The bill includes suitable provision for how ministers must discharge their functions. Those are set out in part in section 6, which requires ministers to

“have regard to the forestry strategy when”

exercising their forestry functions. Amendment 129 overlaps with that requirement.

Furthermore, although the bill is mainly about management of forestry, it also covers management of land for sustainable development, which amendment 129 does not recognise. As drafted, amendment 129 would result in a requirement for wide consultation on all the activities that are covered by the bill, including ministers’ wider land management role of managing non-forested land and the more mundane regulatory activity for forestry. In neither scenario would the effect of the amendment be practical or appropriate.

It is vital that we maintain professional expertise and skills as we complete the devolution of forestry, and I am grateful to have the opportunity to make that absolutely clear for all the people who are listening or observing and for the record for the future. I have previously stated that, in the new structures for forestry, I wish to expand on the existing skills development mechanisms within Forestry Commission Scotland and Forest Enterprise Scotland, and to continue to involve foresters and other professionals in the discharge of the Scottish Government’s forestry functions.

I am sure that it is an unintended omission, but amendment 129 makes no reference to involving persons with experience in or knowledge of community ownership or involvement in forestry. I point that out to highlight the inherent risks of

including an exclusive list in legislation. Lists cannot be comprehensive, as stakeholders including Confor have noted, so the inclusion of such a list might date the bill.

I support the arguments that Mr Stevenson and Mr Greene have made about the technicalities, and I think that the use of the word “arrangements” is vague, because it is not clear what those arrangements would be, when they would be made or how they could be discharged. However, those are technical points.

I share the sentiments that have been expressed, but I ask members to resist amendment 129 on the basis that it is unnecessary and unnecessarily restrictive.

The Convener: I ask Claudia Beamish to wind up and to press or withdraw amendment 129.

Claudia Beamish: I have listened carefully to the discussion, and I take on board Stewart Stevenson’s point about the use of the word “involve”. We do not want to get too tied up in definitions. I also take Jamie Greene’s point about the phrase “experience in or knowledge of”.

Amendment 129 resulted from my being approached by a range of groups who have concerns about the need to be open as we move forward to the devolved arrangements, so that the new body will not be subsumed within Victoria Quay and will have a presence throughout Scotland across a range of skills and professions. I take the cabinet secretary’s point that reference to people with experience in or knowledge of community ownership is missing from my amendment. Having been involved in consideration of what is now the Land Reform (Scotland) Act 2016, I know that involvement of such people is very important, so that was, indeed, an omission.

To a degree, amendment 129 is a probing amendment. It is very important to many stakeholders, including unions, that their interests be taken into account. I certainly do not want to create a cumbersome process. I take the cabinet secretary’s point that my amendment might do that, because it does not make it clear what ministers would be obliged to consult on or how far that process would go.

I seek to withdraw amendment 129 on the understanding that—if I have got this right—the cabinet secretary has put on the record the fact that it is important that a range of skills, professions and organisations be involved in moving forward with a positive and sustainable forestry strategy, in the context of the new devolved powers.

Amendment 129, by agreement, withdrawn.

Sections 7 and 8 agreed to.

After section 8

The Convener: The next group of amendments is on co-ordination and co-operation in plant health responsibilities. Amendment 131, in the name of Jamie Greene, is the only amendment in the group.

Jamie Greene: Amendment 131 concerns the duty that is placed on ministers to co-ordinate and co-operate on plant health responsibilities. It is my view that, given the cross-border nature of plant health on an island, the bill should contain additional wording that reflects that and places an additional duty on ministers to take it into account.

Although I understand that the bill cannot mandate the Scottish ministers to ensure that a memorandum of understanding would be agreed or signed by secretaries of state or ministers of other Parliaments, I would like us to agree wording that ensures that they “take all reasonable steps” to achieve an MOU and that they set before Parliament a report to the effect that they have taken reasonable steps to achieve what is set out in subsection (1) of the new section that amendment 131 seeks to insert. The Scottish ministers should also update Parliament as to any arrangements or agreements that result from such an MOU. I hope that the cabinet secretary will find that to be a constructive addition to the bill. My understanding is that, if it is not put in the legislation, there would be no mandate for the minister so to act, and I hope that that will be taken into account.

I move amendment 131.

Stewart Stevenson: When I look at the words that are in the amendment, namely that ministers must take all reasonable steps

“to ensure that they agree”,

I just do not see that we can ensure that they will agree, so the wording that is before us is not capable of being delivered assuredly. On that basis, I cannot support the amendment.

Mike Rumbles: Again, I disagree with my esteemed colleague Stewart Stevenson. He focused on the word “ensure”. That is not the purpose of the amendment, which is to have ministers “take all reasonable steps”. Who could object to that? To emphasise and put the focus on the word “ensure” is erroneous. The amendment says simply that the Scottish ministers should “take all reasonable steps”, so I will support it.

Fergus Ewing: On the day of the stage 1 debate, I announced that agreement had been reached with my counterparts in the UK and Welsh Governments on sharing responsibility for important cross-border forestry functions. One Government will co-ordinate delivery of each function on behalf of all three. Under that

agreement, certain forestry plant health responsibilities that are primarily linked to trade will be led by the UK Government. Those include inspections at ports and airports of wood and wood products; maintaining a register of premises for forest products and timber; and regulation for identification and control of seeds and cuttings. Other tree health functions will continue to be carried out separately in each country. For example, surveys and monitoring for tree pests in Scotland will continue to be co-ordinated here.

I would argue that that work, which was achieved after a great deal of positive interaction with the UK Government and the Welsh devolved Administration, perhaps constitutes “reasonable steps”. Therefore I reassure Mr Rumbles that reasonable steps have already been trodden, if I might put it that way. While they have not resulted in a formal written agreement, there is an agreement in principle, which we expect will be progressed to full agreement prior to the law coming into force. Therefore I do not accept that the current arrangements for co-operation are deficient. They are carried out in an extra-parliamentary way between the Scottish Government and the other Government bodies involved.

In addition, I do not believe that amendment 131 properly reflects the fact that completing devolution of forestry is one of the principal drivers of the bill. I anticipate that there will always be close co-operation between Administrations on these islands on matters such as plant health. Indeed, I have emphasised the importance of that. I know that many stakeholders are keen that that should be the case and also keen to hear me say so and to know that the message is being delivered, understood and acted on by the Scottish Government and other Governments in these islands.

I welcome the opportunity to reconfirm and restate that, because people listening to the meeting will welcome it. Plant and tree disease respects no borders. These are very serious matters and tackling them effectively is one of the absolute essentials of sustainable forestry management. These matters can be most effectively tackled on a cross-border basis.

12:00

However, there is a different point here. As far as I know, what Mr Greene seeks to do is unprecedented. He seeks to place in statute a provision that we must somehow secure a memorandum of agreement with other bodies. My legal adviser informs me that there is no other statute in which that approach has been taken. It would perhaps detract from devolution if our law sought to fetter our scope in respect of devolved

matters such as forestry. The approach that is being suggested might serve to detract from the very nature of devolved power.

I reassure Mr Greene that arrangements are in place to ensure co-operation on plant health. For example, we maintain a UK plant health risk register, which is reviewed monthly by the UK plant health risk group, and we take part in biannual UK plant health co-ordination meetings. We published the Scottish plant health strategy in March 2016, which sets out measures to safeguard agriculture, horticulture, forestry and the wider environment from pests and diseases from 2016 to 2021. I hope that that will reassure Mr Greene and other members of the committee, because it is consistent with “Protecting Plant Health, A Plant Biosecurity Strategy for Great Britain”, which was published in 2014 and was signed off by Scottish and other GB plant health ministers.

So, you see, Mr Greene, I am pleased to say that we are a wee bit ahead of you. We have been doing all that already, and we will continue to do it, but not on the basis of something that is inserted into Scottish Parliament legislation.

Jamie Greene: I thank the cabinet secretary and other members for their feedback on the amendment. However, there were perhaps some contradictions in the cabinet secretary’s response to the comments that I made. He acknowledged that plant health respects no borders. In that vein, far from seeking to detract from devolution, the amendment would make an important and necessary addition to the bill. I understand that positive and constructive work has already been done with the various Administrations.

I refer back to a point that was made previously. Putting the provision in the bill would future proof the concept. It is all very well to say that current Administrations have agreed orally to take this issue seriously and to work together constructively, but we are talking about three different Administrations that have their own parliamentary cycles. I want to ensure that the concept is future proofed so that, regardless of who is running those Administrations, that good work continues beyond the current three Administrations’ parliamentary terms.

For that reason, I am not swayed by the cabinet secretary’s argument that, given that good work has been done on this matter, we should let it rest. I will press amendment 131 to ensure that future Administrations take the issue of cross-border plant health seriously. As Mr Rumbles pointed out, all the amendment does is ask Scottish ministers to “take all reasonable steps”, which I do not think is an unreasonable request.

The Convener: The question is, that amendment 131 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Chapman, Peter (North East Scotland) (Con)
Grant, Rhoda (Highlands and Islands) (Lab)
Greene, Jamie (West Scotland) (Con)
Mountain, Edward (Highlands and Islands) (Con)
Rumbles, Mike (North East Scotland) (LD)

Against

Finnie, John (Highlands and Islands) (Green)
Lyle, Richard (Uddingston and Bellshill) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mason, John (Glasgow Shettleston) (SNP)
Ross, Gail (Caithness, Sutherland and Ross) (SNP)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)

The Convener: The result of the division is: For 5, Against 6, Abstentions 0.

Amendment 131 disagreed to.

The Convener: The next group is on deer management. Amendment 11, in the name of John Finnie, is the only amendment in the group.

John Finnie: Amendment 11 proposes to insert into the Deer (Scotland) Act 1996 a duty of deer management to ensure sustainable forest management.

It is important that I give some background. The population modelling is not exact, but it is thought that there are between 85,000 and 100,000 roe, sika and fallow deer in private forests and 45,000 in the national forest estate, and 45,000 to 60,000 red deer in private forests and 40,000 to 45,000 in the national forest estate. The Forestry Commission does 30 per cent of all culling, at a cost to the taxpayer of £5 million a year.

As we said earlier, woodlands are deer habitats, and new woodlands will create new deer habitats. It should be the responsibility of all owners of private forests to put in place arrangements to manage the deer that live in their forests and woodlands. That is important for the future timber crop and for the biodiversity value of the woodlands. There is also the question of the impact of deer on adjacent land, for example by causing damage to agricultural crops and increasing the risk of road traffic accidents.

There is a legal requirement on us to protect the forest asset. Amendment 11 would ensure sustainable forest management by incorporating a duty of deer management, which would be discharged through plans to manage deer and arrangements to carry out that plan, which would also reduce some of the damaging impacts that deer can have. There is also a view that the duty will create economic opportunities with the letting

of deer stalking to qualified people and venison sales generating income.

Such arrangements already exist in some places and, if amendment 11 is accepted, we will ensure, through the bill, that suitable arrangements are put in place for all woodlands. It would help to drive a step change, particularly with regard to lowland deer management. It would also be in line with the Environment, Climate Change and Land Reform Committee's report on the subject.

I move amendment 11.

Mike Rumbles: I do not support the amendment on the ground that we have not taken any evidence on the subject. We talked about the issue when we discussed Claudia Beamish's amendment 123. If we wanted to go down that route, we could have taken a good deal of evidence from landowners and land occupiers, but we have not done so. It would be unhelpful to make such a substantial amendment at what I consider to be the last minute and without bringing people to the committee to give evidence on the issue.

The amendment says:

"The Scottish Ministers must by regulations make provision requiring owners and occupiers of forest land to take such steps as may be specified in the regulations".

That would give ministers unspecified powers.

In subsection (5) of the amendment, there is a requirement to lay before Parliament

"a draft Scottish statutory instrument containing the first regulations under subsection (1)."

A legitimate question is: how many instruments has this committee rejected? I cannot think of any. We cannot amend statutory instruments, so the power of the committee and the Parliament is restricted.

It would be entirely wrong to put such a provision into a forestry bill. It is a legitimate subject but we should have taken evidence on it. We have not done so—we decided not to go down that route—so it would be entirely wrong to support such a last-minute change at stage 2.

Stewart Stevenson: Mike Rumbles asked whether any statutory instruments have been rejected. I am not sure whether the committee has rejected any, but I have been involved in rejecting an affirmative instrument—I think. I need to check that, as it might have been a negative instrument; I cannot quite remember as it was a long time ago. However, Mike Rumbles is right that that does not happen very often. Instruments are not even challenged very often. Nonetheless, Parliament decides on SSIs just as it decides on primary legislation.

On the substance of the amendment, I do not disagree in any way with John Swinney about the need to manage deer in forests—

Gail Ross: It was not John Swinney.

The Convener: I confirm that. I think that you mean John Finnie.

Stewart Stevenson: What did I say?

The Convener: For the record, I note that John Swinney is not here.

Stewart Stevenson: I beg your pardon. John Swinney is in India and John Finnie is in front of me.

I agree with the underlying principles of John Finnie's amendment 11. My difficulty—I am open to hearing more about this issue—is with what happens if one manages only one part of the ecosystem and not what is going on in the neighbouring areas. For example, adjacent estates take different views on their deer management policies because they have different shooting policies that they make money off. If we create a hole in the ecosystem so that there are fewer deer, other deer simply move in. The proposal is to separate forests off from an overall strategy to manage deer populations, and I would want to hear arguments that suggest that that would be of assistance. That is my concern about amendment 11.

Peter Chapman: I concur with what Mike Rumbles and Stewart Stevenson have said, because I am against what amendment 11 proposes. We all know that deer management is an issue as far as trees are concerned, but there are deer management arrangements in place and the rules and regulations are well known. The bill is about trees, not deer, so I do not see the need for amendment 11.

Not everybody likes this, but it is a way of life: one way to manage deer is to fence off the trees. There are therefore other ways forward. Amendment 11 is not necessary and the bill is the wrong place for what it proposes. Rules and regulations for deer management are already in place and are well known, so the proposal in amendment 11 has no place in the bill.

Richard Lyle: I say to John Finnie, who is sitting beside me, that I am sorry, but I cannot support his amendment 11. It has been put to me that, under what amendment 11 proposes, forest owners could face penalties if they do not take measures to control deer, and landowners could be liable for new penalties if they choose to plant trees, which would tend to discourage afforestation and integrated land use by increasing disparity in regulation. I believe that it is in the interests of forest owners to control deer, but other measures should be used to tackle deer numbers,

and they should be co-operative rather than punitive. I therefore cannot support the amendment in the name of my good friend and colleague John Finnie.

Rhoda Grant: I have sympathy for amendment 11. However, what it proposes is probably not necessary for commercial forestry, because deer would have to be controlled anyway in a commercial forest—there are no two ways about that. I have more sympathy with amendment 11 in relation to native woodland. We can encourage native woodland, but there are not many commercial uses for it. People might plant native woodland because it is aesthetically pleasing but leave it and not manage it properly. If we are going to manage, cultivate and use native woodland, there must be a degree of deer management. However, I am not sure whether the bill is the place for what amendment 11 proposes. Before I make up my mind about amendment 11, I will listen with interest to what the cabinet secretary says and his proposals for what the amendment seeks to achieve.

Claudia Beamish: I highlight again what I said about deer management when we discussed my amendment 123. The Environment, Climate Change and Land Reform Committee wrote to this committee to outline concerns about deer management, as it has done in relation to biodiversity and a number of other matters. Deer management has therefore been highlighted as a concern, although I take the point that this committee has not taken direct evidence on the issue.

John Finnie gave a clear argument about not only how complex the deer management issue is but how important it is, particularly in the context of forestry. In the previous session of Parliament, I was a member of the Rural Affairs, Climate Change and Environment Committee, which took a lot of evidence on deer management, so I know that there are areas of Scotland where deer management groups are not working satisfactorily. There could well be merit in having in the bill the provisions that amendment 11 would introduce, or in introducing at stage 3 something else that would recognise the significance of deer management in relation to forestry and native woodland, about which Rhoda Grant made an important point.

Although I do not have a vote, I wanted to highlight the significance of the issue in relation to the future of our forestry. I look forward to hearing the cabinet secretary's comments.

12:15

Jamie Greene: It is absolutely right to address this important issue but, like other members, I am not convinced that the bill is the place to do that.

Amendment 11 talks about further regulations and about penalties as a result of those regulations, but it does not go into any great detail on what those regulations might look like. I am happy to be corrected, but I suspect that the detail would come through in such secondary legislation. Indeed, the amendment opens a huge can of worms, and I am not convinced that we have taken full account of the consequences.

Also, we have taken very limited evidence on the subject. We have had representations on this important matter but before adding something as substantive as amendment 11 to the bill, I would have expected the committee to have taken far more evidence and to have discussed it fully and properly, as the subject rightfully deserves. As a committee, it is an issue that we should look at, but I do not think that inserting the provisions in amendment 11 in the bill at this stage is the right way to address the problem.

Fergus Ewing: We all want forests and woodland to be managed sustainably and the Scottish Government is in no doubt that effective deer management is part of that, as many members have argued. However, there are technical and policy reasons why I and Roseanna Cunningham, the Cabinet Secretary for Environment, Climate Change and Land Reform, cannot support amendment 11.

On the policy, members will be aware that deer management has been comprehensively reviewed and discussed over the past year. Scottish Natural Heritage's deer review was published in November last year, and the Environment, Climate Change and Land Reform Committee's report on deer management was published in April this year. Both reports reached broadly similar conclusions on the state of deer management—that good progress has been made, but that significant further effort is required.

My colleague Roseanna Cunningham set out the Scottish Government's response to the reports in an answer to a parliamentary question on 29 June. As part of that answer, Ms Cunningham stated:

"We intend to set up an independent expert group to examine and develop solutions to barriers to effective deer management in the uplands and a separate panel under the Deer (Scotland) Act 1996 to look at lowland deer management.

We will ask SNH to report on progress on deer management in 2019. We will be looking to see effective deer management that protects the public interest ... If the review does not find sufficient progress with these objectives, then we would have no alternative but to consider fundamental changes to the framework for deer management in Scotland."—[*Written Answers*, 29 June 2017; S5W-10023.]

Having set up that independent group and given notice that we will look at making fundamental

changes if there has not been sufficient progress by 2019, I believe that it would not be sensible to cut across either the work of the group—which was set up following parliamentary scrutiny—or the further efforts that will be required.

Deer management should not be treated in a piecemeal fashion. We have given the deer management sector as a whole, including forest and woodland owners and managers, a clear indication of what is required and a timescale, and we have been clear about the consequences if sufficient progress fails to be made. That is the approach that the Scottish Government has taken, which I understood had broad support.

Confor and Scottish Land & Estates agree with the Scottish Government's position that amendment 11 should be resisted. They both favour co-operative approaches to tackling the issue over legislation that has the effect of singling out forest owners and managers.

There are also some technical reasons why I cannot support amendment 11. We do not think it appropriate to support an amendment that compels ministers to make regulations using the affirmative procedure. The provision is very broad and gives wide latitude regarding the content of the regulations; at the same time, it appears to indicate that ministers should create new penalties for failure to comply with those as yet unidentified regulations.

We need to be very careful about the creation of new penalties and potential criminal offences. It is vital that we are as specific as possible about the behaviour that we are criminalising—if that is the intention—including who the offence will apply to and what the appropriate penalties are. We would also expect Parliament to have an opportunity to scrutinise those aspects—usually through primary legislation. I agree with Mr Rumbles's analysis that, had the committee intended to cover that as being relevant to the bill, it should really have consulted on it prior to stage 1 and taken evidence on it.

I understand the sincerity and commitment behind the views expressed by Mr Finnie and Ms Beamish. However, for all the reasons that I have given and although I understand the intentions of the members involved, I urge John Finnie not to press his amendment and, if he does, other members not to support it.

John Finnie: I am grateful to members for their contributions. We did have evidence: we heard from the convener of the Environment, Climate Change and Land Reform Committee, and there were references to deer in the submissions that we received. Mr Rumbles said that amendment 11 was unhelpful and last minute, but stage 2 is the first opportunity that we have to lodge

amendments, and amendment 11 has been lodged in good faith.

The statutory instruments will have to be judged on their individual merits—

Mike Rumbles: My point, which the cabinet secretary reiterated, was that although nobody doubts that deer management is a really important issue, if it was our intent to amend the bill in that way, it would have been really helpful to question witnesses on the issue during stage 1. We could have interrogated everybody and come to a proper conclusion. In my view, doing it in this way is not the best way to do it.

John Finnie: I note your comments. However, you know the volume of evidence that we get and that only a very small percentage is scrutinised around the committee table.

Peter Chapman talked about the bill being about trees, but it is for that reason that we need to consider the negative impact of deer on trees. The comments about native woodland were welcome.

The approach is not piecemeal—and I note that an earlier amendment was about having an overarching approach. I also note members' comments and the cabinet secretary's willingness to continue to engage on the matter. If we can add this issue to two other items that are now on that agenda with the aim of understanding how our concerns—which are held in good faith, notwithstanding all the good work that is going on—can be addressed, I will not press my amendment.

Amendment 11, by agreement, withdrawn.

Section 9—Management of forestry land

Amendments 24 to 26 moved—[Fergus Ewing]—and agreed to.

Section 9, as amended, agreed to.

Section 10—Meaning of “forestry land”

Amendments 27 to 31 moved—[Fergus Ewing]—and agreed to.

Section 10, as amended, agreed to.

Section 11—Meaning of “national forest estate”

Amendments 32 to 35 moved—[Fergus Ewing]—and agreed to.

Section 11, as amended, agreed to.

Section 12—Duty to publish description of forestry land

The Convener: The next group of amendments is on the Scottish ministers' duty to publish maps.

Amendment 36, in the name of the cabinet secretary, is grouped with amendments 36A and 37.

Fergus Ewing: Amendments 36 and 37 in my name are part of the suite of amendments to the land management part of the bill that have been lodged in response to requests for clarity on the land that will be managed by the Scottish ministers under the duties in sections 9 and 13.

Section 12 places a duty on the Scottish ministers to publish a description of the forestry land that they manage. The purpose of the duty is to provide transparency on the land that is to be managed under the section 9 duty to manage land for the purposes of sustainable forest management.

In consequence of the amendments to sections 9 and 13, including the stipulation that the non-forested part of the national forest estate is to be managed under the section 13 duty, I have concluded that the transparency duty should apply to land that is managed under the section 9 and the section 13 land management duties, not just the former. Amendment 36 seeks to make that extension.

Furthermore, as is set out in the explanatory notes to the bill, the intention is that the section 12 duty will be delivered via an online mapping tool. In the interests of providing clarity on what is meant by the word “description” in the section 12 duty, amendment 36 makes it clear that the duty is to publish a map. The map will provide the associated forestry inventory data.

Forest Enterprise Scotland currently publishes detailed annual snapshots of inventory data for Scotland’s national forest estate as open data online. Therefore, detailed land use data for the whole of the national forest estate, which covers the forested and the open areas, is available online for download, scrutiny and analysis by interested parties at any time, and it will continue to be made available.

Amendment 37 seeks to change the placement of the transparency duty in the bill so that it falls under section 13, thereby reflecting the extension delivered by amendment 36.

I do not support Andy Wightman’s amendment 36A. As I have said, the purpose of the section 12 duty is to provide clarity about the land that is managed by the Scottish ministers. It is right that there should be transparency about that, but amendment 36A would fundamentally change the scope of part 3, which is about the management of land, not the ownership of land.

Amendment 36A would duplicate the role of the keeper of the registers of Scotland and would cut across established arrangements to complete the

land register of Scotland and to provide public information on Scotland’s forests and woodland. It would also place an uncosted and, in all probability, extremely substantial financial burden on the Scottish ministers, on which there has been no consultation whatever. No estimated costings have been provided, and the work that would be involved would entirely duplicate work that is being carried out by Registers of Scotland.

I draw committee members’ attention to the views of two of the organisations whose members are working hard to complete the land register. Scottish Land & Estates says that the amendment is unnecessary, as there is already a process of land registration under way in Scotland that will fulfil the objective. Confor says that legislation on land ownership should apply to all types of land equally, and should be dealt with under different legislation. It also says that the decision to plant trees should not be influenced by consideration of what information would have to be publicised, which would not be required if the land was left without trees.

The keeper is working to complete the land register by 2024, and to have public land registered by 2019. Information on Scotland’s forest and woodland cover will continue to be made available to the public. I can see no merit in cutting across those established arrangements, so I urge members not to support amendment 36A.

I move amendment 36.

The Convener: I call Andy Wightman to speak to and move amendment 36A, and to speak to the other amendments in the group.

Andy Wightman (Lothian) (Green): I lodged amendment 36A with two purposes in mind. First, I want to extend the duty to publish information to include “other forest land”. That is in the context of the long title of the bill, which is a bill

“to make provision about Scottish Ministers’ functions in relation to the management of forestry land and other land”.

Secondly, I want to improve the availability of information on the characteristics, nature and ownership of forestry land in Scotland. We have an ambitious programme to expand forestry cover. Although much of that will be done by the private sector, there is little, if any, data to inform policy that would best achieve those goals.

In comparison with other European countries that publish extensive data about non-state-owned forest land, data is very scarce in Scotland. In 2006-07, the United Nations Economic Commission on Europe, together with the UN Food and Agriculture Organisation, conducted an inquiry into private forest ownership in Europe. It collected demographic data on owners, including gender and so on, but the UK provided no data for

that question. The UK also offered no data on the status of owners, their residency and their objectives.

12:30

According to the Forestry Commission, the data that the UK supplied to the UN Economic Commission on Europe on 27 July 2006 were estimates, which in turn were derived from a survey that had been carried out UK-wide as long ago as 1977—40 years ago—and they could not be broken down by country.

Therefore, officially we know nothing about ownership patterns, owners' motivations and the characteristics of the private sector. It is my contention that we need to know more about that to better inform policy. My policy goal would be to have a proper annual return and survey so that we know that information. The most straightforward way to make the amendment is to amend section 12. I understand the cabinet secretary's comments that, technically, it should perhaps not amend that section. If he is minded to consider the purpose behind the amendment and put it in an appropriate place, I would be happy to have that consultation with him.

Finally, the amendment does not duplicate any work that the Registers of Scotland is doing. It is not about determining ownership; it is about the publication of information, data and analysis to better inform policy.

I move amendment 36A.

Stewart Stevenson: Andy Wightman properly noted that the long title refers to

“forestry land and other land”.

The cabinet secretary's amendment 36 refers to “forested land”, as distinct from “forestry land”. I am not at all clear what “other forest land”, referred to in amendment 36A, actually means. Is it something beyond what in amendment 36 is “forested land”?

I am also left a little unclear as to how one would identify some of the information that amendment 36A requires without there being a right to access “forest land”, as it is called in the amendment, to establish the facts that it requires to be published. I am not sure that there is an access provision to enable anyone to achieve that.

I know and respect absolutely Andy Wightman's very long-held interest in establishing the ownership of land in Scotland, and I agree with him on that matter. However, the practical issue is already emerging that, although the land register is making progress, it will be fundamentally pretty difficult to complete the transfer from the register of sasines to the land register on the timescales

that are being considered. That will be particularly difficult where private land is concerned, because the associated costs fall on private land owners.

Subsection 5 of the amendment seeks to commit the Government to a two-year cycle of publishing maps. That would be extremely challenging. If I recall correctly, the Ordnance Survey works on a five-year cycle because it is not broadly thought that a two-year cycle could work, at least on the terms that the amendment appears to suggest.

I echo the cabinet secretary in saying that although the objectives of the amendment are perfectly fair and reasonable, I would be reluctant to agree to it without understanding the costs that are associated with it and, of course, the corresponding benefits that we might expect to derive.

John Finnie: I will speak in support of my colleague Andy Wightman's amendment. If I noted the cabinet secretary correctly, he said that it would “fundamentally change the scope” of that part of the bill.

Andy Wightman referred to the UN looking at the land situation in Scotland and it is simply embarrassing. Yes, the word “challenging” was repeatedly used; this is entirely meant to be challenging. Of course it is challenging.

Another issue that has come up, and not for the first time, is about the phraseology that is used. People know how amendments come to be considered here; they are all competent and people can express a view on them. Surprise, surprise, Scottish Land & Estates does not support it but, in many respects, that would be the very reason for me to lend support to something in the first instance. There is a lot of merit in the amendment and I encourage members to support it.

The Convener: This is the second group on which I will speak.

In relation to paragraphs 2(a) and 2(b) in amendment 36A, I want to make it entirely clear that I support information on the ownership of land in Scotland being clear, available and accessible to all people. Therefore, I welcome the work that the register is doing and I see that as being a useful database that will be accessible to all. I am not sure that the amendment helps. We have heard evidence about how good the Forestry Commission's mapping and control system is at the moment. I have found it to work very well when I have gone into it.

I have some issues with

“the characteristics of forests on the land covered by the map”

because it is difficult to define the characteristics of forestry. Where do you go to the next level? At the moment, we have some useful maps that were developed by the Macaulay Land Use Research Institute, which give a land classification for all land in Scotland and productive capacities for land. On top of that, you could factor in the different forests and the different yield class, but you would end up with a map that would be of little use. I cannot see how that helps forestry so, for that reason, I struggle to support the amendment. That is not because I want to cover up land ownership; as I have said, I believe that it should be open, but this is not the map to do it.

As there are no further comments from members, I ask the cabinet secretary to wind up.

Fergus Ewing: I stand by my previous remarks.

The Convener: Andy Wightman, would you like to press or withdraw amendment 36A?

Andy Wightman: To make it clear, I do not seek to duplicate any work that anybody else is doing. The argument that the Registers of Scotland is accessible is wrong; it would cost an individual tens of thousands of pounds to access that information from the registers. I see Mr Stevenson shaking his head, but to obtain information from the land register costs £30 per land title.

Countries around Europe publish good statistics on an annual basis about many aspects of land use, not just forestry, although we are talking about forestry here. Those include good data on the gender of forest owners, which we need with regard to the equalities impact of policy. We are developing policy around forestry expansion completely blind as to who owns forestry land and what kind of people—women, communities, farmers, families or so on—we might wish to see owning more forestry land.

Although I accept that there might be technical reasons for my amendment not to be included in section 12, it is very straightforward. It is designed to achieve the policy objective of providing better data to enable everyone with an interest in the matter, including policy makers, academics and the public, to better understand the nature, characteristics and patterns of forest ownership in Scotland, and to place a duty on ministers to publish that information in exactly the same way that they publish information relating to the national forest estate.

I press amendment 36A.

The Convener: The question is, that amendment 36A be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Finnie, John (Highlands and Islands) (Green)
Grant, Rhoda (Highlands and Islands) (Lab)

Against

Chapman, Peter (North East Scotland) (Con)
Greene, Jamie (West Scotland) (Con)
Lyle, Richard (Uddingston and Bellshill) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mason, John (Glasgow Shettleston) (SNP)
Mountain, Edward (Highlands and Islands) (Con)
Ross, Gail (Caithness, Sutherland and Ross) (SNP)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)

Abstentions

Rumbles, Mike (North East Scotland) (LD)

The Convener: The result of the division: For 2, Against 8, Abstentions 1.

Amendment 36A disagreed to.

Amendment 36 agreed to.

Section 12, as amended, agreed to.

Amendment 37 moved—[Fergus Ewing]—and agreed to.

Section 13—Management of land to further sustainable development

The Convener: I remind members that if amendment 38 is agreed to, I cannot call amendment 39.

Amendment 38 moved—[Fergus Ewing].

The Convener: The question is, that amendment 38 be agreed to. Are we agreed?

Members: No.

For

Finnie, John (Highlands and Islands) (Green)
Grant, Rhoda (Highlands and Islands) (Lab)
Lyle, Richard (Uddingston and Bellshill) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mason, John (Glasgow Shettleston) (SNP)
Ross, Gail (Caithness, Sutherland and Ross) (SNP)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)

Against

Chapman, Peter (North East Scotland) (Con)
Greene, Jamie (West Scotland) (Con)
Mountain, Edward (Highlands and Islands) (Con)
Rumbles, Mike (North East Scotland) (LD)

The Convener: The result of the division is: For 7, Against 4, Abstentions 0.

Amendment 38 agreed to.

Section 13, as amended, agreed to.

Sections 14 and 15 agreed to.

Section 16—Compulsory purchase of land

Amendment 6 moved—[Peter Chapman].

The Convener: The question is, that amendment 6 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Chapman, Peter (North East Scotland) (Con)
Greene, Jamie (West Scotland) (Con)
Mountain, Edward (Highlands and Islands) (Con)
Rumbles, Mike (North East Scotland) (LD)

Against

Finnie, John (Highlands and Islands) (Green)
Grant, Rhoda (Highlands and Islands) (Lab)
Lyle, Richard (Uddingston and Bellshill) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mason, John (Glasgow Shettleston) (SNP)
Ross, Gail (Caithness, Sutherland and Ross) (SNP)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)

The Convener: The result of the division is: For 4, Against 7, Abstentions 0.

Amendment 6 disagreed to.

Amendment 40 moved—[Fergus Ewing]—and agreed to.

Section 16, as amended, agreed to.

Section 17—Power to dispose of land

Amendment 3 moved—[Mike Rumbles]—and agreed to.

The Convener: I remind members that if amendment 41 is agreed to, I cannot call amendment 42.

Amendment 41 moved—[Fergus Ewing].

The Convener: The question is, that amendment 41 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Finnie, John (Highlands and Islands) (Green)
Grant, Rhoda (Highlands and Islands) (Lab)
Lyle, Richard (Uddingston and Bellshill) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mason, John (Glasgow Shettleston) (SNP)
Ross, Gail (Caithness, Sutherland and Ross) (SNP)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)

Against

Chapman, Peter (North East Scotland) (Con)
Greene, Jamie (West Scotland) (Con)
Mountain, Edward (Highlands and Islands) (Con)
Rumbles, Mike (North East Scotland) (LD)

The Convener: The result of the division is: For 7, Against 4, Abstentions 0.

Amendment 41 agreed to.

Amendment 12 moved—[John Finnie].

Amendment 12A moved—[Jamie Greene].

The Convener: The question is, that amendment 12A be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Chapman, Peter (North East Scotland) (Con)
Grant, Rhoda (Highlands and Islands) (Lab)
Greene, Jamie (West Scotland) (Con)
Mountain, Edward (Highlands and Islands) (Con)

Against

Finnie, John (Highlands and Islands) (Green)
Lyle, Richard (Uddingston and Bellshill) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mason, John (Glasgow Shettleston) (SNP)
Ross, Gail (Caithness, Sutherland and Ross) (SNP)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)

Abstentions

Rumbles, Mike (North East Scotland) (LD)

The Convener: The result of the division is: For 4, Against 6, Abstentions 1.

Amendment 12A disagreed to.

The Convener: The question is, that amendment 12 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Chapman, Peter (North East Scotland) (Con)
Finnie, John (Highlands and Islands) (Green)
Grant, Rhoda (Highlands and Islands) (Lab)
Greene, Jamie (West Scotland) (Con)
Mountain, Edward (Highlands and Islands) (Con)

Against

Lyle, Richard (Uddingston and Bellshill) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mason, John (Glasgow Shettleston) (SNP)
Ross, Gail (Caithness, Sutherland and Ross) (SNP)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)

Abstentions

Rumbles, Mike (North East Scotland) (LD)

The Convener: The result of the division is: For 5, Against 5, Abstentions 1. As the result is a tie, I must exercise my casting vote. I agree to the amendment.

Amendment 12 agreed to.

Section 17, as amended, agreed to.

12:45

Section 18—Delegation of functions under section 9 or 13 to community bodies

Amendment 43 moved—[Richard Lyle]—and agreed to.

Section 19—Meaning of “community body”

Amendment 132 moved—[Jamie Greene].

The Convener: The question is, that amendment 132 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Chapman, Peter (North East Scotland) (Con)
Greene, Jamie (West Scotland) (Con)
Mountain, Edward (Highlands and Islands) (Con)
Rumbles, Mike (North East Scotland) (LD)

Against

Finnie, John (Highlands and Islands) (Green)
Grant, Rhoda (Highlands and Islands) (Lab)
Lyle, Richard (Uddingston and Bellshill) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mason, John (Glasgow Shettleston) (SNP)
Ross, Gail (Caithness, Sutherland and Ross) (SNP)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)

The Convener: The result of the division is: For 4, Against 7, Abstentions 0.

Amendment 132 disagreed to.

Amendment 44 moved—[Richard Lyle]—and agreed to.

Section 20—Exercise of delegated function by community bodies

Amendment 45 moved—[Richard Lyle]—and agreed to.

Section 21 agreed to.

The Convener: Thank you. It is clear that we cannot get through stage 2 today. We will have to pick up where we have left off next week. I remind members that amendments to the remaining sections of the bill can still be lodged, and the deadline for doing so is noon 7 December. That concludes today's business. I am sorry that we did not get through it all.

Meeting closed at 12:47.

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