



**Climate Change and the National Forest Estate**  
**Response to the Consultation on forestry provisions in the**  
**Scottish Climate Change Bill**

**26 January 2009**

The Woodland Trust Scotland welcomes the opportunity to respond to this consultation. The Trust is the UK's leading woodland conservation charity. We have four main aims: no further loss of ancient woodland, restoring and improving woodland biodiversity, increasing new native woodland and increasing people's understanding and enjoyment of woodland. We own over 1,000 sites across the UK, covering around 20,000 hectares (50,000 acres) and we have 300,000 members and supporters. In Scotland we own and manage 80 sites across 8,500 hectares.

### **Key Points**

- **All** income raised from Joint Ventures with energy companies must be reinvested in the delivery of multiple public benefits through forestry.
- **All** income raised through leasing of FCS land and cutting rights must be reinvested in forestry. In particular, the delivery of new woods and forests providing multiple public benefits. Carbon sequestration should not be the only driver for woodland creation.
- At least 6000 ha per annum of new woodland native is required to achieve the vision as laid out in the Scottish Forestry Strategy 2006.
- Selection criteria for land leased must ensure minimal inclusion of social and environmental benefits.
- Measures to address climate change should include delivery of both mitigation, adaptation and reduction of energy demand.
- Any loss of income from timber sales should not lead to any reduction in funding levels for remaining land managed by FCS.
- If a lease is undertaken, it must ensure that all public benefits are protected, all duties and requirements of FCS are transferred to the leasing party.
- UKWAS certification for the leasing party must be retained throughout its duration and any major corrective actions carry financial penalties.

### **Introduction**

- In principle we welcome the fresh look the Forestry Commission Scotland (FCS) is casting over how it can deliver for climate change.
- We welcome the concept of exploring dynamic approaches to achieving some challenging woodland creation targets.
- We are glad that FCS recognises the ethos of the not-for profit (NFP) and voluntary sector and the power it has to promote positive public action.
- The proposals contained within the consultation paper represent a radical shift (potentially the most radical since 1919) and have appeared with very little warning. It is a complex area and detailed information (particularly financial) on the implications of such a shift is scarce.
- The enabling powers proposed for forestry in the draft Climate Change (Scotland) Bill have been presented in draft form to Parliament before the consultation on their inclusion has been concluded. This does not engender confidence in the public consultation process.

### Specific Questions

*1. What are your views on allowing the Forestry Commissioners to enter into joint ventures, with the intention of participating in renewable energy programmes on the national forest estate?*

Woodland Trust Scotland (WTS) in principle has no objection to the legislation being amended to allow FCS to undertake joint ventures with renewable energy companies subject to **appropriate safeguards** because we support the principle of injection of new resources into forestry and in particular woodland creation. Safeguards include: a requirement to undertake EIAs, protection of public benefits (e.g. PAWS, access and recreation provision, woods of high conservation value, biodiversity, semi-natural habitats), that the proposals follow full planning process, and that there will be no development leading to the loss of woods of high conservation value. All income raised must be reinvested into delivery of multiple public benefits through forestry. Without these safeguards Woodland Trust Scotland (WTS) would **not support** the proposal.

*2. What are your views on allowing Scottish Ministers and Forestry Commissioners to offer leases and cutting rights over parts of the national forest estate?*

Leasing the commercially productive parts of a National Forest Estate to private companies with linked cutting rights is not a new concept. If this concept was adopted in Scotland, **WTS would require firm guarantees to enable us to support the idea, including::**

- All funds raised (estimated at £200m) would be directly re-invested in forestry related activities and delivery of further public benefits, in particular in relation to climate change and woodland creation. Mitigation, adaptation, product substitution, reduction of energy demand, renewable heat, woodfuel, district heating and diversification of energy supply are important factors in delivery of climate change priorities. WTS would not find it acceptable for income raised from FCS land to be invested in other areas of combating climate change or indeed other areas of public expenditure. We would see that as 'Robbing Peter to pay Paul.'
- Ancient and semi-natural woods and woods of high conservation value included in the leased land must be retained and managed as such.

- There is a significant difference between a right to access and accessibility; accessibility must be retained in leased land.
- Any company or body leasing FCS land must be UKWAS certified. The lease must ensure UKWAS certification is retained and any major corrective actions carry financial penalties. Future land managers must deliver current (including in the future) public policy including the duty on biodiversity (as per the Nature Conservation (Scotland) Act 2004), as would be the requirement for FCS.
- Selection criteria for land to be leased must ensure that woods included provide the least environmental and social public benefits (more rigorous than National Forest Land Scheme disposal criteria). We see native, ancient and semi-natural woodland as having the broadest public benefit.
- FCS income streams from timber production will be adversely affected by the leasing of up to 100,000 ha of productive forest to private companies. It is important the Scottish Government ensures that funding levels for the remaining land holding are at least equivalent to the existing estate on a £/ha basis.
- The effect on SRDP funding availability may be negative if an additional 100,000 ha are eligible.

*3. What are your views on (i) transferring the proceeds from leases and cutting rights to a not-for profit trust, for investment in woodland creation; (ii) transferring the landlord's interest in this land to a not-for profit trust; and (iii) Ministers stipulating the constitution of such a not-for profit trust.*

Currently it is very difficult to form a clear view on this due to the lack of detailed information. The suggestion of creating a not for profit trust strongly implies a social or environmental purpose for such a body i.e. public rather than commercial benefit, and some stakeholder representation in its governance arrangements but this is not explicit in the proposals.

Guarantees WTS would seek in order to support the proposal:

- All income from the lease of land and cutting rights to be invested through the NFP Trust into multiple public benefits through forestry, particularly climate change related. This means investment in climate change adaptation as well as mitigation.
- NFP Trust is constituted to deliver forestry related public benefits and priorities as laid out in the current Scottish Forestry Strategy and in particular in relation to climate change mitigation and adaptation.
- NFP Trust could enable creation of significant areas of new native woodland. There is a broad level of support for woodland expansion as clarified by the Woodland Expansion in Scotland Consultation 2008.
- All woodland creation funded through the new structure should be UKWAS certified.
- We would not support the idea of the NFP Trust using lease and cutting rights income to solely create new production forests. All new woodland created should be multipurpose and provide significant public benefit. In order to achieve the current Scottish Forestry Strategy vision, more than 6,000 hectares of native woodland is required per annum for the next 50 years (35% of the enlarged forest cover of 25% land area).

- We can not see the logic of the NFP Trust creating more commercial production forest to sell or lease off and then create more in a cyclical fashion.
- There has been a clear change in policy drivers for forestry in the last 18 months or so, in favour of forestry and woodland creation for climate change mitigation. WTS supports woodland carbon sequestration projects for residual emission only where carbon storage can be assured in perpetuity and where additional benefits to society such as new and enhanced public access, greater biodiversity, and landscape maintenance and enhancement are included within the project outputs from the start.
- If the carbon sequestration figures in the consultation paper are based on the Centre for Ecology and Hydrology's C-FLOW model, it is extremely difficult to see how the proposed scale of afforestation brings about the stated level of carbon sequestration. For example, by creating 10,000 hectares of new woodland per year between now and 2020, under typical management practices it would generate a *net carbon source*.
- We cannot see the need for the NFP Trust to hold the landlord's interest in the leased land to ensure public interests are safeguarded. In particular because we do not know how the Trust will be constituted or what its purposes would be. Also, if the NFP Trust was given a role as the ultimate arbiter of public interest of leased land it would be playing the same role that FCS would play for the unleased land. This appears to be duplication of resources (the Trust requiring expertise and resource to deliver this responsibility) and implies that land owned by FCS is a less safe option.

*4. Are there other actions which need to be taken, or are there other changes in legislation which need to be made, in order to allow the public and private forestry sector to contribute to Scotland's target of reducing emissions by 80% by 2050? If so, please outline what these are.*

- The Scottish Climate Change Bill should contain a duty on all public bodies to deliver climate change reductions in a sustainable manner in line with the national target.
- Public body's procurement policies to include FSC certified timber products as standard.
- Reduction in the forest industry's emissions through best practice and Low Impact Silvicultural Systems.
- Introduce minimum standards and certification of greenhouse gas savings and environmental impacts for all forms of bio-energy.
- Open ended clauses to enable Scottish Ministers to change the role and functions of Forestry Commissioners in the Climate Change Bill cause concern. Land use accounts for approximately 25% of all climate change emissions. It would appear to be more logical to include for development of a strategy and action plan on how to tackle emissions related to sustainable land use in the bill rather than to include enabling powers for forestry before the planning work is undertaken.
- If appropriate legislative changes are enacted, WTS would welcome the opportunity to be involved in the development of the redistribution of funds and the terms and conditions of any leases.



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