

RURAL ECONOMY AND CONNECTIVITY COMMITTEE

FORESTRY AND LAND MANAGEMENT (SCOTLAND) BILL

SUBMISSION FROM SEFARI

Introduction to SEFARI

SEFARI (Scottish Environment, Food and Agriculture Research Institutes) represents the collective of **six Research Institutes**, each with **global** capability, expertise and reputation. These are:

- [Moredun Research Institute](#);
- [Scotland's Rural College](#);
- [The James Hutton Institute](#);
- [Royal Botanic Garden Edinburgh](#);
- [Biomathematics and Statistics Scotland](#);
- [The Rowett Institute](#).

SEFARI was [launched](#) by the Cabinet Secretary for the Environment, Climate Change and Land Reform on 29 March 2017. There was further establishment of the brand at a [showcase](#) event in the Scottish Parliament on 18 April 2017, and through development of online and other resources. We can be found at <http://www.sefari.scot> and [@SEFARIScot](#).

SEFARI is underpinned by the strapline “**Leading Ideas for Better Lives**”. This represents that the collective is working to the benefit of individuals in Scotland and elsewhere. SEFARI work across the following subject areas, many of which have direct or indirect links to forestry, and public land:

- Plant and Animal Health;
- Agriculture;
- Land and Communities;
- Climate and the Environment;
- Rural Economy;
- Food and Drink Innovation;
- Healthier Foods;
- Science Education.

Call for Evidence on the Forestry and Land Management (Scotland) Bill

The responses below relate to the questions asked in the call for evidence.

1. A. Does the Bill achieve its aims and are you in favour overall?

The Policy Memorandum to the Bill states that the policy objectives of the Bill are improved accountability, transparency and policy alignment; modernisation; and

more effective use of Scotland's publicly-owned land. It is to be expected that integrated land management should therefore be a core objective of the legislation, with forestry as one key component. Others may be better placed to suggest whether the Bill will achieve its own intentions – indeed the Policy Memorandum itself states that the Bill is only one part of the jigsaw required to complete the devolution of forestry, and so all of these will need to be aligned.

B. Is there anything else that you feel should be included or excluded from the Bill?

No response.

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

In evidence to the Rural Economy and Connectivity Committee on 7 June 2017, Carole Barker-Munro from the Scottish Government stated that:

“the opportunity has been taken to put a main general duty on the Scottish ministers for sustainable forest management that recognises the inherent balance in forestry. It also links to the sustainable development of economic, social and environmental objectives. That is a different type of duty, but it is still a principal duty on the Scottish ministers to promote forestry and to take account of the various outcomes that forestry can contribute to”.

In that context, we are supportive of the Bill placing a statutory requirement for the production of a Scottish Government Forestry Strategy, based on sustainable forest management, and the pursuit of sustainable development. Furthermore:

- Given the extent of forestry in Scotland (18% of the land area), and the benefits outlined in the associated Policy Memorandum (para. 5), such a strategy should form a significant component of a vision for Scotland's land, and align with the principles of the Land Use Strategy;
- The research carried out across SEFARI can inform judgements on how such balance can be achieved in such a strategy (e.g. optimising land management for carbon storage, balancing against impacts on other ecosystem services, delivering community resilience, and ensuring economic return);
- As well as the pursuit of sustainable forest management, and sustainable development, the linkage between the Forest Estate and the continuing challenges around biodiversity, and the delivery against biodiversity duties remains vital;
- The Bill includes provision for open land as well as the afforested land of the National Forest Estate. However, it could be clarified as to how urban areas, in particular, are to be considered, and ensure that the remit is broad enough to enable all benefits of woodland to be realised. Such benefits would include those of urban areas as part of nature-based solutions (e.g. improved human health and well-being, as recognised in the Policy Memorandum) and enhancing green infrastructure, both obtaining considerable support in European Union and international policies;

- An opportunity could be created to identify how forestry, and its governance, can contribute to the Rural Land Use Partnerships envisaged in the Land Use Strategy;

3. The Bill will provide new powers to Scottish Ministers over subjects such as tree health and the ability to conduct research. What are your views on these powers?

SEFARI has responsibility, in particular, for delivering the Scottish Government's Strategic Research Programme 2016-2021 on environment, food, agriculture and land (known as the SRP). It is worth noting that there have been two previous five-year long iterations of the SRP, and in some cases it is research decisions and investments made over those timescales which are coming to fruition, or will do so. This also means that SEFARI research capability extends beyond what has / is already being applied to forestry, and we would welcome discussions about whether, and if so how, our capability be more fully deployed in this area.

Given our experience across all of Scotland's land types, and given the fact that a third of the National Forest Estate is not afforested, we look forward to continuing and improved dialogue with the bodies responsible for delivering forestry policy and research in Scotland.

It particular, it will be interesting to consider how Forest Research, as a continuing cross-border agency, will adapt to the new environment in Scotland. The Institutes which make up SEFARI have long experience in dialogue and cooperation on forestry, and are keen to see that continue, and develop. In particular it would be interesting to explore whether there can be more and better linkages made between the research being delivered under the Scottish Government's Strategic Research Programme 2016-2021 and the research base for the proposed new forestry structures.

We note that the Bill states that the "Scottish Ministers may, for the purposes of or in connection with the carrying out of their functions under this Act— (a) conduct research and inquiries". SEFARI would be interested in being involved in the development of any such research, or the processes which might underpin it. We would also be interested in more information on the commissioning process for research, either through Forest Research, or any other mechanism. We would be interested in exploring mechanisms such as staff fellowships between SEFARI and the new constructs delivered under the Bill. SEFARI notes that alongside research, other ministerial powers (Part 5) include information, education and training. We believe that it is important to develop these powers together, alongside related activities in other areas to effectively deliver the sustainable development that the Bill seeks to support.

On a specific point, it would be useful to understand how the powers on plant health in the Bill will link with the possible new Centre of Expertise in Plant Health in Scotland.

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

We welcome the potential for increased flexibility in relation to developing a strategy for management of land, focusing on sustainable development. We are particularly interested in how our existing and ongoing research into Scotland's natural assets and their importance to its people, can inform such a strategy.

More generally, the bounds of responsibilities in relation to land management are not always made immediately clear. For example, no reference is made to the management of (non-wooded) land which is designated (e.g. SSSI), and the expected relationships and governance models with other regulatory authorities such as SNH and SEPA.

The checks and balances relating to the powers of compulsory purchase were defined to a degree in evidence heard by the committee on 7 June 2017. SEFARI has considerable experience in some of the issues which may be brought to bear in considering whether compulsory purchase might be appropriate in relation to sustainable development. SEFARI experience covers the uplands, lowlands, riparian and coastal territory, and our experience may be useful in helping further define what these checks and balances might look like, and providing an evidence base for compulsory purchase decisions to be taken either way.

5. The Bill will update the regulatory regime and enforcement powers for felling and restocking trees. Do you feel it is fit for purpose?

The regulatory regime would benefit from updating, though others can better comment better on whether the proposed measures are fit for purpose.

The penalty for illegal felling appears to have been made considerably more robust, whereby each felled tree is considered as an individual felling offence. This improved robustness is welcomed as it will act as a proper deterrent to those who have until now found the fines to be less than the profit gained by their actions. The proposed ability for Scottish Ministers to issue a 'felling direction' must be used very carefully (section 31). There are many woods which remain un-thinned or un-harvested as it is not financially viable to do so, and it is important to note that the imposition of felling directions on land owners may result in their financial detriment. Any directions would benefit from a two way discussion between Scottish Ministers and land owners. Further information could usefully be provided on the detail of the appeals process.

6. Do you have any comments on the bill in relation to human rights or equalities?

- No response.

7. Any other comments?

We would hope that the new structures should continue to recognise the importance of high quality, translational research to inform both the regulatory and operational aspects of forest land use in Scotland, and the internationally recognised reputation of Forest Research. SEFARI works closely with the existing organisations (Forest Research, Forestry Commission Scotland, and Forest Enterprise Scotland) on research for Scottish Government (e.g. through ClimateXChange, UK research councils (e.g. tree health) and in projects funded by the European Union (e.g. landscape). SEFARI looks forward to evolving those relationships with the new structures, providing valuable conduits for the creation of impact from the programmes of research of the Scottish Government and other funders.

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