

Confor briefing on Forestry and Land Management (Scotland) Bill, stage 3 Amendments

Confor: promoting forestry and wood (www.confor.org.uk) is a not-for-profit membership organisation for sustainable forestry and wood-using businesses.

It represents the whole forestry and wood supply chain and focuses on strategic issues vital to a successful and sustainable future for the sector.

Confor has engaged in detailed discussions with the Scottish Government and Rural Economy and Connectivity Committee since the introduction of the Bill.

Forestry is worth £1 billion annually to the Scottish economy and supports more than 25,000 jobs. Confor welcomes the recognition it is being given by the Scottish Parliament, and the positive cross-party support for the industry.

The attached brief outlines Confor's position on each of the amendments for consideration at stage three of the Bill and asks for your support in accepting or rejecting each of the amendments. The brief is ordered according to the marshalled list of amendments.

There are some critical amendments highlighted below that are of particular interest to Confor and we are therefore bringing these to your attention here:

39 (Claudia Beamish MSP) – Establishment of a single agency for forestry regulation and land management

Confor does not support the proposal to create a single agency to manage Scottish Forestry. The current arrangement of an independent agency managing the national forest estate (Forest Enterprise Scotland - FES), and the in-government status of the forestry regulator (Forestry Commission Scotland), is essential.

The current arrangement enables the public forest estate to run as a business; and it enables the regulator to remain accountable and part of government, and separate from the public forest it regulates.

The proposal to continue these arrangements under the new legislation, with new bodies Scottish Forestry and Forest and Land Scotland, will be essential for maintaining the accountability, professionalism and business functioning of the public forest services.

Confor has received reassurance from the Scottish Government that the professional experience and expertise that currently sits in Forestry Commission Scotland will be protected going forward, and this reassurance has been given publicly.

In our view it is **vital** that Forestry and Land Scotland (the proposed new agency) has the same status as FES has had previously - that of a public corporation; and this will not be possible if it is amalgamated with the publicly-funded regulator, the current Forestry Commission Scotland and proposed Scottish Forestry.

This status is vital as the new organisation is expected to rely heavily on trading timber for its income and needs to be able to build reserves and have flexibility across financial years. In the last financial year, FES carried over was more than £30 million.

It is clear this public corporation status is key to the success of FES and Confor consider it essential that Forestry and Land Scotland continues to have the same flexibility.

We therefore urge MSPs to reject amendment 39.

10-12 (Fergus Ewing MSP) – Felling Permissions

Confor considers it necessary for the government to have power to vary, suspend or revoke felling permissions they have granted.

We do have concerns, however, that the process for varying, suspending or revoking is much easier than the process for granting permission, and there is no appeal process for the permission holder.

Losing permission to fell at a late stage could have serious economic consequences if the permission holder is under contract to sell timber, and (for example) a sawmill is expecting to receive it.

Felling licences should rarely need to be varied to prevent environmental harm, as duties such as protection of wildlife and prevention of pollution are not overridden by a felling license: permission to fell trees does not constitute a right to fell trees.

On balance, we urge MSPs to accept amendments 10-12, however, Confor would expect to see a robust process including a right to appeal and permission to revoke only taken at a senior level in regulations and/or operating procedures of the new body.

2 (Claudia Beamish) – Administrative arrangements

This amendment is unnecessary as the proposed administrative arrangements have already been published by the government.

For further information please contact:

Eleanor Harris, Policy Researcher. E: eleanor@confor.org.uk T: 0131 240 1410