

# **The Future of Forestry in Scotland**

**Analysis of responses to the  
public consultation exercise**

**Analysis Report**

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# Executive Summary

## Introduction

The consultation on the Future of Forestry in Scotland puts forward the Government's proposals for completing the devolution of forestry to Scotland, including new organisational arrangements, cross-border arrangements, and a modern legislative framework for the development, support and regulation of forestry.

The consultation was published on 31 August 2016 and ran until 9 November 2016. A total of 604 responses were available for analysis, with the majority (82%) submitted by individual members of the public.

## New organisational arrangements in Scotland

The proposal is to establish new governance arrangements which would result in the management of forestry in Scotland being fully accountable to the Scottish Ministers and to the Scottish Parliament. The functions currently performed by Forestry Commission Scotland (FCS) would come into the Scottish Government as a dedicated Forestry Division within the Environment and Forestry Directorate. There is also a proposal to establish a new Executive Agency of the Scottish Government. This would be formed from the existing Forest Enterprise Scotland (FES) and would be called 'Forestry and Land Scotland'.

Around 5 in 20 respondents agreed with the proposal, while 13 in 20 disagreed, and around 2 in 20 did not answer the question. There was a difference in the balance of opinion between individual and organisational respondents, with the majority of individuals who answered the question disagreeing with the proposals but the majority of organisations who answered the question agreeing. Amongst individual respondents around 4 in 20 agreed, around 15 in 20 disagreed, and around 1 in 20 did not answer. Amongst organisational respondents around 9 in 20 agreed, 4 in 20 disagreed, and 7 in 20 did not answer.

The three most frequently-made points by those disagreeing with the proposals were that the management of Scotland's forests:

- Should be or remain independent and be the responsibility of a stand-alone organisation which is separate from government.
- Should be managed by forestry experts/professionals, rather than by civil servants.
- Should sit within a single organisation and not be divided between two different bodies.

A number of respondents noted their support for the devolution of forestry but sometimes also noted that they did not agree with the model and/or structures currently proposed. Typically, these respondents agreed with the formation of the new Executive Agency but questioned the wisdom of moving the policy and regulatory functions into a division within the Scottish Government.

In terms of delivering the benefits of greater integration within the wider Scottish Government structure, respondents sometimes suggested issues that need to be considered for the benefits of integration to be realised. These included that professional staff must be retained and that the experience of current FCS staff should be suitably acknowledged in the new structure.

The consultation paper proposes that the initial focus of the new forest and land management agency would be on the development and management of the NFE and that, once established, the Scottish Government would consider how best to extend its remit. Many respondents stated a desire to see the focus on forestry maintained.

A number of respondents commented on the remit of a land agency. The focus was often on timber production, but with suggestions also including tourism, recreational use of forests, climate change mitigation and biodiversity programmes.

## **Effective cross-border arrangements**

The consultation paper suggests three particular priorities for continuing collaboration and co-operation: forestry science and research; tree health; and common codes, such as the UK Forestry Standard and the Woodland Carbon Code. Around 11 in 20 respondents agreed with the proposed priorities, while around 2 in 20 disagreed, and around 8 in 20 did not answer the question<sup>1</sup>.

Those respondents who did not agree tended to highlight areas for co-operation additional to those in the proposal. The most frequently identified functions included inventory / forecasting and international policy.

In terms of how cross-border arrangements might be delivered effectively to reflect Scottish needs, almost all who commented agreed that Scotland should take a lead on certain arrangements and that a Memorandum of Understanding could be appropriate.

A number of respondents commented specifically on the retention of the Forest Research agency, either with its current focus on science and research or as an agency which could potentially also deliver other cross-border activities.

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<sup>1</sup> Please note that the total number out of 20 does not sum to 20 due to rounding.

## **Legislation and regulation**

The consultation paper explains that the Scottish Government intends to introduce primary legislation in the Scottish Parliament and make appropriate administrative arrangements to complete the devolution of forestry. Around 11 in 20 respondents agreed with the proposal to place the Scottish Ministers under a duty to promote forestry, while around 2 in 20 disagreed, and around 7 in 20 did not answer the question.

The importance of sustainable forest management was a key theme of many responses, including the suggestion that the current range of duties should be updated to include the contribution forestry can make to sustainable development. Comments included that there should be provision for community engagement and rural development and that sporting or recreational activity should be given a greater focus. It was also suggested that the current proposals have too great a focus on the economic issues and productive forestry and there should be a more specific elaboration of social and environmental objectives. However, other respondents suggested that the importance of the economic element has sometimes been overlooked.

The proposal to remove the current restriction in the Forestry Act 1967 that all activities on NFE land must be tree-related was the principle most likely to attract comment. Respondents often noted that they agreed with the proposal. However, queries were raised as to how net loss of capacity would be avoided, and how accountability and transparency would be assured.

## **Assessing impact**

The consultation paper notes that this consultation marks the start of processes to assess the equalities, business and regulatory, privacy and environmental impact of the plans.

Points raised by those commenting on equalities often focused on increasing employment opportunities for women and young people. Other comments tended to focus on community engagement and/or increasing access to the forest estate.

Most of those who had a clear view thought the proposals would increase costs and burdens, particularly if current UK functions are duplicated in Scotland. It was also suggested that there would be additional costs associated with a new land management agency. Reasons given to suggest costs or burdens may not increase included that management and regulation will be simpler.

Only a small number of respondents commented on the possible impact on the privacy of individuals and comments tended to focus on information and data-related challenges, including in relation to staff-related data.

Regarding the possible environmental impact of the plans, it was suggested that, since the NFE and other woods and forests cover 20% of Scotland's land area, the potential impact of changes in forestry activities could be significant, and that these should be assessed through the Strategic Environmental Assessment (SEA)

process. Respondents who expected neutral or broadly positive environmental outcomes, often pointed to the importance of better integration and the management principles that should be employed on NFE land.

Respondents were, however, more likely to highlight subjects they saw as posing a risk of a negative environmental impact. Most frequently-noted amongst these were: loss of FCS expertise; increased focus on productivity; and trees being planted in inappropriate locations.

# Introduction

This report presents an analysis of responses to the Scottish Government's public consultation on the Future of Forestry in Scotland.

## Background

The 2016 Scottish National Party manifesto included a commitment to complete the devolution of forestry. The [consultation on the Future of Forestry in Scotland](#) puts forward the Government's proposals to deliver this commitment, including new organisational arrangements, cross-border arrangements, and a modern legislative framework for the development, support and regulation of forestry. Forestry policy is already devolved but the management of forestry - including of the Scottish Ministers' National Forest Estate (the NFE) - has until now remained with the Forestry Commissioners, which is a UK Non-Ministerial Department and, since devolution, a cross-border public authority.

The consultation on the Future of Forestry in Scotland was published on 31 August 2016 and ran until 9 November 2016. The consultation questions relate to the three main areas identified above, and also aim to draw out information for impact assessments that will support decisions on how to take the issues forward. There is also a final, general question inviting any further comments relevant to the paper.

## Profile of respondents

A total of 604 responses were available for analysis<sup>2</sup>. The majority of these (566 responses) were received through the Scottish Government's Citizen Space consultation hub.

Respondents were asked to identify whether they were responding as an individual or on behalf of a group or organisation. Group respondents were then asked to identify their group type from a list of given options. If group respondents had not identified a group type, they were allocated a group by the analysis team<sup>3</sup>.

Two of the original group types ('Public sector' and 'Public sector - local or national government'), were subsequently merged into a single Public sector group for ease of analysis. A full list of group respondents can be found in Annex 1.

A breakdown of the number of responses received by respondent type is set out in Table 1 below. The table also gives the respondent type abbreviations used within the report.

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<sup>2</sup> Two respondents submitted more than one response. These respondents were contacted and asked which of those responses should be considered as their response. The other response was then removed.

<sup>3</sup> Using publicly available information e.g. that on an organisation's website.

Table 1: Respondents by type

Type of respondent	Number	% of all respondents	Abbreviation used
Individuals	497	82%	Ind
Organisations:			
<i>Third sector</i>	35	6%	Th
<i>Private sector</i>	29	5%	Pr
<i>Other</i>	24	4%	O
<i>Public sector</i>	14	2%	Pu
<i>Academic or research body</i>	5	1%	Ac
Total Organisations	107	18%	-
<b>Total</b>	<b>604</b>	<b>100%</b>	-

Of the 604 responses, the majority (82%) were submitted by individual members of the public. Points to note about the responses received from organisations include:

- Third sector respondents are the largest group and include organisations with a particular interest in forestry, woodlands or trees as well as a number of organisations with an environmental focus. Responses were also received from groups focused on recreational interests or which are community-based.
- The private sector respondents include timber processing companies, surveyors and agents, forestry and land managers and organisations with a tourism focus.
- The ‘other’ organisational respondents group is diverse and includes trade union respondents, representative or membership bodies from various professions or parts of the private sector and various forestry-related fora.
- The public sector group includes six local authority respondents along with bodies with a health and safety, economic and land-ownership focus.
- The academic or research body group is the smallest with responses from two Scottish universities, a research institute, a trust and a society.

It should be noted that, as with any public consultation exercise, those responding generally have a particular interest in the subject area. However, the views they express cannot necessarily be seen as representative of wider public opinion.

## Analysis and reporting

The remainder of this report presents a question-by-question analysis of the comments made. A small number of respondents did not make their submission on the consultation questionnaire, but submitted their comments in a statement-style format. When these responses contained a clear answer to one of the Yes/No questions this has been recorded. The remaining content was analysed qualitatively under the most directly relevant consultation question.

Other points to note about the analysis of further comments made are:

- Brief analysis of the three Yes/No questions (i.e. 1a, 5 and 8) is presented in the body of the report. A complete record of the answers to these questions in table format can be found in Annex 2.
- Comments varied considerably in their length and complexity and a small number of respondents made extensive and detailed comments. This report presents a summary analysis which focuses primarily on the most frequently raised themes but also considers the range of, and differences in, views expressed.
- A number of respondents may have drawn on material produced by the Woodland Trust when preparing their submission<sup>4</sup>. The analysis of further comments made, and in particular the frequent use of certain key phrases, suggests that this may apply to around 1 in 5 individual responses.
- The precise meaning of some comments was not clear, particularly when the various agencies or divisions (current or proposed) were referred to and/or when there was extensive use of acronyms. There were also some occasions when comments suggest that respondents may not have fully understood the arrangements which are currently in place.
- Some respondents suggested that some of the questions were either unclear or that they were unable to give a clear answer because a question covered more than one issue. This was particularly prevalent at Question 1.

If the respondent gave permission to publish, their original response can be found on the Scottish Government's website<sup>5</sup>.

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<sup>4</sup> The Woodland Trust disagreed with some aspects of the proposals and called on its members to respond to the consultation. They also launched a petition objecting to the proposals.

<sup>5</sup> Responses can be found at: <https://consult.scotland.gov.uk/forestry/future-of-forestry/>

# Chapter 1: New organisational arrangements in Scotland

The first chapter of the consultation paper asked four questions about the Scottish Government's proposals for new organisational arrangements in Scotland.

At present, the two main parts of the Forestry Commission in Scotland are Forestry Commission Scotland (FCS) and Forest Enterprise Scotland (FES). The latter is an agency of the Forestry Commission and, for national accounting purposes, is designated as a public corporation by the Office of National Statistics. Both FCS and FES are funded by the Scottish Government, via the budget approved by the Scottish Parliament, and operate as part of the Scottish Government's Environment and Forestry Directorate. However, they are not Scottish public bodies. FCS promotes forestry, advises on and implements forestry policy, administers grants and regulates the forestry sector. FES is a land management body with responsibility for managing the Scottish Ministers' National Forest Estate (NFE).

The proposal is to establish new governance arrangements which would result in the management of forestry in Scotland being fully accountable to the Scottish Ministers and to the Scottish Parliament. The functions currently performed by FCS would come into the Scottish Government as a dedicated Forestry Division within the Environment and Forestry Directorate. FCS already operates as part of the Directorate and this would formalise that arrangement. There is also a proposal to establish a new Executive Agency of the Scottish Government. This would be formed from the existing FES and would be called 'Forestry and Land Scotland'.

## Proposals for a dedicated Forestry Division and an Executive Agency

**Question 1a: Our proposals are for a dedicated Forestry Division in the Scottish Government (SG) and an Executive Agency to manage the NFE. Do you agree with this approach?**

Around 5 in 20 respondents agreed with the proposal, while 13 in 20 disagreed, and around 2 in 20 did not answer the question. There was a difference in the balance of opinion between individual respondents (of whom around 4 in 20 agreed, around 15 in 20 disagreed, and around 1 in 20 did not answer), and organisational respondents (of whom around 9 in 20 agreed, 4 in 20 disagreed, and 7 in 20 did not answer). Further details of responses to Question 1a by respondent type may be found in Annex 2.

**Question 1b: Please explain your answer.**

Around 500 respondents went on to make a comment at Question 1b. Of these, around 340 respondents had answered No to Question 1a and around 135 respondents had answered Yes. There were also respondents who explained they had been unable to select either Yes or No answer. Reasons given included that

they could see both positive and negative effects, or that they had been given only one opportunity to answer what they saw as two distinct questions concerning a Forestry Division and the creation of an Executive Agency.

### **Points raised by those disagreeing with the proposals**

The three most frequently-made, and often inter-connected points, were that the management of Scotland's forests: should be or remain independent and be the responsibility of a stand-alone organisation which is separate from government; should be managed by forestry experts/professionals, rather than by civil servants; and should sit within a single organisation and not be divided between two different bodies.

Where comments were made relating to **separation from government**, this was frequently based on a view that the current arrangements work well and that the Forestry Commission is doing a good job. Further comments on this issue tended to be brief and often focused on a general opposition to the centralisation of, or political involvement in, the management of Scotland's forests. These generally appeared to be about the dedicated Forestry Division within the Scottish Government rather than the Executive Agency<sup>6</sup>.

A small number of respondents made specific points in support of their case including that staff in a dedicated Forestry Division would come under a degree of political control and be required to implement the policy of the government of the day (Ind). Respondents also suggested that, while forestry requires long-term planning, governments inevitably have a more short-term outlook driven by electoral considerations (Ind, O).

Other comments included that:

- Any new organisation would need to be able to work across many departments and interests both within and outwith government. To do that it would need to sit outside, or at arm's length, from government (Th).
- Without statutory protection, a dedicated Forestry Division could, in time, lose its identity and professional focus, for example through merger with other Divisions (O, Th).

Proposals for alternative organisational structures and governance arrangements made by some respondents are outlined later in this section.

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<sup>6</sup> This was often not stated explicitly at Question 1 but was in line with further comments made at subsequent questions.

Many respondents argued that forestry should be **managed by experts**, often making clear that this was 'as distinct from' civil servants working within the Scottish Government<sup>7</sup>. The comments made were often brief, but sometimes included a concern that the specific skills held by those working in the forestry industry may be eroded in the long term. The subject of retaining professional skills and knowledge of forestry within the proposed new forestry structures is covered in detail under Question 3.

Many respondents stated their preference for **a single organisation** to oversee forestry in Scotland. There were also references to the good reputation of the existing Forestry Commission, its long history, and the value of its trusted brand (Ind, O, Th). Others noted they did not feel the case has been made for separating the parts of the existing Forestry Commission, with some detailing concerns about the separation of the policy and regulatory functions from operational management (Ind, O, Th).

In addition to the most-frequently raised issues outlined above, a number of other common themes emerged from the analysis of further comments made by those who disagreed with the proposals. A number of respondents, primarily from among those who disagreed with the proposal, suggested that care should be taken to ensure that adverse outcomes experienced as a result of restructuring elsewhere do not happen in Scotland. Particular reference was made to **recent changes in Wales** (Ind, O) where Forestry Commission Wales was merged with other bodies (Environment Agency and Countryside Council) with policy and grant administration transferring to the Welsh Government. Respondents felt that this has led to considerable problems including a reduction in tree planting, a dilution of forestry expertise, and costs associated with insufficient forward planning for the transition (Ind, O).

### **Alternative models suggested by respondents**

A small number of respondents, while noting their acceptance of, or support for the devolution of forestry, sometimes also noted that they did not agree with the model and/or structures currently proposed (Ind, O, Th). Typically, although not universally, these respondents agreed with the formation of the new Executive Agency but opposed, or at least questioned, the wisdom of moving the policy and regulatory functions of FCS into a division within the Scottish Government. Reasons given tended to reflect many of the concerns already outlined above, such as becoming subject to short-term, political influence and the consequences of the loss or dilution of expertise.

A small number of respondents went on to suggest alternatives to the consultation proposals. Most of those who suggested an alternative structure preferred to see FCS and FES placed in a single body, although, as set out below, a range of different arrangements were proposed.

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<sup>7</sup> Forestry Commission staff are already civil servants.

One suggestion was for a **single body within a government department**, encompassing all the current functions of FCS and FES (O).

Alternatively, a **single Executive Agency**<sup>8</sup> covering all the current functions of FCS and FES was also proposed (Ind, O, Th). Some respondents suggesting this approach pointed to Transport Scotland as an existing example of where policy and implementation sat in the same body (Ind, O). Within the proposed forestry agency, it was suggested that the governing Framework Document would provide for any necessary separation of functions (Ind, O).

Other respondents specified that creating a **Non Departmental Public Body (NDPB)**, like Scottish Natural Heritage (SNH) or the Scottish Environment Protection Agency (SEPA), would be their preferred arrangement - sometimes indicating that it would be better to be at arm's-length from Government (O, Pr).

Another proposal was for **two separate agencies** (Pu, Th). It was suggested that a new land management agency should be created as proposed in the consultation paper alongside a second agency to continue the forest policy and regulatory work currently carried out by FCS (Th).

Finally, a small number of other approaches were suggested. One of these was that FES should be set up as **an independent company**, wholly owned by the Scottish Government. It would be charged with the effective, commercial management of the NFE and, where it was directed to undertake non-commercial activities, those activities would be supported by direct grant from the Scottish Government (Pr). Another suggestion was that FCS should complete its devolution and become a **public authority**, remaining a non-ministerial department. FES as an agency of FCS would become a **Scottish Public Corporation** to manage the NFE (Th).

### **Points raised by those agreeing with the proposals**

Respondents who agreed with the proposals (i.e. those who had answered Yes at Question 1a) tended to make only brief further comments. Most frequent amongst these were that:

- Change is necessary to rectify various problems with the existing bodies or structures.

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<sup>8</sup> The Scottish Government's 'Guide to Public Bodies in Scotland', explains that an Executive Agency is a constituent part of Government but not part of a core department. It has a Chief Executive and advisory management Board, with some external non-exec members, or a senior management team. In contrast, Non-Departmental Public Bodies (NDPBs), are not part of the Scottish Government but operate within a framework of governance and accountability set by Ministers. The Guide to Public Bodies in Scotland – including further information on different types of NDPB that are possible - can be found on the Scottish Government's website at: <http://www.gov.scot/Topics/Government/public-bodies/about>. The analysis draws on the full comments made, however there were occasions when it was not absolutely clear how phrases such as agency or body were being used by respondents.

- The proposed changes reflect the importance of the forestry industry in Scotland and will help to ensure policy in this area is better integrated across government.
- Scotland's forests should be under Scottish Government control. Respondents making this point sometimes made no further comment.

A frequent view was that the separation of the Forestry Division and Executive Agency was both appropriate and necessary. A number of respondents agreed that it is important to maintain separation between forestry policy/regulatory functions and the management/delivery role (Ind, O, Pu, Th).

## **Delivering the benefits of greater integration within the wider Scottish Government structure**

**Question 2a: In bringing the functions of FCS formally into the Scottish Government, how best can we ensure that the benefits of greater integration are delivered within the wider Scottish Government structure?**

**Question 2b: What additional benefits should we be looking to achieve?**

A total of 345 respondents answered Question 2a, of whom 233 went on to make an additional comment at Question 2b. A small number of respondents (17) answered only Question 2b. Since the content of the responses to (a) and (b) overlap considerably, the following analysis considers both together.

Many respondents made only brief comments, sometimes reiterating their general opposition to the proposal to bring the function of FCS into the Scottish Government, while others explained the reasons for their reservations in more detail. The analysis looks primarily at issues which relate specifically to Question 2, namely the benefits of greater integration.

### **Promoting forestry links to with the wider policy framework**

A number of respondents agreed with the proposition set out in the consultation document that bringing the policy and regulatory functions of FCS into the Scottish Government as a division within the Environment and Forestry Directorate could enhance links with other policy areas (Ac, O, Pr, Pu, Th). However, it was also noted that FCS has already been working to deliver Scottish Government policies for a number of years (O).

Respondents sometimes went on to suggest issues that need to be considered for the benefits of integration to be realised. These included that:

- Well-resourced professional staff must be retained (O, Pr, Pu) and the professionalism and experience of current FCS staff should be suitably acknowledged in the new structure (O).

- Lessons must be learned from the merging of Forestry Commission Wales with other public bodies in Wales (Ac, Ind, O, Pr).
- FCS staff concerns should be recognised, in particular in relation to possible changes to the 'delivery culture' that a move to a larger organisation might make (Ind, O).
- The value of the close links between FCS and FES, allowing for practical arrangements such as sharing of some office facilities, should not be underestimated (Ind, O).

Specific points made about the proposed new structure included that:

- Movement of staff between a strong forestry division and other policy arms of the Scottish Government would allow the forestry team to expand its experience, and would also facilitate staff in other parts of the Scottish Government learning more about the importance of forestry (Ac, O, Pr).
- The skills and knowledge of those working in the Forestry Division would also be enhanced by promoting interchange of staff between the division and the forest management agency (O, Pr, Pu). This issue was also raised by a number of respondents at Question 3.
- Given the geographical spread of forestry, it is important that both the Forestry Division and Agency elements keep a local presence (Pu, Th).
- The separation of the existing FCS and FES should provide greater transparency and accountability. The new arrangements must support this accountability with clear direction from Ministers being essential (O, Pr, Th).
- The Land Use Strategy will be central to bringing policy areas, including forestry, into better alignment (Ac, O, Pr, Pu, Th) and forms the basis for forward planning with other interests, drawing on the experience of the Rural Affairs, Food and Environment Delivery Board<sup>9</sup> (Th).

### **Other benefits**

A number of respondents noted that the NFE has the potential to provide an increased range of economic, environmental, social and health benefits, particularly to rural communities (Ac, Ind, O, Pr, Pu, Th), although some were concerned that the proposal did not mention recreational activities specifically (O).

A number of respondents highlighted the desirability of woodland creation and the planting of more trees, including to meet the 2020 forestry planting target (Ind, Pr, Th). The value of allowing NFE timber sales revenue to be reinvested in woodland creation was highlighted (Ind, O).

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<sup>9</sup> The Board was established to build operational and cultural alignment across the former rural affairs, food and environment portfolio. Its members are the chief executives of the main delivery bodies in environment and agriculture, relevant senior policy officials and some non-executives.

Other respondents also identified the potential for practical administrative benefits, particularly if the processes associated with grant and licence applications (Ind, Pr, Th) or other approvals such as Prior Notification and Environmental Impact Assessment (EIA) determinations (Ind, Pr) could be streamlined or improved.

Finally, it was suggested that there are potential benefits to be gained through integration with fisheries and fishing opportunities. It was noted that the NFE includes a significant number of fisheries, including salmon fisheries, and could play an important role in improving public access to fisheries in the future (Pr).

### **The Forestry Commission Brand**

A small number of respondents raised concerns about the loss of the FCS brand, with further points including that the brand has value in promoting public understanding of forestry and that the organisation remains the face of the forestry sector for many (O, Pr).

It was suggested that careful thought should be given to the manner in which the brand transition is communicated to the public and that this could provide an opportunity to explain the growing role of privately-owned forests and woodland in the provision of public benefits (Pr).

### **Governance**

A number of respondents made comments on the governance arrangements needed for the new bodies, both at Questions 1b and 2. These included that a board should have external members including forestry experts, and that board composition should be enshrined in the Forestry Bill and should not just be by government appointments (Ind, O, Th). A further suggestion was that such boards should be representative of social, environmental and economic interests (Th).

With particular regard to the oversight of the new forest management agency, a small number of respondents suggested that arrangements should be the same as for other agencies in Scotland, with non-executive members on the agency management board, and a non-executive chairing an agency audit and risk committee (Ind, O, Pr). It was also suggested that the members should include at least one representative from both the private and third sectors and that this would help ensure that the agency delivers its objectives while involving different stakeholders (Ind, O, Pr).

For oversight of the Forestry Division, it was suggested there should be a similar group to the current Customer Representative Group, as well as an Advisory Group of stakeholders, with private sector representation, for the whole of the parent Directorate (O, Pr).

## Maintaining professional skills and knowledge of forestry

### Question 3: How should we ensure that professional skills and knowledge of forestry are maintained within the proposed new forestry structures?

A total of 370 respondents made a comment at this question. A significant minority of these respondents (around 1 in 3) repeated that they disagreed with the proposals altogether and made little further comment. Others who disagreed suggested that retaining the current approach would provide the best means of achieving the desired aim of maintaining skills and knowledge, including because a post in the wider civil service would not necessarily be attractive to highly experienced or qualified forestry specialists (O, Pr, Th).

The remaining respondents, who often noted that providing professional expertise was indeed of central importance, made a range of points concerning: retaining experienced FCS and FES staff; professional development for foresters; education and training in forestry; and requirements for other specialist staff.

#### Retaining experienced staff

Several respondents noted the intention to transfer existing FCS and FES staff into the new bodies, but suggested that it was essential that steps were taken to ensure this expertise is not lost. Proposed measures to achieve this included:

- Providing reassurance about the structure of the new organisations, how existing staff will fit into these, and the transition process (Pu).
- Creating a position of 'Chief Forester for Scotland' or 'Head of Forestry', held by someone with knowledge and expertise in forestry, to provide a recognised focus or figurehead (Ind, O, Pr, Th). A specific suggestion was that an emphasis should be placed on the post-holder having commercial and industrial experience (Pr).
- Specifying forestry qualifications as a requirement for designated posts (Ind, O, Pr).
- Specifically retaining staff with forestry expertise within the Forestry Division rather than moving them on to cover other policy areas in the civil service (O).
- Offering salaries that are competitive with the private sector (Ind, O).

It was also suggested that it is important that the Regional Forestry Forums are continued so that their breadth of experience and perspective on many forestry issues is preserved and that, for FLS, the value of local offices should be recognised and maintained (Th).

#### Professional development

The importance of allowing and/or encouraging staff to gain additional skills and experience by moving between the proposed Forestry Division and FLS, as they currently do between FCS and FES, was frequently noted (Ind, O, Pr, Pu, Th). It was also suggested that it would be beneficial to promote appointments, exchanges

or secondments between Government bodies and the private sector (Ac, Ind, O, Pr, Pu). Other suggestions included:

- The Institute of Chartered Foresters (ICF) and organisations such as the Royal Scottish Forestry Society could play an important role in professional development and providing learning opportunities (O, Pr, Th).
- Staff should be encouraged to seek professional accreditation, such as chartered membership of ICF, and that this qualification should be required for appointment to some professional posts (Ind, O, Pr, Th).
- Chartered membership of the Royal Institution of Chartered Surveyors would be appropriate for land agents (Ind).
- There should be a professional career structure for foresters, with provision of resources for professional development (Ind, O, Pu).

### **Education and training**

It was also suggested that there is an urgent requirement to invest in forestry education and training. A number of respondents commented that, as an industry, forestry was struggling to attract younger entrants (Ind, O, Pr, Pu). Concerns were also expressed about further and higher education opportunities. For example, it was reported that Aberdeen University has recently withdrawn two forestry degree courses (Ac).

Specific suggestions for enhancing education and training opportunities included that apprenticeships and national vocational level courses should be available (Ind, O, Pr, Th) and that academic institutions should be encouraged to offer forestry courses (Pr, Pu).

### **Other specialist staff**

While recognising the importance of trained foresters, several respondents noted the new bodies would also need staff with other specialist qualifications and skills particularly in the event of the eventual extension of the role of FLS (Ac, Ind, O, Th).

Other respondents noted that there are many staff in the existing bodies with skills other than forestry and that these must also be maintained (Pr, Th).

### **A future land agency for Scotland**

**Question 4: What do you think a future land agency for Scotland could and should manage and how might that best be achieved?**

The consultation paper proposes that the initial focus of the new forest and land management agency would be on the development and management of the NFE. Once this body was established, the Scottish Government would consider how best to extend its remit to maximise the benefits of publicly owned land to the nation.

A total of 335 respondents answered Question 4. Around 30 of these answers were very brief, sometimes repeating points made at earlier questions about leaving

matters in the hands of the Forestry Commission. A small number of respondents commented that further detail on the proposals for a land agency would have been helpful, or was required, in order to answer the question posed (Ind, Pu, Th).

A number of respondents commented on the name of any future land agency. A small number of respondents understood the wording of the question to suggest an intention to omit the word 'forestry' from the title of this future agency, and expressed concern that an emphasis on forestry might also be lost. In contrast, other respondents clearly assumed the future agency being discussed to be called Forestry and Land Scotland, referring to it as such in their comments. Some respondents expressed disappointment that this name had been chosen to replace FCS/FES, while others suggested alternative names for a proposed agency including the 'Land Service for Scotland' and the 'Agency for Sustainable Land Use' (Ac, Ind, O, Pr, Th).

When considering what an agency could and should manage, the majority of respondents answered the question in terms of the categories of land that might be brought under the management of a proposed land agency, although some commented on specific subject areas.

### **Categories of land**

In line with the proposal, the **NFE** was the most frequently suggested type of land, followed by **Crown Estate land** (Ind, O, Pr, Pu, Th) and **SNH land, including National Nature Reserves** (Ind, O, Pr, Pu, Th). Other less-frequently made suggestions were: Crofting estates land (Ind, O, Pr, Pu, Th); Local Authority land (Ind, Pr); Ministry of Defence land (Ind, O); Historic Scotland sites (Ind, O); Scottish Government agricultural estates (Ind, O, Th); and NHS land (O).

Further comments on the future of **the NFE** as part of a land agency included that the focus on delivery of timber and environmental and social benefits across the NFE should not be lost (Th), and that any responsibilities for managing non-forest land should not detract from its management of forest land (Ind, O). It was suggested that any significant departures from that policy should be accompanied by a clear rationale (Pu).

Other suggestions included that:

- There should be more management input from forestry professionals from the commercial sector (O).
- Any new agency must have responsibility for making best use of all land within the NFE management area and that this could provide opportunities for local communities or farmers to use non-forested areas (Pu).
- The NFE should be managed to maximise the public benefit, particularly in terms of economic development (Pu, Th). This could include more emphasis on developing productive forestry on a smaller scale (Th).

In addition, a small number of respondents queried how the business activity of wood production would be handled on transfer of the management of the NFE from FES to a new executive agency (O, Pr).

Although the central concern of many respondents was on maintaining a focus on forestry, those commenting on the possible future management of **National Nature Reserves (NNRs)** by a land agency had rather different concerns. Issues raised included that there should be a systemic recognition of the distinctive approaches required to achieve the different objectives of each group of landholdings (Th). It was also suggested that the agency should be a land management body, not a timber producing one, and be subject to existing duties such as the Biodiversity Duty and the Climate Change Duty (Th).

It was suggested the crofting rights of crofting communities on **publicly-owned crofting estates** are statutorily established but that a pro-active agency could be beneficial. However, it was also suggested that consideration could be given to creating other forms of land tenure and use on land in public ownership. It was noted that the Crofting Reform (Scotland) Act 2007 provides the opportunity to create new crofts and it was suggested that this policy objective could be more readily realised by an agency with a wider land use and management remit (Pu).

It was suggested that the transfer of **Council-owned** or locally-held assets into a centralised land management unit would seem to be ill advised, and at odds with Community Empowerment Policies. It was also suggested that the proposed legislation may grant Ministers this option without this issue being fully considered, and without full and informed consultation with Councils and communities (O).

A small number of respondents commented on **brownfield land**, although the positions taken diverged. One view was that a future land agency should focus on ensuring brownfield development opportunities are utilised (Ind). Another was that the costs and risks associated with such land are significant and transferring large areas of brownfield land to a new agency could be problematic (Ind).

## **Remit**

A number of respondents made suggestions for different sectors that a land agency might co-ordinate or manage (Ind, O, Pu, Th). The focus of many of the comments was on timber production, while other respondents suggested: recreation; deer management; climate change mitigation; climate monitoring and research; flood mitigation/prevention; riparian systems; biodiversity and conservation programmes; 'rewilding' of upland areas; reintroduction of keystone species; upland sporting land use; stalking schemes and sporting leases; management of certain pest species; historic environment; very small scale woodland operations; community woodland in and around towns; food forests; purchasing land parcels to split up into lease opportunities for start-up farmers; and tourism event development.

## **Principles for a new agency**

A number of respondents suggested the principles on which a land use agency should operate, what they thought the main aims should be, or advantages they could foresee. These included that publicly-owned land should be managed in the public interest and for the common good (Th). Specifically, it was suggested that while recognising that commercial forestry is important to the rural economy, the impact on other crucial ecosystem services needs to be minimised (Th).

On a similar theme, a number of respondents commented that the agency should provide leadership and a clear commitment to integrated land management across the publicly-owned estate. It was suggested that this should involve the development and demonstration of best practice in land management across all types of land use (Ind, O, Th). It was also suggested that public land represents the best opportunity for integrated management, which demonstrates best practice in the delivery of multiple benefits such as ecosystem services, biodiversity and social factors such as recreation (Th).

Other comments about how a land agency should operate included that it could address different policy areas, such as the Land Use Strategy and land reform measures, in a coherent way (Th), should provide greater opportunity for flexible land use (Pr), and should have a role in supporting sustainable local development (Pu).

It was also suggested that the agency should encourage and facilitate co-operation between the public and private sectors (O) and that there needs to be parity with the private sector in terms of support and regulatory burdens (O).

## Chapter 2: Effective cross-border arrangements

Chapter 2 of the consultation paper lists the various functions that currently operate on a cross-border basis, namely: Forest science and research; Tree health; the UK Forestry Standard; the Woodland Carbon Code; Inventory / forecasting / operational support; Economics; Statistics; and International forestry policy. It goes on to set out what the Scottish Government considers to be three particular priorities for continuing collaboration and co-operation:

1. Forestry science and research.
2. Tree health.
3. Common codes, such as the UK Forestry Standard and the Woodland Carbon Code.

The consultation includes three related questions on what the priorities should be and how they should be achieved.

### Priorities for cross-border co-operation

**Question 5: Do you agree with the priorities for cross-border co-operation set out above, i.e. forestry research and science, plant health and common codes such as UK Forestry Standard? Y/N**

Around 11 in 20 respondents agreed with the proposed priorities, while around 2 in 20 disagreed, and around 8 in 20 did not answer the question<sup>10</sup>. There was a slight difference in the balance of opinion between individual respondents (of whom around 10 in 20 agreed, around 2 in 20 disagreed, and around 8 in 20 did not answer) and organisational respondents (of whom around 13 in 20 agreed, around 3 in 20 disagreed and around 5 in 20 did not answer)<sup>11</sup>. Further details of responses to Question 5 by respondent type are given in Annex 2.

**Question 6: If no to Question 5, what alternative priorities would you prefer? Why?**

A total of 118 respondents made a comment at Question 6. Of these, only 55 respondents had answered No at Question 5, while 56 respondents had said Yes and a further 7 respondents had not answered the Yes/No question.

Among those who had answered No to Question 5 and went on to make a comment about alternative priorities, respondents most frequently:

<sup>10</sup> Please note that the total number out of 20 does not sum to 20 due to rounding.

<sup>11</sup> *ibid.*

- Disagreed with one or more of the three proposed priorities for future cross-border co-operation identified by the Scottish Government at Question 5. These comments tended to focus on aspects of common codes.
- Highlighted other subjects on the longer list that are currently topics for cross-border co-operation that should be added to the future priorities.
- Proposed new subjects for cross-border co-operation.
- Referred specifically to the future of the Forest Research agency.

Where comments focused on the alternative priorities, those made by respondents who had agreed at Question 5 tended to be very similar to those made by respondents who had disagreed. The remaining analysis of comments made at Question 6 is structured thematically, rather than according to the answer given at Question 5.

### **Forestry science and research**

Respondents most-frequently noted agreement that forestry science and research should be a priority. Comments often focused on delivery aspects, and on the future of the Forest Research agency (Ind, O). However, it was also suggested that, while close collaboration should continue, forest science and research should be devolved to Scotland (Ac). Reasons given in support were that Scotland's research requirements are different and forestry is much more important to the Scottish economy.

### **Tree health**

It was almost universally agreed by those who commented that tree health is an ongoing priority. Specific suggestions made included that:

- For practical purposes, issuing and managing plant health notices would be best done by the body responsible for forestry within each country (Ind).
- The legal basis for plant health operations operating on a UK-wide basis and different legal jurisdictions, needs to be clarified. This is particularly important since decisions sometimes need to be taken and implemented quickly (O).

### **Common codes**

Many of those commenting also agreed that common codes should be a priority for cross-border co-operation, with a small number of respondents making specific comments on the benefit of such codes. These included that:

- Since the Scottish forestry sector sells timber into a UK marketplace, it is essential that there is a credible basis to independent forest certification which the UK Forestry Standard (UKFS) supports (Pr).
- Forest certification is an international process and customers will not accept regional differences in codes or certification standards (Pr).
- The UK Woodland Assurance Standard and the UKFS should be 'fused' and the Scottish Government would be well placed to take the lead on this (Ind).

A smaller number of respondents disagreed or raised queries; these respondents often made specific reference to the UKFS, sometimes suggesting that a Scottish Standard is, or may eventually be, more appropriate (Ac, Ind, O, Pu, Th).

### **Other priorities suggested**

While a small number of respondents indicated their view that the complete list of 8 cross-border functions presented in the consultation document should be treated as priorities (Ind, O), others outlined certain functions which they felt should be prioritised.

**Inventory/forecasting** was the most frequently-made suggestion for cross-border co-operation (Ind, O, Pr, Pu, Th). Reasons included that this data is important for informing investment decisions and giving confidence to investors (Ind, O, Pr).

Several respondents also noted that, following a 2015 review, various functions, including Inventory Forecasting and Operational Support had been transferred to the present Forest Research agency (Ind, O). The future of Forest Research was raised frequently at Question 6 by respondents who considered its preservation to be a priority for cross-border co-operation. This is considered further at Question 7.

**International policy** was widely suggested as an additional priority for cross-border co-operation (Ind, O, Pr, Pu, Th). However, it was noted that where the UK is a signatory to international conventions and has only a single vote, a mechanism to secure agreement will need to be put in place, unless the Scottish Government is content to defer to the UK Department for Environment, Food and Rural Affairs (Defra) on such matters (Th).

A small number of respondents pointed to problems they saw with the existing arrangements (Ind, O). These included that the UK is often under-represented in international forest policy meetings or is 'punching below its weight'. It was argued that there is a need for Scotland to have a stronger voice in relation to UK activity on international forest policy.

### **New subjects for cross-border co-operation**

A small number of respondents suggested additional topics they felt should be added to the current list of priorities for cross-border co-operation set out in the consultation paper. These included:

- Health and Safety, with forest health and safety sometimes mentioned in combination with other technical standards. It was suggested that it would be easy to achieve continued engagement with the Forestry Industry Safety Accord (FISA) (Pr) and that the new Division and Agency should continue to be members of FISA (Pu).
- Education and/or training, although further comments were very limited (Ind, Pr, Th).

Other suggestions made at Question 6, but raised by only one or a very small number of respondents included: transport and marketing; biodiversity; conservation; community management of forestry; peatland restoration; control of invasive/non-native species; wildlife protection/wildlife crime co-operation; and sustainable development.

## **Delivery of cross-border arrangements**

**Question 7: Do you have views on the means by which cross-border arrangements might be delivered effectively to reflect Scottish needs? E.g. Memorandum of Understanding between countries? Scotland taking the lead on certain arrangements?**

A total of 227 respondents made a comment at Question 7. The most frequently-made points, reflecting the suggestions in the consultation paper, concerned whether Scotland should lead on certain arrangements and whether use of a Memorandum of Understanding (MoU) could be appropriate. Other frequently-made points focused on:

- A single cross-border body;
- Retention of the existing Forest Research agency;
- Various options for establishment of committees, forums or other bodies targeted on specific issues;
- The importance of funding; and
- The importance of considering other international relationships.

In addition, a number of respondents indicated they believed the best way to ensure the desired outcomes would be to leave all responsibilities in the hands of the Forestry Commission.

### **Scotland taking the lead on certain arrangements**

Almost all those who commented on the suggestion that Scotland should take a lead on certain arrangements agreed that this was appropriate, with a range of suitable subject areas proposed. Specific comments included:

- The Scottish Government should seek to take a UK lead or propose rotational country leads on international policy, UKFS, inventory, economics and statistics (Ind, O, Pr).
- The Scottish Government should consider forming a Joint Forestry Committee for Great Britain, based in Scotland, which provides services to the other UK nations (Ind).
- Research should be carried out on a UK basis and, given that Scotland has the largest woodland cover, it would make sense for Scotland to take the lead role (Ind).

## Memorandum of Understanding

Of the many respondents who referred to a MoU, most simply agreed it would be a good idea, sensible, and should be used. Only a small number of respondents expressed concerns, primarily that a MoU might be ignored and that a treaty or statute would be more appropriate (Ind).

Relatively few respondents who explicitly approved the use of MoUs gave further detail. However, there was a reference to an existing MoU between a Scottish Research Institute and Forest Research which formalises collaboration on certain key topics (Ac). Some respondents also suggested that cross-border functions would best be delivered through a Forest Research agency that operates on a cross-border basis, using MoUs with the different countries to set out arrangements (O). Other respondents also associated the use of MoUs with a cross-border body, and particularly with a cross-border research agency (Ac, Ind, O, Pr, Th).

It was suggested that the work achieved by the research branch of the Northern Ireland Forest Service provides a positive model for how a MoU can be used to set an agreed framework between borders (Pr).

### A single body to deliver cross-border functions

As already noted above, a number of respondents were in favour of a single body to deliver cross-border functions. Many appeared to have been thinking primarily of the research function when making their comments. This body was variously described as a:

- Single body to deliver cross-border functions (Ind, O).
- Separate, jointly-owned, cross-border partnership (Ind).
- Single organisation responsible for forest research, which could be the current Forest Research (Ac, Ind, O, Th).

In terms of the advantages which would come from following the single-body approach, suggestions included that any other approach would be inefficient, would result in duplication of effort and require new co-ordination arrangements to be set up (O).

Suggested models for consideration included:

- Variants on the Joint Nature Conservation Committee structure, although it was suggested that it is unclear how effective this structure has been in achieving the desired co-operation and collaboration (Ind, O, Th).
- Scion in New Zealand<sup>12</sup> (O).
- The work of the Northern Ireland Forest Service (Pr).

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<sup>12</sup> Scion is a Crown Research Institute that specialises in research, science and technology development for the forestry, wood production and wood-derived materials and other biomaterial sectors.

## **Future of Forest Research**

A number of respondents commented specifically on the Forest Research agency at Question 7. As noted previously, this subject was also raised at Question 6, and several respondents cross-referenced their answers at Questions 6 and 7. To avoid duplication, comments at both questions are considered together here.

A number of respondents suggested that Forest Research should be retained, either in its existing form or as the core of any new body (Ac, Ind, O, Pu, Th).

Reasons given included that:

- Forest Research has a proven track record of delivering excellent research, has an international reputation for quality and a tradition of applied research to meet the needs of practitioners (Ind, O).
- Effective research in this field requires a strong interdisciplinary team and this would not be viable in a smaller organisation (O).
- Forest Research has two bases which provide a balanced mix of upland and lowland research, thus benefiting all parts of the UK (Ind).

Although there was broad support for keeping Forest Research largely in its existing form, a small number of respondents suggested its status should be changed, for example to a company limited by guarantee with the private/non-governmental sector having a share alongside the four countries of the UK (Ind, O, Pr).

## **Funding**

Irrespective of the type of organisation(s) they proposed, a number of respondents noted issues around funding (Ind, O, Pr, Pu). Comments included:

- That the Scottish Government will need to reach an effective and sustainable arrangement that ensures each country contributes proportional funding (Pr).
- Both Governments and private sector contributors will need assurance that their resources are being invested in projects which meet their needs (Ind, Pr).
- That (as already discussed above) changing the status of Forest Research to give the private and third sector more influence could increase funding from these sources (Ind, O, Pr).

## **International considerations**

In their comments at Question 7, respondents often made similar points to those already reported at Question 6 concerning the importance of Scotland being properly represented at international level. Additional comments included:

- Cross-border should mean more than UK borders; it should encompass arrangements across Europe, including non-EU countries such as Norway (Ind).
- The potential effects of Brexit are important for Scottish forestry since UK trade negotiations will affect forest product markets (O, Pr).

## Chapter 3: Legislation and regulation

In Chapter 3 the consultation paper explains that the Scottish Government intends to introduce primary legislation in the Scottish Parliament and make appropriate administrative arrangements to complete the devolution of forestry. This will include repealing the Forestry Act 1967 (and related forestry enactments) and replacing it with a new and updated statutory framework for the regulation of forestry in Scotland. Under section 1 of the Forestry Act 1967, the Forestry Commissioners are charged with a general duty of promoting:

- the interests of forestry;
- the development of afforestation;
- the production and supply of timber and other forest products;
- the establishment and maintenance of adequate reserves of growing trees; and
- using land in Scotland placed at their disposal by the Scottish Ministers in the way best calculated to contribute to the delivery of the targets set out in or under Part 1 of the Climate Change (Scotland) Act 2009.

The Scottish Government proposed to include in the new legislation a similar duty for the Scottish Ministers to promote forestry.

### A duty placed on Ministers

**Question 8: Should the Scottish Ministers be placed under a duty to promote forestry? Y/N**

Around 11 in 20 respondents agreed with the proposal to place the Scottish Ministers under a duty to promote forestry, while around 2 in 20 disagreed, and around 7 in 20 did not answer the question. There was some difference in the balance of opinion between individual respondents (of whom 10 in 20 agreed, 2 in 10 disagreed, and 8 in 20 did not answer) and organisational respondents (of whom 14 in 20 agreed, 1 in 20 disagreed, and 4 in 20 did not answer<sup>13</sup>). Further details of responses to Question 8 by respondent type may be found in Annex 2.

**Question 9: What specifically should be included in such a general duty?**

In total, 324 respondents answered Question 9. Of these, 39 were respondents who had answered No at Question 8, and 8 were respondents who had not answered the question.

<sup>13</sup> Please note that the total number out of 20 does not sum to 20 due to rounding.

A small number of respondents listed specific elements to be included in a public duty (Ind, O, Th) with very similar wording often used. Suggested duties included:

- To **support the management of the forest land of Scotland**, including expansion, in line with the key principles of sustainable forest management outlined in the UKFS and as determined from time to time by the Scottish Forestry Strategy (SFS).
- To help **manage the NFE as an exemplar of sustainable forest management**, giving due weight to each of the social, environmental and economic imperatives, and delivering benefits as defined from time to time by the SFS.
- To help **protect the forest** from catastrophic damage such as disease, fire, deforestation and unsustainable practices/inappropriate management.
- To **optimise the benefits derived from forestry** for the benefit of the people of Scotland and beyond.
- To ensure forestry activity is undertaken in such a way as to **support other Scottish Government objectives** (including conservation, landscape and amenity, economic development, climate change, health and well-being).
- To **foster a partnership approach** between public, community and private stakeholders (including Non Governmental Organisations).
- To **support the forestry sector** and associated interests through the provision of advice, research, sound governance and, where appropriate, financial incentives to help deliver the SFS.
- To **promote forestry education** and the highest professional standards of forestry management.
- To **develop afforestation** with specific targets e.g. based on the Woodland Expansion Advisory Group's recommendations and the establishment and maintenance of adequate reserves of growing trees.
- To **establish and maintain adequate reserves of growing trees**; and using land in Scotland in the way best calculated to contribute to the delivery of the targets set out in or under Part 1 of the Climate Change (Scotland) Act 2009.

Many respondents noted their broad support for the transfer of **the duties currently held under section 1 of the Forestry Act 1967** (Ind, O, Pr, Pu, Th). In particular, the text concerning achieving a reasonable balance between the development of afforestation, the management of forests and the production and supply of timber, and the conservation and enhancement of natural beauty and the conservation of flora, fauna and geological or physiographical features of special interest was noted (Ind, Pr).

Some respondents also noted additions or modifications they thought appropriate. For example:

- The production and supply of timber and other forest products should be caveated with the requirement that this is achieved at commercial rates, perhaps supported by a target rate of return (Th).
- The general duty could also be to promote the expansion and management of native woodland cover in Scotland (Pu).
- The list should be expanded to include: interests of sustainable land use (not just interests of forestry) and the adoption of the principles of the Land Use Strategy; interests in recreation and social health and wellbeing; nature conservation (both woodland and non-woodland interests); water quality and regulation; interests in communities; ownership and engagement (Th).
- There should be duties to ensure that land is utilised sustainably and productively for the benefit and in the interests of the public (Pu).

The importance of **sustainable forest management (SFM)** was a key theme of many responses (Ind, O, Th). Suggestions made included that:

- The current range of duties should be updated to include the contribution forestry can make to sustainable development – economic, environmental and social (O, Th).
- There should be a duty on ministers to promote sustainable forests and woodlands, and an associated thriving timber industry, and to seek a constant improvement in the quality and diversity of Scotland's forests and the timber they produce, including by working closely with local communities (Th).
- The promotion of forestry should be in the context of all land uses, and with the ecosystem services with which it interacts (Ac).
- Wording similar to that of the Norwegian Forestry Act might be included in the new legislation (Ind, O Pr, Th).

A number of respondents made specific reference to the **Land Use Strategy** (Ind, O, Pu, Th). In particular, it was argued that a simple duty to promote forestry is not sufficient and that Scottish Ministers should have a duty to promote forestry that meets the aims of communities, the environment and the economy (Pu). It was also suggested that promotion of the forestry industry should be linked directly to the 10 principles of the Land Use Strategy and that objectives of the Land Use Strategy should also feature strongly in the duties.

A small number of other respondents pointed to the importance of forestry education, including associating this particularly with a suggestion that the Scottish Ministers should take a role in promoting the benefits of forestry, raising the public profile of the industry and supporting forestry-related further education (Ind, O, Th).

Other subjects suggested for inclusion in duties to promote forestry included: promoting forest research activities; promoting urban forestry; creating woodland on farms and estates; and promoting the non-timber benefits of forestry, including leisure and recreational activities (Ind, Pu).

A small number of respondents noted their view that expansion of the commercial forest area must be the primary duty of ministers. It was argued that well managed commercial forests also provide a wide range of environmental and social benefits without compromising the economic imperative, and the primary duty and purpose of Scottish Ministers with regard to forestry should be the production of timber (Ac, Ind). It was also suggested that the duty should include a commitment to promote the use of home grown timber (Pu).

### **Comments by those disagreeing with there being a public duty**

Among those who had said No or did not answer Question 8, comments made at Question 9 were often brief, but included:

- That any duty to promote forestry should rest with the organisation charged with managing forestry rather than with the Scottish Ministers (Ind, O).
- That exactly what is meant by ‘forestry’ needs to be defined (Ind, Th).

Otherwise, many of the comments focused on what should be included within any duty and very much reflected the range of issues raised by those respondents who had agreed at Question 8.

### **Principles for a new legislative framework**

**Question 10: Recognising the need to balance economic, environmental and social benefits of forestry, what are your views of the principles set out above?**

In total, 296 respondents answered Question 10. Respondents made both general points about the proposals in Chapter 3 and also specific remarks about the five principles set out in the consultation paper. General comments included that:

- There could be an opportunity to identify how forestry, and its governance, can contribute to the Rural Land Use Partnerships envisaged in the Land Use Strategy 2016-21 (Ac).
- Reference should also be made to the United Nations Forest Instrument, adopted by the UN General Assembly in 2007 (Ind).
- The principles should recognise that there needs to be co-operation between forestry and other land uses (O).
- Tourism and recreation should be incorporated (Pr).
- There should be provision for community engagement, encouraging local land tenure, creating local employment and rural development (Ind, Th).
- Sporting/recreational activity should be given a greater level of importance when weighing up the benefits of forestry (Th).
- Overall levels of regulation and enforcement should be considered. A lighter touch where appropriate would help reduce unnecessary financial burdens and help support the achievement of the desired targets (Pr).

With regard to achieving the balance between the economic, environmental and social benefits of forestry referenced in Question 10, respondents making specific comments tended to the view that the balance should be moved in one direction or the other. For example, several respondents suggested more attention should be paid to social and environmental considerations (O, Th). However, other respondents suggested that the importance of the economic element has sometimes been overlooked (Pr) and that a commitment to enhancing productive woodlands through restocking and forest creation will provide the wealth necessary to support the environmental and social benefits (Pr).

### **Duty of ministers to promote forestry**

Other than to note approval, few respondents made specific reference to the duty to promote forestry. This might reflect the fact that the proposed duty was the subject of Question 9.

### **Commitment to maintain international standards of good forestry, termed sustainable forest management**

Respondents who mentioned this principle specifically tended to offer their support. For example, it was suggested that SFM focuses on the sustained delivery of economic, social and environmental benefits and that it is essential that the NFE continues to be managed in accordance with internationally recognised standards of SFM (Pr). Other points made included that there should be a further commitment to offer access to forest and forest land for activities including shooting, grazing and equine-related recreational use (O).

### **Reasonable balance**

The consultation paper notes that the Scottish Government is minded to retain the obligation in section 1(3A) of the Forestry Act 1967 to achieve a reasonable balance between the development of afforestation, the management of forests, the production and supply of timber and the delivery of climate change targets and the conservation and enhancement of natural beauty and the conservation of flora, fauna and geological or physiographical features of special interest.

When specifically referenced, there tended to be support for inclusion of the principle of reasonable balance (O, Pr, Pu). However, it was suggested that it is not appropriate to simply 'copy and paste' the obligation under section 1(3A) and that a new set of principles should put greater emphasis on achieving healthy forest ecosystems and the goods and services that could be derived from them (Th).

Other points made on the reasonable balance principle included:

- The term needs to be defined, measured and monitored (O, Pr). The definition could reflect the content of a statement from a Ministerial Conference on the Protection of Forests in Europe in 1993 (Th).

- There should be an obligation to extend and enhance the health and wellbeing benefits that forests can offer to a greater proportion of the population (Ac).
- A specific focus is required on creating and maintaining forests as set out in the UKFS and as envisaged in the national and regional forestry strategies (Pu).
- The principles of management, timber supply, carbon sequestration, and conservation should be expanded to cover more of the wider benefits of woodlands, such as substituting timber in place of more carbon-intensive building materials (Ind).
- The features of ‘special interest’ cannot be restricted to National Parks. The new forestry organisation will have a duty to further the conservation of biodiversity, as defined in the Nature Conservation (Scotland) Act 2004, and such sites should be part of that duty (Pu).

### **Felling and restocking**

A small number of respondents commented on **felling**. These were generally supportive but included that:

- Felling should be carried out according to an agreed international standard and not one defined by government (Ind).
- There is currently a lack of clarity over responsibility for approving tree felling carried out as part of a development that requires local authority planning permission (Ind, O).
- Obligations in relation to felling and re-stocking should focus on the UKFS (Pu).

Comments on **restocking** were more frequent and included the following:

- There should be a presumption against deforestation and this should apply particularly to the NFE (O, Pr).
- Compensatory planting should be required when development involves woodland removal (Pr, Pu).
- There should be a requirement to replant commercial species where commercial species have been removed (Pr).
- An effective grant scheme should be available to encourage woodland owners to follow best practice when re-establishing felled areas (Pu).
- There are concerns regarding management and restocking of trees where this occurs adjacent to the operational railway. Any restocking should be carried out at a sufficiently safe distance from the railway (Pr).
- The systems currently in place to approve and monitor the status of Forest Management Units are an unnecessary burden to both Woodland Officers and Land Owners, and consideration should be given to providing oversight in a more efficient fashion (Pr).

Although comments on restocking tended to focus on its positives, a small number of respondents raised notes of caution, including that:

- Restocking should be based on a good scientific understanding of the potential short and long term impacts on the full range of ecosystem services (Th).
- Any restocking obligation might contradict the Land Use Strategy and the aim to introduce more flexibility in the management of NFE land (Pu).
- There are situations where the public good would be better served by alternatives, such as the restoration of peatland habitats for carbon sequestration (Th).

### **Flexibility to use NFE land for a variety of purposes in line with Ministerial objectives.**

The consultation paper notes that the Scottish Government proposes to remove the current restriction in the Forestry Act 1967, that all activities on NFE land must be tree-related, in order to give this flexibility. This was the principle most likely to attract comment at Question 10.

Respondents from all respondent groups agreed with the proposal. Comments in support of the proposal included:

- Using NFE land for a variety of purposes, such as outdoor recreation and commerce, should be incorporated within the legislation (Pu, Th) and that this may strengthen the case for infrastructure improvement (O).
- Work in this area should be informed by the outcomes and objectives of the SFS as they relate to the historic environment (Pu).

However, other respondents expressed some caution in relation to the proposal, raising queries about how the proposed flexibility would align with other duties and targets, how net loss of capacity would be avoided, and how accountability and transparency would be assured (O, Pr, Pu). Other issues identified as requiring consideration included the management of wild lands (Th) and whether using land for other purposes may impinge on SFM (Pr), the delivery of climate change targets (Pr) or productive capacity (O, Pr). It was suggested that:

- There should be a duty on Ministers to prevent the disposal or sale of the NFE (Th).
- When productive forests are sold, the purchaser should be required to manage those forests to produce future supplies of wood (O, Pr).
- If NFE land is put to a different use, other ground should be planted to maintain the area of stocked forest land (Pr).
- Ministerial objectives should be informed by the forestry sector and other stakeholder organisations (Ind, Pr).
- To provide the necessary checks and balances, there should be non-forestry stakeholders represented on the new Forestry and Land Scotland body (O).

## Chapter 4: Assessing impact

The consultation paper notes that this consultation marks the start of processes to assess the equalities, business and regulatory, privacy and environmental impact of the plans. Respondents were asked to comment on each of these four issues in turn.

### Equality

**Question 11: Are there any likely impacts the proposals contained in this consultation may have on particular groups of people, with reference to the 'protected characteristics' listed above? Please be as specific as possible.**

The protected characteristics referred to in Question 11 are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex and sexual orientation.

Although 229 respondents answered Question 11, the substantial majority of the answers did not provide further material for analysis, for example because the respondent simply stated 'No' or 'Nothing I can think of'. Only 20 respondents made a substantive comment, and many of these were brief. They included noting that the Scottish Government's policy on equality and diversity is either admirable or acceptable and that bringing FCS and FES under that policy is to be welcomed (Ind, O). However, it was also suggested that FCS and/or FES has a good reputation or is already doing good work in terms of inclusivity (Ind) but that this might be compromised by the changes (Ind).

In terms of areas which should be priorities for future action and/or challenges which need to be addressed, many of the comments focused on increasing employment opportunities and employability. Groups highlighted included:

- **Women** (Ind, Pu, Pr). Some commented that the forestry sector is traditionally male-dominated and it was suggested that the proposals present an opportunity to strengthen existing initiatives which aim to increase hands-on forestry training for young women (Pu). It was suggested that facilitating women's equal participation in all areas of forestry will provide opportunities to foster higher skills and wages opportunities associated with STEM (Science, Technology, Engineering and Mathematics) programmes (Ind).
- **Young people** (Pu, Th). It was suggested that there should be systematic engagement with young people in relation to training and employability (Th). It was noted that a gender-balanced approach to apprenticeship and graduate level employment would increase entry of young people into the sector (Pu).
- **People from the Black and Minority Ethnic community**. It was suggested that communities risk being marginalized due to social, cultural and economic barriers and that work should be done to open up routes into employment in the sector (Th).

- **People living in populations experiencing multiple deprivation.** It was suggested that there should be investment in local forest management to increase employment and training opportunities and promote entrepreneurial development (Th).

Other comments tended to focus on community engagement and/or increasing access to the forest estate (Ind, Th). They included that it will be important to maintain and promote access for all visitors, with particular groups identified including people with a physical disability, people with physical or mental health problems, older people and pregnant women.

## **Business and regulation**

**Question 12: Do you think that the proposals contained in this consultation are likely to increase or reduce the costs and burdens placed on any sector? Please be as specific as possible.**

A total of 223 respondents answered Question 12. Many of these respondents caveated their answers heavily, or commented on only a restricted element of the proposals, while others made comments on matters beyond the proposals in the consultation paper. It is therefore difficult to draw general conclusions on any balance of opinion beyond the following points:

- The majority of those who took a clear view indicated that they thought the proposals would increase costs and burdens;
- Approximately half as many thought there would not be an increase, or said they could not think of any reasons there would be;
- Some of the respondents who did think costs and burdens would increase thought this was justified in view of the potential benefits;
- Some respondents identified parts of the proposal where they expected costs to increase and areas where they thought savings might be made;
- Some respondents answered on the basis of what they expected in the short term, but stated that the future outcomes depended on how changes were implemented;
- Some respondents indicated that there was insufficient detail in the consultation paper to make an informed judgement;
- Some respondents said they did not know.

Given this ambiguity, the points outlined below are divided simply according to whether they were cited as reasons for thinking costs or burdens would be increased or reduced.

### **Reasons identified for thinking costs and burdens might/will increase**

Many of the comments focused on increased bureaucracy leading to increased costs. In particular, it was suggested that there are likely to be increased costs,

including to the forestry industry and the public purse, if current UK functions are duplicated in Scotland or if other cross-border arrangements are put in place (Ind, Pr, Th).

It was also suggested that there would be additional costs associated with a new land management agency and that, if the proposed agency is required to take on large amounts of land that is poor quality, costly and resource-intensive to manage, then the agency will be more costly to run (Ind).

There were also concerns that poor delivery of any new division/agency functions could lead to adverse outcomes for other public and private sector organisations, the forestry industry more widely and/or the Scottish Government. Specific comments included that loss of expertise could slow down the management and monitoring of the Forestry Grants process (Th). It was also suggested that the recent experience of the Welsh Government and Natural Resources Wales demonstrates that the risks of considerably increased costs, fragmentation of skills, and dilution of forestry-specific strategy are very real (Ind).

Other comments focused on the costs of re-branding, given the strength of the Forestry Commission brand and range of branded materials, such as stationery, websites, vehicles, signage, publications and corporate clothing (Ind, Pr).

Other costs or burdens identified included:

- Cost to private contractors. It was suggested that costs and administrative burdens will increase due to the inevitable desire by the Scottish Government to improve environmental, health and safety and other forestry standards (O).
- Impact on local government. Depending on the area-based structures adopted, there may be an increased burden on local government (Ind).
- Cost to public health. Schemes such as 'Woods In and Around Town' offer benefits to public authorities and local communities. If such commitments do not continue, the costs or burdens placed on other sectors would increase proportionately (Ac).
- Potential for third sector burden in terms of limited resources for grant funding and income generation through Scotland's forestry assets (Th).
- Indirect infrastructure costs. It was suggested that the proposals should recognise that 'promoting forestry' will create requirements for transport infrastructure and that the Scottish Government must ensure mechanisms and resources are in place for the modernisation of freight transport infrastructure (O).

## Reasons given for thinking costs and burdens will not increase

Reasons given to suggest costs or burdens may not increase included:

- Management and regulation will be simpler (Ac). Restructuring of the NFE and introducing a lighter regulatory system offer opportunities to reduce the costs and burdens. This should be an objective of the restructuring (Ind).
- After the initial costs involved in setting up the new organisation, more revenue should be available to Scotland from forestry management (O).
- Streamlining planting proposals and planting on more accessible land will allow the forest industry to reduce costs and increase competitiveness (Pr).

## Privacy

**Question 13: Are there any likely impacts that the proposals contained in this consultation may have upon the privacy of individuals? Please be as specific as possible.**

As at Question 11, only a small number of respondents made substantive comments at Question 13. Although 203 respondents answered the question, only around 50 respondents made a comment which informs the analysis<sup>14</sup> and some of these were simply to note that privacy is important, or that it is important to be sensitive to the rights of individuals, be they landowners, resident in or near the forest estate, or visitors to the forest.

A small number of respondents suggested that landowners, and particularly estate owners, may be the group most likely to be affected by, or to feel that their privacy is being compromised by, the proposed changes (Ind, Th).

Other comments tended to focus on information and data-related challenges, such as:

- Providing all transfers of personal information and equipment to any new organisations are handled properly, the proposed changes should not impact on privacy. This transfer of potentially sensitive data was sometimes connected with information held on existing staff of FCS (Ind, O).
- Access to a public register for consulting on tree planting or felling, along with transparency about grant payments, could potentially have an impact on the privacy of those involved (Ind, O).

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<sup>14</sup> The substantial majority of the answers did not provide further material for analysis, for example because the respondent made a statement such as 'Nothing I can think of' or 'Not that I am aware of'.

## Environmental

**Question 14: Are there any likely impacts the proposals contained in this consultation may have upon the environment? Please be as specific as possible.**

A total of 248 made a comment at Question 14. Of those which directly addressed the question, comments tended to focus on those factors which might have an impact on the environment, be that either positive or negative. However, it was suggested that, without detail on how a new land agency would balance a remit to deliver specific economic, environmental and social outcomes, it is difficult to answer this question fully (Th). Many other respondents were of the view that the outcome will depend on the manner of implementation.

Two general points made were that:

- Since the NFE and other woods and forests cover 20% of Scotland's land area, the potential impact of changes in forestry activities could be significant, and these should be assessed through the Strategic Environmental Assessment (SEA) process (Ind, O, Pu, Th).
- Key evidence must be collected and be used to guide policy decisions. This requires commitment to collecting appropriate data to inform decision making, and then monitoring the effects of any changes (Ac).

### **Possible environmental benefits**

Respondents who expected neutral or broadly positive environmental outcomes, often pointed to the importance of the better integration of policy and the management principles that should be employed on NFE land.

A small number of respondents made statements concerning **the nature of the forest management regime** required for positive environmental impacts to be delivered. These included that:

- Commercial forestry, the environment and recreation are not mutually exclusive. Sustainable forestry principles and active management can ensure that multiple objectives are delivered from the same forest (Pu).
- Active management of the forest estate in line with the suggestions contained in this consultation will maintain an appropriate balance (Ind, Pu).
- An environmentally more inclusive and holistic approach to land management as proposed is likely to have balanced, long-term beneficial impacts on the environment (Pu).

A small number of respondents noted the potential for **better policy integration** with other land uses to deliver a wide range of improved environmental outcomes such as meeting climate change targets, flood mitigation and improving biodiversity (Ac, Ind, Pu).

## Possible environmental risks

Respondents were, however, more likely to highlight subjects they saw as posing a risk of a negative environmental impact. Most frequently-noted amongst these were: loss of FCS expertise; increased focus on productivity; and planting trees in inappropriate locations. These are discussed below. It should be noted that there were respondents who made positive comments on these subjects (with the exception of the points on FCS staff), but the balance of opinion was that negative environmental impacts were likely.

A number of respondents identified **loss of FCS and/or FES staff expertise** as having the potential to cause indirect environmental harm, often through bad decision-making or poor management (Ind, Th). In particular, it was suggested that the potential environmental benefits from adopting the longer-term view might be lost if the existing functions of the FCS are taken into a government department (Th).

A small number of respondents also highlighted the potential impact of an **increased focus on productivity**. Points made included that:

- A focus on productivity gives cause for concern that environmental objectives would not be met (Ind, O).
- There may be pressure to dispose of unproductive land which, if sold to the private sector, could be managed with less regard for environmental protection (Ind, Th).

A small number of respondents noted their view that **restocking and new planting targets** are positive, being good for aspects such as carbon sequestration, wildlife and flood mitigation (O, Pr). However, others raised concerns about **where such planting might take place** and the potential harm that might be caused. Points made by these respondents included that pressure to increase forest area may result in loss of open, upland and/or moorland habitats (Ind, O, Pr, Th). Further points included that:

- This risk extends to the plant, animal and bird species found in these and other priority habitats, in potential conflict with national and local BAPs (Ind, Th).
- Parcels of forestry in otherwise open habitats can act as a reservoir for predator species, leading to increased predation of ground-nesting birds several hundred metres from the forest edge (O).
- Tree planting on peatlands results in loss of sequestered carbon, and there is a concern that the current FCS commitment to Planted Ancient Woodland Site (PAWS) restoration might be diluted or removed with reorganisation (O, Th).

Other suggestions included that there should be a strategic vision for these habitats to balance the effect of the Forest Strategy (O). It was also suggested that the value of non-statutory wildlife sites (notably local authority Sites of Importance for

Nature Conservation or similar designation, and/or Scottish Wildlife Trust Wildlife Sites) should be recognised with a presumption against planting (Ind).

Alternative views expressed included that re-forestation of upland areas would be beneficial (Ind) or that growing more trees will present an opportunity to reduce reliance on imported timber (Ind, Pr).

A small number of respondents commented on the potential for negative impacts to arise in circumstances where the provision for **flexible use of NFE land** is used for purposes that are not tree-related. This tended to be associated with the development of windfarms (Ind, Th). Further points made included that:

- There is a danger that bio-energy and wind-energy projects may increase deforestation, unless specific checks and balances are in place (Th).
- The deforestation and loss of peat that has already occurred in Scotland to facilitate wind energy production, is a vast loss of a natural, irreplaceable, major carbon store (Ind).

It was also suggested that any type of building work or installation of major recreational infrastructure could potentially impact on wildlife, habitats and protected sites. There was a call for strong regulations for assessing potential environmental impact and that, if land is sold or given to community groups, safeguards should be in place to ensure they use that resource sustainably and without risk to the environment (Ind).

Respondents also commented in smaller numbers on a range of other subjects where they could foresee a risk of an adverse environmental impact. These included:

- **Felling and specifically on felling targets.** It was suggested that clear-felling results in environmental damage and that a better alternative would be the implementation of a model where trees are harvested selectively (Ind).
- **Restocking targets.** Enforcement of restocking targets was welcomed as enhancing carbon sequestration and thus having positive environmental impacts (Pr). However, it was suggested that some trees have been planted where they should not have been, and past errors should be corrected not repeated (Ind, Th).
- **Tree health, pests and diseases.** It was noted that unless cross-border co-operation remains effective for plant health issues, any cuts to research funding could adversely affect ability to control pests and diseases (Th). It was also suggested that new introductions should be minimised through the implementation of adequate plant and phytosanitary policies (Ind, Pr).
- **Environmental assessments.** A small number of respondents questioned the value of EIAs and SEAs for small scale developments, suggesting these processes do not give enough recognition to important local sites and

species, and it was also suggested that even small scale planning applications should have to include analysis of forestry issues (Ind).

- **Generation of waste materials through rebranding.** It was suggested that there would be negative environmental impacts associated with waste materials generated by re-branding of the Forestry Commission (Ind).

## Chapter 5: Other comments

The final main consultation question asked respondents if they had any other relevant comments to make.

**Question 15: Do you have any other comments that you would like to make, relevant to the subject of this consultation, that you have not covered in your answers to other questions?**

Around 220 respondents made a comment at Question 15. These were often brief and frequently reinforced points made elsewhere in the submission. Other submissions were longer, with the inclusion of additional reports or materials in a small number of instances. The analysis below focuses on issues which are relevant to the subject of the consultation and do not feature, or have very limited coverage, elsewhere in this report. The final section sets out a very brief summary of the key themes raised at Question 15 and elsewhere throughout the consultation responses.

### **Tourism**

Although tourism and recreation are highlighted in the introduction to the consultation, some felt that the main body of the consultation paper lacks recognition of tourism. It was noted that both FCS and FES have been at the forefront of formulating best practice in managing public access to the NFE for leisure and recreation, benefiting the tourism sector and local communities dependent on visitor income. It was suggested that any changes to commercial forestry activities should be sensitive to the impact that this would have on the tourism and recreation activities (Pr, Th).

### **Haulage facilities**

It was suggested that any legislative changes to the Forestry Act 1967 should ensure continued provision relating to 'Requirements for haulage facilities' such that landowners are required to enable effective and sustainable access to the forestry resource (O).

### **Contractors**

Concerns were raised as to the economic pressures on contracting businesses. It was suggested that these businesses create employment and invest in technology and training of existing staff. However, it was reported that they work to very narrow margins and get little recognition for their role in the industry. This includes being ineligible for grant support. It was suggested that a government forestry agency should support the industry to raise standards, including by paying at an appropriate rate for good quality contracting work (O).

## **Angling**

It was noted that the NFE incorporates streams and stillwaters often leased to angling interests. However, there was a concern that, although the consultation paper mentions environmental outcomes and wildlife, it does not reference fish and angling. It was also noted that the Scottish Government is currently engaged in an all species Wild Fisheries Reform and should ensure that future forestry policy views publicly-owned waters, such as those in the NFE, as national assets which are available to the angling public (O).

## **Hunting**

It was suggested that a future land agency should consider use of natural resources, including hunting of game for food, on public land. This suggestion was sometimes associated with deer control (see below) (Ind, Th).

## **Recreational deer stalking**

The limited use of recreational stalkers to control deer on NFE land was noted (O, Th). It was suggested that by providing more opportunities to those who have relevant qualifications, deer can be controlled in the public interest but at less cost to the tax payer than when professional stalkers are employed to cull deer. It was suggested that completion of the devolution of forestry provides an opportunity to review current arrangements (O).

## **International perspective**

It was suggested that the Scottish Government should consider their proposals from an international perspective, including considering that global timber shortages are putting increasing pressure on remaining natural and semi-natural forests. It was further suggested that by expanding its commercial forest, Scotland will contribute to increased roundwood production internationally, with the aim of reducing the pressure on the world's remaining fragile natural forests (Ac).

## **Review of environmental functions**

There was a call for the Scottish Government to undertake a more comprehensive review of its environmental functions, rather than looking at the Forestry Commission in isolation. Suggestions included the creation of a body which monitors effectiveness, similar to Audit Scotland, and the means of appeal in cases of conflict, such as environmental courts (Th).

## **Organisation Names**

It was suggested that 'National Forest Estate' gives a strong indication that forestry, and in particular commercial forestry, is the top priority and that this is out-dated. Alternatives proposed for the public forest as better reflecting wider environmental and social concerns included: Sustainable Forests Scotland; Scotland's Community Forest; Scotland's Forest and Environment; and Forest Ecosystems Scotland (Pu).

Suggestions for alternative names for the proposed Forestry and Land Scotland Agency have been noted elsewhere in the report. At Question 15, it was suggested that it would be appropriate to consult on the name, possibly from a short list of suggested titles (Ind).

### **Acknowledgment of the role of the private sector**

It was noted that private sector holdings make up two thirds of Scotland's forest area. It was felt that the role of private forestry in contributing to Scotland's rural economy, and to other land-based outcomes, such as mitigating climate change, reducing the impact of flooding and improving biodiversity, could be better recognised (O, Pr).

### **Regional presence**

The importance of a regional presence was raised, particularly in relation to the importance of retaining high quality jobs. It was suggested that forestry management and functions should be delivered predominantly at a regional level (Ind, O, Pu).

### **Summary of major themes throughout the consultation**

As noted above, many respondents used their answer at Question 15 to summarise their position on the issues raised throughout the consultation. In this respect, the comments at Question 15 broadly reflect some of the key themes to otherwise emerge from the consultation analysis process, such as:

- Respondents often expressed a clear, and apparently strongly held view, on the future structures for managing Scotland's forests.
- Although some respondents saw benefits in a closer integration of the policy and/or estate management functions and other government structures, there were concerns about publicly-owned forests becoming vulnerable to shorter-term thinking and/or politically-driven decision-making.
- The need to respect and retain the skills and expertise of those working in the forestry industry was a central concern for many and was often focused on the current teams within FCS, FES and Forest Research.
- The future of the NFE is a key issue for many. For some, there is a concern about declining productivity and a desire to see better restocking and new planting. However, many respondents stressed that Scotland's national forests are much more than a timber resource.
- In relation to the proposal for a land agency, some respondents saw considerable potential in an agency which managed a broad range of publicly-owned land, while others had concerns that the focus on the forestry function would be overly diluted.

<b>Organisations submitting a response</b>
Aberdeenshire Council
Alf Robertson
ALGAO Scotland
Angus Council
Archaeology Scotland
Association of Salmon Fishery Boards
Ballogie Estate Enterprises
Beechbrae
Bell Ingram LLP
Bidwells
Borders Forest Trust
Botanical Society Britain and Ireland
British Association for Shooting and Conservation
British Trust for Ornithology
BSW Energy Ltd
BSW Timber
Buccleuch Woodlands Ltd
Central Scotland Regional Forestry Forum
Chartered Institute for Archaeologists
Community Land Scotland
Community Woodlands Association
Confor (Confederation of Forest Industries (UK) Ltd)
Countryside Services, East Lothian Council
Crofting Commission
Development Trusts Association
Dumfries and Galloway Council
Earth for Life CIC

<b>Organisations</b>
Egger Forestry
Euroforest Ltd
European Parliamentary Labour Party
Forest Policy Group
Forestry Commission Trade Unions
Forestry Contractors Association
Friends of Newtonhill Woodland
FSC UK
Galloway and Southern Ayrshire Biosphere
Grampian Forestry Forum
Health and Safety Executive
Highland & Islands Forestry Forum
Highland Council
Highlands and Islands Enterprise
Historic Environment Scotland
Institute of Chartered Foresters
James Callander & Son Ltd
James Hutton Institute
James Jones & Sons Ltd
John Clegg Consulting Ltd
John Gordon and Son Limited
Julian A Morris Professional Tree Services
Loch Insh Outdoor Centre
Loch Ken Holiday Park
Minginish Community Hall Association
Morvern Community Forest Development Group
Mountaineering Scotland
Munro Sawmills Ltd

<b>Organisations</b>
Network Rail Infrastructure Limited
Oldhall Farm
OPENSspace Research Centre, University of Edinburgh
Paths for All
PCS (Public and Commercial Services Union)
Permaculture Scotland
Perth & Argyll Regional Forestry Forum (PAARFF)
Plantlife Scotland
Prospect
RH Gladstone and Co
Ramblers Scotland
Recovery Across Mental Health (RAMH)
RDS Forestry
Ridings Sawmills (Cardross) Ltd
Royal Institution of Chartered Surveyors (RICS)
Royal Scottish Forestry Society
RSPB Scotland
Savills (UK) Ltd
Scotland's Rural College (SRUC)
Scottish Anglers National Association Ltd (SANA)
Scottish Association for Country Sports
Scottish Auto Cycle Union (Motorcycle Sport Scotland)
Scottish Borders Council
Scottish Campaign for National Parks
Scottish Countryside Alliance
Scottish Environment LINK
Scottish Land & Estates
Scottish Orienteering Association

<b>Organisations</b>
Scottish Raptor Study Group
Scottish Sports Association
Scottish Tourism Alliance
Scottish Water
Scottish Wildlife Trust
Scottish Woodlands Ltd
Soil Association
South Scotland Regional Forestry Forum
SSE
The Association of Scotland's Self-Caterers (ASSC)
The Crown Estate
The GalGael Trust
The Law Society of Scotland
The National Trust for Scotland
The Scottish Gamekeepers Association
The Scottish Woodlot Association Limited
The Southern Uplands Partnership
The Woodland Trust Scotland
Tilhill Forestry Limited
Timber Transport Forum
Trees for life
Unite Scotland
United Kingdom Forest Products Association
University of Aberdeen

**Question 1a: Our proposals are for a dedicated Forestry Division in the Scottish Government (SG) and an Executive Agency to manage the NFE. Do you agree with this approach?**

Table 2: Question 1 – Responses by type of respondent.

Type of respondent	Yes		No		Not answered		Total
	n	%	n	%	n	%	
Individuals	110	22%	368	74%	19	4%	497
Organisations:							
<i>Third sector</i>	12		10		13		35
<i>Private sector</i>	19		6		4		29
<i>Other</i>	9		4		11		24
<i>Public sector</i>	7		1		6		14
<i>Academic or research body</i>	2		-		3		5
Total organisations	49	46%	21	20%	37	35%	107
<b>Total</b>	<b>159</b>	<b>26%</b>	<b>389</b>	<b>64%</b>	<b>56</b>	<b>9%</b>	<b>604</b>

**Question 5: Do you agree with the priorities for cross-border co-operation set out above, i.e. forestry research and science, plant health and common codes such as UK Forestry Standard?**

Table 3: Question 5 – Responses by type of respondent.

Type of respondent	Yes		No		Not answered		Total
	n	%	n	%	n	%	
Individuals	254	51%	40	8%	203	41%	497
Organisations:							
<i>Third sector</i>	24		3		8		35
<i>Private sector</i>	21		4		4		29
<i>Other</i>	9		6		9		24
<i>Public sector</i>	10		1		3		14
<i>Academic or research body</i>	3		1		1		5
Total organisations	67	63%	15	14%	25	23%	107
<b>Total</b>	<b>321</b>	<b>53%</b>	<b>55</b>	<b>9%</b>	<b>228</b>	<b>38%</b>	<b>604</b>

**Question 8: Should the Scottish Ministers be placed under a duty to promote forestry?**

Table 4: Question 8 – Responses by type of respondent.

Type of respondent	Yes		No		Not answered		Total
	n	%	n	%	n	%	n
Individuals	252	51%	43	9%	202	41%	497
Organisations:							
<i>Third sector</i>	20		5		10		35
<i>Private sector</i>	25		1		3		29
<i>Other</i>	19		1		4		24
<i>Public sector</i>	9		1		4		14
<i>Academic or research body</i>	3		-		2		5
Total Organisations	76	71%	8	7%	23	21%	107
<b>Total</b>	<b>328</b>	<b>54%</b>	<b>51</b>	<b>8%</b>	<b>225</b>	<b>37%</b>	<b>604</b>

## Glossary of abbreviations used

BAP	Biodiversity Action Plan
Defra	Department for Environment, Food and Rural Affairs
EIA	Environmental Impact Assessment
FCS	Forestry Commission Scotland
FES	Forest Enterprise Scotland
FISA	Forestry Industry Safety Accord
FLS	Forestry and Land Scotland
ICF	Institute of Chartered Foresters
MoU	Memorandum of Understanding
NDPB	Non-Departmental Public Body
NFE	National Forest Estate
NNR	National Nature Reserve
PAWS	Planted Ancient Woodland Sites
SEA	Strategic Environmental Assessment
SEPA	Scottish Environment Protection Agency
SFM	Sustainable Forest Management
SFS	Scottish Forestry Strategy
SNH	Scottish Natural Heritage
UKFS	UK Forest Standard



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