

Consultation Response

Climate Change and the National Forest Estate *Consultation on forestry provisions in the Scottish Climate Change Bill – January 2009*

The following is a consultation response from the Scottish Environment LINK Woodland Task Force.

Introduction

Scottish Environment LINK (LINK) welcomes the opportunity to respond to this consultation and is pleased that the Scottish Government and the Forestry Commission Scotland (FCS) recognise the need to adequately fund climate change actions and woodland creation as a key issue.

In principle we welcome the fresh look at how the FCS can deliver for climate change but we are particularly uncomfortable, as we have highlighted before¹, with woodland creation for carbon sequestration becoming the primary driver for the government and the National Forest Estate (NFE). LINK has repeatedly expressed its view that the best way to respond to climate change is to first reduce green house gas emissions by moving away from carbon based energy production, reducing energy consumption and energy loss. We see carbon sequestration as one of the secondary responses that feature further down the list of the multiple benefits forestry can provide.

The plans proposed in the consultation and the enabling powers in the Climate Change (Scotland) Bill currently before Parliament, are controversial and as yet, they have not been fully explained or costed. Our detailed concerns on these proposals are presented below.

It is LINK's view that these proposals require more considered thought and discussion. As a result we are unhappy with the wide reaching enabling powers in Section 47, Sub-sections 1, 2 and 4 being included in the Bill. Rather we would like to see any specific powers that may be identified, brought forward in the future, after they have been properly explored and consulted upon.

We do however welcome the inclusion of Sub-section 3, a), b), c) and d) (i) which allows the FCS to enter into joint ventures for renewable energy projects because these proposals are specific, directly relevant to the Bill's aims, and help to enable objectives already set out in the Scottish Forestry Strategy (SFS).

¹ Scottish Environment LINK Woodland Task Force papers: *Forestry policy and carbon sequestration in Scotland* (Ministerial Briefing, 2008); *Scottish Forestry Strategy consultation response* (2006); *Environment Review Group Report* (2006).

In addition LINK would welcome the introduction of a sustainable development duty on public bodies, including the Forestry Commission Scotland. This is necessary to ensure climate change 'mitigation' work is carried out in an environmentally sustainable manner, for example ensuring tree planting is located away from important non-woodland habitats.

On a procedural point, LINK is concerned about the way this consultation has been carried out. First, there is very little detail in the consultation document about how the proposals might work or the financial calculations behind them. Secondly the enabling powers needed to implement the proposals have been included in the Climate Change (Scotland) Bill, before the end of the consultation period. This does not help instil confidence in the public consultation process.

Consultation Questions

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

In principle we have no objection to legislation being amended to allow FCS to undertake joint ventures with renewable energy companies, subject to appropriate safeguards, because we support the principle of injecting new resources into forestry and climate change delivery. However there is little detail in the consultation about how these joint ventures would be set up so it is difficult to comment fully.

Any joint ventures would require careful consideration and we would expect safeguards to be in place to prevent inappropriate developments. These safeguards should include a requirement:

- To protect other public benefits such as: Plantation Ancient Woodland Sites (PAWS), woods of high nature conservation value, biodiversity, priority open ground habitats, public access and recreation provision.
- To undertake full Environmental Impact Assessments.
- That all proposals follow full planning process and any supplementary planning guidance on preferred locations for renewable projects.

Any money raised from such ventures would need to be properly reinvested in climate change actions and a protocol may need to be developed to ensure this delivers the greatest possible environmental benefit, including emissions reductions and wildlife adaptation.

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

There are many issues that have caused this proposal to dominate the debate during this consultation. There is considerable concern that by implementing this proposal, other non-timber production public benefits would not be well served.

For these proposals to be considered further Link would expect that:

- The economic case is properly laid out. This has not yet happened and therefore it is not possible for us to comment on the financial aspects of the proposals with any confidence.
- A full and satisfactory Strategic Environmental Assessment is undertaken on the fully costed proposals.
- A proper assessment is undertaken of the impact on the remaining FCS activities and ability to deliver the SFS. At present the FCS carry out a complicated balance of economic, social and environmental activities (including for the landscape and the historic environment) within their forests. Transferring the more commercial parts of the national estate for a period of perhaps 75 years could potentially and severely constrain funding of the social and environmental aspects of FCS activities.
- There is a full explanation of how enhanced delivery of non-market benefits will take place. For example meeting the commitments of the Scottish Biodiversity Strategy, UK Biodiversity Action Plan, EU Birds and Habitats Directive and the biodiversity theme of the SFS.
- Evidence is provided that all the capital raised from the leases would be reinvested into forestry and associated climate change actions. So far there have only verbal 'in principle' assurances which are inadequate. In the absence of clearly set out protocols and structures we are not be able to further consider the proposals.
- Accessibility must be retained if the land is leased. There is a significant difference between a right to access and accessibility.
- Any company or body leasing the land would have to ensure that the land was certified against the UK Woodland Assurance Standard (UKWAS) for the entirety of the lease.

There is concern that releasing over 100,000ha of new land into the Scottish Rural Development Programme (SRDP) may lead to increased competition for woodland management funds, without increasing the SRDP budget. LINK would wish to see assurances that high quality land management for biodiversity, landscape conservation, historic environment and access would not lose out.

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

The suggestion of creating a not-for profit trust (NFPT) strongly implies a social and environmental purpose for such a body (i.e. public rather than commercial benefit), as well as some stakeholder representation in its governance arrangements, but this is not explicit in the proposals and that gives us some cause for concern.

LINK would need to see the following guarantees in order to further consider the proposal:

- All income from the lease of land and cutting rights to be invested through the NFPT into multiple public benefits through forestry and related climate change actions. This means investment in climate change adaptation as well as 'mitigation'.
- The NFPT is constituted to deliver forestry related public benefits and priorities as laid out in the Scottish Forestry Strategy and in particular in relation to climate change 'mitigation' and adaptation.
- The NFPT will enable creation of significant areas of new native woodland.
- All woodland creation funded through the new structure should be UKWAS certified.

LINK would not support the idea of the NFPT using lease and cutting rights income to solely create new production forests. All new woodland created should be multi-purpose and provide significant public benefit. If the NFPT creates new woodland in the same proportion as the current estate, it will create 87% exotic species – this would be contrary to the vision of the SFS and would not be supported by LINK. In order to achieve the current SFS vision, more than 6,000 hectares of native woodland is required per annum for the next 50 years (35% of the enlarged forest cover of 25% land area). We cannot see the logic of the NFPT creating more production forest to sell or lease off and create more in a cyclical fashion.

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

There has been a clear change in policy drivers for forestry in the last 18 months in favour of forestry and woodland creation for climate change 'mitigation'. LINK has always accepted that creating new woodland contributes to the process of carbon sequestration but it cannot sequester more than a small proportion of total carbon emissions generated each year.

Government efforts to reduce CO2 emissions are best concentrated on mitigation activities such as better insulation of the existing housing and office stock, reduction of transport emissions and restructuring our energy supply away from carbon based energy sources.

The National Forest Estate, whilst having a role to play in carbon sequestration, has a greater role to play in climate change adaptation and making space for nature. Unfortunately climate change adaptation has not been properly considered in these forestry proposals.

Therefore, LINK believes, carbon sequestration should not be a primary driver for woodland creation; rather it should be one of a range of benefits arising from long term, multi-benefit forestry, where carbon storage can be assured in perpetuity and where additional benefits to society such as new and enhanced public access, greater biodiversity, and landscape maintenance and enhancement are included within the project from the outset.

To help address this, LINK would strongly welcome a Sustainable Land Use Strategy to be considered in order to implement a holistic approach to integrated land use and delivery of multiple public benefits.

Finally, there is some concern that the woodland expansion elements of these proposals could threaten the conservation of open ground habitats and species, either by woodland creation, or lost opportunities to restore such habitats. For that reason, LINK urges the Scottish Government and its delivery bodies not to repeat the woodland expansion mistakes of the past, and to actively reverse the biodiversity damage created by inappropriate afforestation. Woodland expansion in Scotland must be carried out sensitively to ensure the protection and enhancement of important biodiversity and the delivery of multiple public benefits.

LINK Woodland Task Force, Tuesday 27th January 2009.

The following organisations have signed this consultation response:

Archaeology Scotland
Bumblebee Conservation Trust
Butterfly Conservation Scotland
Friends of the Earth Scotland
National Trust for Scotland
Ramblers' Association Scotland

RSPB Scotland
Scottish Native Woods
Scottish Wildlife Trust
Woodland Trust Scotland
WWF Scotland

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