

Briefing on Rural Economy and Connectivity Committee Stage 1 report on the Forestry and Land Management (Scotland) Bill

31 October 2017

Confor: promoting forestry and wood (www.confor.org.uk) is a not-for-profit membership organisation for sustainable forestry and wood-using businesses. Confor represents the whole forestry and wood supply chain and focuses on strategic issues vital to the success and sustainable future of the sector. The organisation has engaged in detailed discussions with the Scottish Government and Rural Economy and Connectivity Committee since the introduction of the bill.

In summary, Confor:

- Supports the principles of the Forestry & Land Management (Scotland) Bill;
- Believes the bill must provide the right assistance to an industry worth £1 billion each year to the Scottish economy supporting 25,000 jobs across the country;
- Considers the bill has the potential to provide much-needed stability for a long-term industry to give it the confidence to invest and grow; and
- Suggests the bill could be further improved by a strengthened commitment to reforestation and more appropriate definitions of sustainable development.

Strengthen Scotland's commitment to reforestation

A key concern for Confor is that this legislation contains a clear and unambiguous commitment to expand the area of land in Scotland used for forestry and timber production.

The 1967 Act and its predecessors opened with the 'general duty of promoting the interests of forestry, the development of afforestation and the production and supply of timber and other forest products'.

Given the widespread recognition of the need to expand Scotland's forest resource, as a renewable resource of timber, as a carbon sink, and to enhance our natural capital, it is a retrograde step to remove this duty from ministers at this time. However, we note that the Stage 1 Report states 'the most appropriate place for setting out planting targets and a commitment to appropriate levels of reforestation is in the Forestry Strategy'. If that is the case, then Confor asks that the bill be amended to include a requirement that consideration of planting targets and future wood supply is included in the Forestry Strategy.

If this requirement is included in the bill it will send a clear message that the Scottish Government remains committed to the reforestation of Scotland in line with previous legislation.

Detailed commentary on Stage 1 Report

Confor recognises that a number of issues it raised in written and oral evidence the REC Committee have been included in the stage 1 report.

Below we provide more detail on our views of the committee's recommendations to improve the bill, in the order in which they appear in the stage 1 report.

Transfer of Forestry Commission Scotland Activities

Confor supports the Committee's recommendations including that the Scottish Government provide a comprehensive statement, alongside the bill, setting out how it will manage and administer its forestry responsibilities.

Confor welcomes the Committee's support for the proposal that the head of the proposed dedicated forestry division to be designated as 'Chief Forester' for the Scottish Government.

Forestry Strategy – review

Confor supports the Committee's recommendation for a requirement to review the Forestry Strategy every 5 years and refresh every 10, in consultation with forestry stakeholders.

Forestry Strategy – links with other policy areas

Confor supports the Committee's recommendation that the Scottish Government include an overarching, high-level statement of ambition, on the face of the bill, making clear that modern forestry strategy and practices will reflect an integrated approach to land use, community interests and the environment.

Forestry Strategy – woodland expansion

Confor welcomes the Committee's recognition of the vital role that timber production has in the rural economy, the long-term nature of forestry and the need for reassurance on future wood security. We agree that the Forestry Strategy should include a commitment to appropriate levels of reforestation and set out comprehensive planting targets for Scotland. However, as indicated on page 1 of this briefing Confor asks that the bill be amended to include a requirement that consideration of planting targets and future wood supply is included in the proposed Forestry Strategy. If this requirement is not included, it will amount to a weakening of current legislation and undermine future investment in the industry.

Forestry Strategy – sustainable forest management

Confor notes the argument that placing a definition of sustainable forest management in the text of the bill could cause the meaning to date and not take account of future developments.

We believe that the Forest Europe (<http://foresteurope.org/>) definition is robust and should be included in the Forestry Strategy:

"The stewardship and use of 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 that does not cause damage to other ecosystems."

This definition is adopted by governments across Europe, referred to in the Scottish Government policy paper, and referenced in the UK Forestry Standard – the reference standard for sustainable forest management in the UK.

Tree health and silvicultural material testing functions

Confor agrees with the committee that the cross-border nature of Forest Research is critical to ensuring the health of Scotland's trees and those across the UK.

Confor welcomes the report's recommendations on tree health, in particular that an appropriate framework agreement for a continued cross-border approach to forest research and tree health should be agreed and in place before the relevant sections of the bill come into force.

Confor proposes that the committee's recommendations should be broadened to include other areas, notably Forestry Statistics, in which cross-border collaboration within the public sector is of great importance to the work of the private sector.

Land management – clarity on purpose

Confor had previously raised a concern that the bill's definition of 'forestry land' would include large areas of land without tree cover. In light of this, Confor supports the committee's call for amendments to the bill aimed at providing a clear and easily understood distinction between 'forestry' and 'other' land.

Land management – definition of sustainable development

Confor welcomes the recommendation that the Scottish Government should make a clear commitment to include the current working definition of sustainable development in the Forestry Strategy. However, Confor considers that the bill be amended to ensure the Scottish Government includes this definition in the proposed Forestry Strategy.

Land management – acquisition and compulsory purchase

Confor is not persuaded that compulsory purchase powers are necessary for existing forest land. These powers have never been used, and the majority of forest, both public and private, is now either in the second rotation with access issues resolved, or for more modern forests has access plans within its forest plan.

Confor supports the two recommendations in this area made by the majority of the committee.

Land management – disposal of land

Confor supports the committee's recommendations on disposal of land and reinvestment of generated income into the National Forest Estate. We welcome the Committee's response to this direct concern of Confor, and support the recommendation that a continuing commitment to reinvestment of generated income into the National Forest Estate be set out in the Forestry Strategy.

Confor considers that a requirement for public forestry land to be regulated to the same standard as the private sector should be included in the proposed Forestry Strategy. This will ensure that areas felled are replanted promptly and there is no deforestation without compensatory planting.

Depending on other changes to the Bill this requirement could be included by means of an appropriate amendment.

Community empowerment

We welcome the committee's consideration of the concerns raised by Confor on the ambiguity of the sections relating to community bodies.

Felling – definition

Confor welcomes the Scottish Government commitment to bring forward an amendment at Stage 2 to provide a more appropriate definition of 'felling'.

Felling – regulations

Confor welcomes the proposal of the committee that felling regulations be in secondary legislation subject to affirmative procedure.

Felling – directions

Confor supports the committee's recommendation in this area.

Felling – notices to comply

Confor supports the committee's recommendation in this area.

Financial memorandum

Confor supports the committee's recommendation in this area.

Financial memorandum – branding and IT costs

Confor supports the committee's recommendation in this area.

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