

Scottish Wildlife Trust

Rural Economy and Connectivity Committee

Forestry and Land Management (Scotland) Bill - Stage 1 evidence



The Scottish Wildlife Trust welcomes the opportunity to submit evidence to the Rural Economy and Connectivity Committee regarding the Forestry and Land Management Bill.

The Trust has contributed to Scottish Environment LINK's evidence and for this reason there are similarities between our evidence and that of SE LINK. Of note, question 3 regarding Tree Health and Research is covered by the LINK response and for brevity is not repeated here.

Woodland/Forest resource in Scotland

Definition of woodlands and forests:

The terms 'Forests' and 'woodlands' are interchangeable and the Trust has taken the definition for their use from the UK Forest Standard (UKFS) text which states:

"Forest is used to describe land predominately covered in trees (defined as land under stands of trees with a canopy cover of at least 20%), whether in large tracts (generally called forests) or smaller areas known by a variety of terms (including woods, copses, spinneys or shelterbelts). The alternative term woodland has local nuances of meaning so it is used in the text where it is more appropriate, but for the purposes of the UKFS and Guidelines the meaning is synonymous with forest."

Woodlands provide substantial benefits to both wildlife and people. As the former climax vegetation community over much of Scotland, woodland and scrub supports more species than any other terrestrial habitat, particularly ancient semi-natural woodlands which are the surviving descendants of our original natural forests. In addition to supporting much of our biodiversity, woodland provides highly valued social and economic benefits to Scotland's people.¹

After declining to around 5% around the turn of the 20th century, total forest cover (native and non-native) in Scotland is currently c 18% (i.e. c. 1.4 million ha). This is still low in relation to our European neighbours, and Scotland's forests are also unusual in that they are dominated by a non-native species – Sitka spruce. In fact, native woodland makes up a very small proportion of the total woodland area (< 25%; c. 350,000 ha). Of that area, ancient semi-natural woodland makes up just 4.6% of the total woodland (just over 0.5% of total land area; c. 64,400 ha), and is declining in extent and condition in the uplands.²

Productive forests in Scotland are dominated by Sitka spruce and Sitka dominated woodlands are of lower biodiversity value than mixed and native-species stands. There are also potential risks from pests and/or diseases of Sitka spruce (if there is a lack of diversity in tree species within such a commercial forest) should these become established in Scotland. Less than 20% of the National Forest Estate (NFE) is made up of native species.³

The Trust believes Scotland's woodlands are currently not realising their full potential for helping Scotland adapt to climate change. More connected riparian woodlands for example, could prevent flooding; reduce erosion; improve water quality; and allow wildlife to move through the landscape. Woodlands are also important carbon sinks and therefore help mitigate climate change.⁴

The Trust wishes to see a significant increase in the quantity and improvement in the quality of Scotland's native woodlands to the extent they are making a major contribution to the restoration of degraded terrestrial ecosystems in both rural and urban environments.⁵

Questions

Does the Bill achieve its aims and are you in favour overall? Is there anything else that you feel should be included or excluded from the Bill?

The purpose of the Bill is *inter alia* to confer on Scottish Ministers forestry functions including a duty to promote sustainable forest management and a duty to prepare, publish and have regard to a Forestry Strategy. The Trust broadly supports this approach which accords with international commitments and policies as outlined by the United Nations Convention on Biodiversity, the Framework Convention on Climate Change, United Nations Forum on Forests, the EU Forest Action Plan, the Sustainable Development Goals (e.g. 15⁶) and the Paris Agreement on Climate Change.

Scotland has led the way in enshrining its greenhouse gas (GHG) emission reduction targets in legislation. This Bill should follow suit, and should include both the long term forest cover target and interim woodland creation targets in legislation. The Trust believes that the long-term forest cover target should be 30% woodland cover by 2050, and that interim woodland creation targets should be set periodically to ensure that this is achieved. As with the climate change targets the Bill should require the Government to report to the Parliament on progress against these objectives at regular intervals.

Further comments regarding inclusions/ exclusions are given in subsequent answers to the Committee's questions in the call for evidence.

What are your views on the Bill's statutory requirement to produce a Scottish Government Forestry Strategy based on sustainable forest management?

The Scottish Wildlife Trust is strongly supportive of the Bill's statutory duty on Scottish Ministers to prepare a Forestry Strategy which will set out the Government's objectives, priorities and policies regarding the promotion of sustainable forest management. However we wish to see further clarification in this section of the Bill as detailed below.

Sustainable Forest Management

Although sustainable forest management is defined in the Policy Memorandum (page 6, section 26), for clarity it should also be defined in the Bill using the definition agreed at the Ministerial Conference on the Protection of Forests in Europe 1993:

"The stewardship and use of forests and forest lands in a way, and at a rate, that maintains their biodiversity, productivity, regeneration capacity and 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"

This could be achieved by a simple amendment to Chapter 1 Section 2 – Duty to promote sustainable forest management.

Scottish Forestry Strategy

'Forestry' is a term that denotes the science or practice of planting, managing, and caring for forests⁷. Forests/woodlands are the renewable natural capital assets. If forests/woodlands are sustainably managed through the activity of forestry, these assets will continue to supply a flow of goods and services (i.e. ecosystem services) to private owners and the public alike. For this reason, the Trust believes that the revised strategy should be called the Scottish Forestry and Woodland Strategy as this covers the activity as well as the resource.

Since the publication of the Scottish Forestry Strategy in 2006, the natural capital value of forests (i.e. the asset) is better understood and the 'new' forestry strategy (Part 2 Section 3) should reflect this. This means additional to providing timber and employment which contributes almost £1 billion to Scotland's economy, well designed planting, and careful management of forests (i.e. sustainable *forestry*) including encouraging natural regeneration of native woodland, can deliver so much more in terms of ecosystem services such as biodiversity, recreation and wellbeing, natural flood protection, education, increased soil, water and air quality, carbon sequestration, resilience to disease, and tourism.

Therefore, we would seek assurances during the passage of the Bill that the Scottish Forestry Strategy will focus on forest activities that maximise the natural capital assets of forests in order to deliver the multiple benefits described above.

This means the Strategy should not be purely focused on commercial non-native soft wood production (as an example see the Natural Capital Forum's infographic: *Can't see the Wood for the Trees*⁸).

Deciding how to optimise the natural capital asset of land at the catchment scale through forest planting (both native and non-native) and regeneration would be best achieved by ensuring the Forestry Strategy is integrated with, and led by, the Land Use Strategy and optimal decisions at the local scale could be made through regional land use partnerships/frameworks (which have been proposed in the Land Use Strategy – but are a long way from being realised) backed by advisory support. The Trust would like to see this integrated approach recognised in the Forestry Strategy

Because of the relatively small percentage of native woodland area cover in Scotland compared to non-native forests, a core objective of the Scottish Forestry Strategy should be to significantly increase the amount of native woodland through planting, forest restructuring and/or natural regeneration. The best way to incentivise native woodland planting is to award the highest rates of support for establishment of native woodlands and grant awards also for regeneration of native woodlands. This point regarding incentives could be dealt with by an amendment under Part 5 General Powers Section 63 Financial assistance subsection (1) – grants.

This would go some way to addressing the lack of progress made towards the 2020 Biodiversity target for native woodland creation and restoration (e.g. target to create 3,000 to 5,000 ha of new native woodland per year). This trend is “moving in the wrong direction” according to the report published by the Committee on Climate Change: *Scottish Climate Change Adaptation Programme: An independent assessment for the Scottish Parliament*.⁹ The report stated, under Summary of Progress on the Natural Environment, that: “further effort is needed to restore degraded habitats particularly peatlands and native woodlands”.

In addition, less than 20% of the National Forest Estate (NFE) is made up of native species. The 2006 Forestry Strategy had an ambition of increasing the proportion of native tree species significantly through a combination of repositioning and forest restructuring. We support this ambition, and believe this objective should be retained and quantified in the ‘new’ forestry strategy. At this stage, it would be helpful if the Scottish Government would clarify what constitutes a ‘significant increase’ and we would welcome the committee seeking this clarification during Stage 1 e.g. is doubling the proportion of native tree species significant e.g. increasing from 20% to 40%? The Scottish Wildlife Trust would like to see the proportion of native trees on the NFE increased to 50%.

Under Section 4 of the Bill: Preparation of a Forestry Strategy we note:

- (1) there is no time scale given regarding when the strategy will be laid before parliament
- (2) there appears to be no formal consultation process stipulated (C/w for example Section 57 of Climate Change (Scotland) Act 2009¹⁰)
- (3) there is no reference to Nature Conservation (Scotland) Act 2004 and Climate Change (Scotland) Act 2009 under section 4 b ii (both of which we believe should be on the face of the Bill).

UK Forest Standard

Under the current regulatory / grant system for forestry the main timings of intervention are the point at which forests are planted (EIA requirements - now being reduced - and grant incentive) and felled (felling licence). There is less control over the ongoing stewardship of forests, and, while there is a recognised, and widely followed standard for forest management, this currently has no legislative underpinning. Two-thirds of forest in Scotland are in private ownership.¹¹ The duty for Sustainable Forest Management only applies to the National Forest Estate (NFE), therefore the Bill should consider creating an equivalent duty for private forest owners. This could partly be progressed by giving the UKFS a statutory basis through the Bill.

The Bill could adopt a similar approach to the very flexible approach taken by the Aquaculture and Fisheries (Scotland) Act 2007. This Act allows Scottish Ministers to approve codes of practice for fish and shellfish farming, whether prepared by them or another person.¹² The Scottish Ministers have approved the Code of Good Practice for Scottish Finfish Aquaculture, a code prepared by the aquaculture industry, under this section. Analogous provisions in this Bill would allow Scottish Ministers to approve an industry standard i.e. currently the UKFS, giving

it a statutory footing, and would also give them the flexibility to replace this with an alternative standard, as need dictated.

Also of note, there is little reference to the UK Forest Standard (UKFS) in the policy memorandum (and no reference in the Bill) and it would be helpful if the Scottish Government could clarify how the proposed Scottish Forestry Strategy will align with the UK Forest Standard, since the UKFS currently provides best practice guidance for delivery of sustainable forest management in the UK.

Sustainable deer management in forests

Using estimates of deer populations in forests in Scotland derived from population modelling, there are about 85,000 to 100,000 sika (non-native), fallow (non-native) and roe deer in privately owned forests in Scotland, and 40,000 to 45,000 on the NFE; red deer estimates in private forests are between 45,000 to 60,000 and on the NFE between 40,000 to 45,000.¹³ About 30% of all deer culling in Scotland has been carried out by the Forestry Commission (e.g. Forest Enterprise Scotland (FES) activity on the NFE)¹⁴ which costs the tax payer over £3 million per year (not including fences).¹⁵ And, in terms of overall deer species control, FES deer culling on the NFE represents over 50 % of Scotland's total sika deer cull, c. 40 % of the roe deer cull, over 20 % of the fallow cull and c 20 % of the red deer cull¹⁶.

The Trust believes that all owners and managers of private forests and woodland have a responsibility to manage deer to protect this valuable natural capital asset for the Nation (e.g. in order to prevent damage to young trees and to enable trees regeneration; and to decrease biodiversity impacts) and help reduce road traffic collisions. The Trust believes there should be a requirement for forest owners to take adequate steps to manage and control deer, including working in collaboration with neighbouring land owners/managers. The Bill could provide an additional basis for creating the necessary step-change, particularly regarding lowland deer management, (which would support the recommendations in the 2016 report on deer management by the Environment Climate Change and Land Reform Committee¹⁷) by incorporating a duty of sustainable deer management for all forest owners.

There will also be an opportunity in the 'new' Forestry Strategy to promote sustainable deer management - which is an essential *forestry* activity - through a robust policy statement applicable to all forest owners. This would build on the UKFS which states - regarding deer (p.33): "In areas where deer pose a threat to the forest and wider environment, deer control is essential. A deer management plan – often incorporating culling – allows a strategic approach to be taken. Keeping records of both deer culled and levels of damage will help inform plans so that they can be refined to give more effective levels of control. Participation and consultation with local deer management groups (where they exist) will help to achieve effective deer management on the appropriate landscape scale."

Actions 20 and 21 in the UKFS are:

20 " Monitor forest damage, and intervene to protect vulnerable trees from browsing and grazing mammals, including voles, deer, rabbits, hares, grey squirrels and livestock."

21 "In areas where deer are a threat, develop and monitor deer management plans – ideally in co-operation with neighbours and local deer management groups."

Reducing local deer populations where deer densities are too high would also allow native trees to regenerate¹⁸ - which is a cheaper option than restocking with planted trees protected by tubes and /or fencing. Trees that have naturally regenerated also increase the resilience of the forest as the fact that they are growing and have survived shows they are suited (adapted) to the local conditions.

The Scottish Government's intention is that the Bill should provide greater flexibility and wider powers in relation to land management, with a focus on sustainable development. The Bill also contains provisions regarding compulsory purchase. How do you feel this will work in practice?

Part 3 - Acquisition and disposal of Land (Sections 15- 17) by Scottish Ministers

From 1999 to 2016, the repositioning programme of the NFE (e.g. acquisitions and disposals) yielded a net profit of £59.3m. The Trust believes that any profits realised from disposals from the NFE should be reinvested on behalf of the people of Scotland in securing the sustainable management of the NFE and in acquiring additional outstanding examples of forests and woodland in Scotland to secure them for posterity. The Bill should be

amended to require the funds realised by Scottish Ministers from disposals from the NFE to be reinvested in the NFE.

Assurances regarding ongoing Government support for forestry related activities

Forestry Commission Scotland and Forest Enterprise Scotland are currently separate bodies with discrete budgets. The Bill would subsume them into the Scottish Government; currently the Scottish Budget contains separate lines for the Forestry Commission Scotland and FES. Parliament is able to scrutinise the Scottish Government's budget provision for forestry and make recommendations for changes. Forestry Commission Scotland also lays an annual report before Parliament and publishes corporate plans. Were the Bill to be enacted presumably these budget lines will be subsumed within the Scottish Government's environment and forestry directorate and the annual reporting will cease. This could make it more difficult for this and future Parliamentary Committees to track Government support for forestry through the advisory, regulatory and management functions that these directorates will provide. We believe that as part of the Bill process the Parliament should secure commitments from Government which will allow spending on these functions to be scrutinised.

For further information please contact:

Dr. Maggie Keegan
Head of Policy and Planning
Scottish Wildlife Trust

August 2017

¹ See Scottish Wildlife Trust's policy on Forestry and Native Woodland:

https://scottishwildlifetrust.org.uk/wp-content/uploads/2016/09/002_057_publications_policies_Policy_on_forestry_and_woodland_June_2012_1339581872.pdf

² See Scottish Wildlife Trust's policy on Land Stewardship https://scottishwildlifetrust.org.uk/wp-content/uploads/2017/06/FINAL_Land-Stewardship-Policy_07-ONLINE.pdf

³ See Scottish Wildlife Trust's policy on Land Stewardship https://scottishwildlifetrust.org.uk/wp-content/uploads/2017/06/FINAL_Land-Stewardship-Policy_07-ONLINE.pdf

⁴ *Ibid*

⁵ *Op cit 1*

⁶ SDG 15: Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss.'

⁷ Definition from UK Forest Standard

⁸ <http://naturalcapitalforum.com/news/article/Can't-see-the-TREES-for-the-WOOD/>

⁹ <https://www.theccc.org.uk/wp-content/uploads/2016/09/Scottish-Climate-Change-Adaptation-Programme-An-independent-assessment-CCC-September-2016.pdf>

¹⁰ http://www.legislation.gov.uk/asp/2009/12/pdfs/asp_20090012_en.pdf

¹¹ Forestry Commission Woodland Area Statistics 2017: <https://www.forestry.gov.uk/forestry/infd-7aqknx>

¹² <http://www.legislation.gov.uk/asp/2007/12/section/7>

¹³ See: Deer Management in Scotland: Report to the Scottish Government from Scottish Natural Heritage 2016

¹⁴ Deer Management on the National Forest Estate Current Practice and Future Directions 1 April 2014 to 31 March 2017

¹⁵ Answer to Question S5W-06043: Claudia Beamish, South Scotland, Scottish Labour, Date Lodged: 13/01/2017

¹⁶ See: Deer Management on the National Forest Estate Current Practice and Future Directions 1 April 2014 to 31 March 2017

¹⁷ 5th Report by ECCLR Committee: Report on Deer Management in Scotland: Report to the Scottish Government from Scottish Natural Heritage 2016

¹⁸ For natural tree regeneration (without fencing), deer densities should be < 5 Km⁻².