

Consultation on forestry provisions in the Scottish Climate Change Bill

Fife Council welcomes the opportunity to comment on the 'Consultation on forestry provisions in the Scottish Climate Change Bill'. The Council would make the following comments and observations in relation to the questions contained in the consultation paper.

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?*

It is recognised that there are positive aspects to allowing the Forestry Commission to enter into joint ventures of this nature. However, the proposals could also be interpreted as turning over the management of substantial portions of the national forest estate to practices that may result in a greater bias towards commercial interests at the expense of other benefits. This could potentially impact negatively upon biodiversity, access and other public benefits, and also upon the Forestry Commission's strategic priority to sustain sufficient regional presence to exercise policy development, exemplar and leadership roles.

If progressed, Fife Council advocates this is done with caution. Emphasis should be on ensuring that such arrangements only take place when there are clear net benefits to all parties, particularly in relation to the protection and safeguarding of nature conservation and public benefits.

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?*

The benefits of the proposed changes to allow the lease of land and the granting of cutting rights to support the expansion of the forest estate are recognised. However, the Council would be concerned to see that formal safeguards are put in place that are adequate and effective in protecting public benefits in respect of nature conservation, public access opportunities and rights, and community involvement.

While broadly in favour of Scottish Ministers having the ability to lease land and for the Forestry Commission to grant cutting rights, this should be on the advice of the Commission and on the basis of professional judgement taking into account all aspects to ensure a net public benefit. As outlined, the proposed arrangements could provide too much flexibility for

leases and cutting rights to be entered into on the basis of purely financial considerations.

The Commission is acknowledged for the positive approach it has taken to actively engaging in enhancing the conservation value of the forest estate, promoting public access for a wide range of recreational activities, and increasingly for its engagement with local communities on a range of topics and opportunities for community involvement. Scotland's national forests are widely recognised for the important role they play at a national, regional and local level in relation to these aspects. The Council would not wish to see a diminution in any of these public benefits as a result of changes in management responsibilities and forestry practices being undertaken by a third party.

It would be essential that the Commission retain appropriate accountability and have the necessary powers on behalf of the public for ensuring that any safeguards put in place are effectively applied, monitored and publicly reported through a process that is robust, accessible and transparent.

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.

Fife Council welcomes the acknowledgement in the consultation paper of the role of voluntary bodies in promoting positive action. The link between this acknowledgement and the concept of establishing not-for-profit trusts to invest the income derived from leases and cutting rights in new forest creation is less clear.

It is not obvious from the consultation paper why this course of action is being proposed as the preferred option and what benefits the establishment of a not-for-profit trust to act as a potential delivery mechanism would bring. While there may be financial benefits resulting from the creation of a trust mechanism, there will also be a number of governance issues that would also require to be adequately addressed. More information on why this is the preferred option would have enabled a clearer view to be given.

All of the scenarios in the consultation paper involve public money, and moving this around arm's length bodies. The trust would effectively be publicly funded due to the nature of its initial asset base of revenues from leased land and the granting of cutting rights over the public national forest estate. It would be appropriate and in the public interest if the trust were to purchase further land for forestry, that similar safeguards in relation to the public benefits outlined above were also attached to this

land. It would further be desirable if such safeguards could also be attached as conditions to any future sale of such land by the trust to another party. In discharging its functions it would be essential to ensure that the trust, and any other new proprietors, would be prepared to work with or be receptive to the views of local people & organisations.

An alternative approach might be to keep the national forest estate under direct public control and ownership, avoiding the ambiguities inherent in endeavouring to release capital while safeguarding public interest via a trust. It is unclear, given that the Forestry Commission is already a public body serving the public interest, why the Commission cannot undertake this re-investment role. In this instance might it not be more effective to use an existing body, extending its powers if needed?

If Ministers were to proceed with the creation of a not-for-profit trust, the Council would again feel it appropriate that formal safeguards are put in place to protect the public investment and public benefits.

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.

Fife Council welcomes reference to the private forestry sector as overall forest cover is significantly greater than the national forest estate over which the Forestry Commission has control.

A programme of increased forestation should not lead to emissions increases such as through disturbing peatland. The consultation paper makes reference to rigorous selection of appropriate areas in other contexts: a logical further step is the identification of an appropriate public interest body for such selection.

Developing supply chains for local markets is of high importance particularly in regard to fuel wood. With regard to renewables, there should be a presumption in favour of using wood for local heat.

Measures such as the Freight Facilities Grants to reduce road miles of timber are also important.

Consideration should be given to revisiting contracts where building operators are currently locked into high carbon heating regimes.

In addition to fuel, wood has enormous potential for lower-carbon buildings. Increasing the availability of wood for renewable energy should

not be at the expense of research and development in improving timber quality.

Forest crofts and enhancing public transport to forests should not be overlooked.

In addition to carbon emissions, planting and felling should be planned with regard to climate change adaptation (particularly but not exclusively flooding) as well as other environmental, social and economic factors.

All forestry measures should be complementary to measures being taken in all facets of society to mitigate and adapt to climate change. In particular attention should be paid to the potential for the increased mitigation potential of the measures proposed in this consultation to be lost in compensating for increased emissions from other sectors rather than contributing to an overall reduction in emissions.