



RIVERS & FISHERIES TRUSTS OF SCOTLAND
Safeguarding Scotland's Rivers & Lochs

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Ms Liz Kirk
Forestry Commission Scotland
Silvan House
231 Corstorphine Road
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EH12 7AT

21 January 2009

Dear Ms Kirk

Consultation on forestry provisions in the Scottish Climate Change Bill

Thank you for the opportunity to respond to the above consultation. The following response is provided on behalf of the Rivers and Fisheries Trusts of Scotland (RAFTS) whose 20 members work across over 90% of Scotland's freshwaters to protect and develop our native fish stocks and populations.

In addition to this reply from RAFTS we understand that a number of our individual members are likely to provide comment independently and separately. Many of these trusts have long standing working relationships with the forestry sector and we trust these views are valued as part of this consultation round.

Our response to the consultation questions presented is set out below:

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?

Response:

RAFTS supports this proposal. We see benefits in allowing the Forestry Commission to enter into joint ventures to develop renewable energy programmes in the national forest estate. Such flexibility will allow a strategic approach to such developments to be taken and for developments to be appropriately planned for and incorporated into national forest estate holdings across Scotland.

In support of such flexibility we would suggest that some framework is set out to inform and direct how development might be taken forward and how appropriate locations and opportunities will be identified and confirmed. Such information would help to ensure that development is taken forward proportionately across the whole forest estate.





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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?

Response:

RAFTS does not support the proposal to offer leases and cutting rights over parts of the national forest estate.

While we recognise the safeguards proposed are likely to be sufficient to ensure the continuity of employment of Forestry Commission staff, maintain public access and support the ongoing recreational use of leased areas our concerns principally refer to the protection of the environment.

Whilst the forestry sector has made significant steps in recent years regarding environmental protection (in particular of the water environment) through the preparation, revision and implementation of the Forests and Water Guidelines there are still geographic areas e.g. Galloway and issues e.g. acidification and forest replanting in these locations, where the guidelines are, in our view, incomplete or do not provide the necessary environmental protections. We understand that a revision of these guidelines is planned in 2009 and we welcome this as a further opportunity to develop and refine best practice further.

However, in problem areas, and when considering problem issues, the local parties have been required to find ways of working which recognise the issues faced and the opportunities to work around these. For example, in Dumfries and Galloway the Newton Stewart Forestry Commission District and Galloway Fisheries Trust have been able to establish and maintain a positive working relationship in relation to surface water acidification. Essentially the Forestry Commission have been able in many instances to incorporate practice which exceeds that required by the Forests and Water Guidelines. This has helped, in carefully targeted situations, to support improvements to water quality and fish populations. It is difficult to imagine a situation where the holder of a lease would be prepared to accommodate forestry practice which exceeds minimum requirements and where there is likely to be a financial consequence of doing so.

We recognise the comprehensive suite of environmental controls and legislation in place in Scotland and that this is, generally, effective in providing appropriate environmental protection. However, we are not persuaded that the application of legislation alone is sufficient to provide the levels of protection required for the sector when there remain a number of key issues and locations where problems remain. In such situations, the dialogue and co-operation between the Forestry Commission and others, including fisheries trusts, has proven to be the only means of making progress on matters where, if the parties allowed it, legislation would have restricted the scale and nature of action possible and environmental problems would remain to a greater extent than they do at present.

Our concerns are further confirmed as we understand that the latest maps setting out the likely locations for these leases include some 40% of the Galloway Forest Park and are dominated by other west coast forest holdings due to the commercial nature of the forests there. These same areas are ones where the Forests and Water Guidelines have been most vigorously challenged and the issue of surface water acidification linked to forest coverage accepted. In these areas dialogue between the Forestry Commission and stakeholders has allowed practice beyond minimum standards to be applied. Our





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concerns that the application of minimum regulatory or environmental standards and practice would prevent or restrict such dialogue and collaborative action in sensitive areas and when considering sensitive issues are, therefore, further heightened.

The loss of the opportunity to work with the owner of the national forest estate on important environmental matters and the loss of the potential to work beyond environmental practice to deal with recognised and agreed problems are the principal reasons why we do not support the current lease proposal.

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.

Response:

As set out above RAFTS does not support the proposal to lease portions of the national forest estate to the public and, as such, does not have a view on this proposal at present.

We are, generally, supportive of the objective of further woodland creation and would support mechanisms which deliver this effectively.

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.

Response:

We understand that the Forests and Water Guidelines are to be reviewed and revised in 2009. We welcome this as a further opportunity for our sector to contribute constructively to the development of future and to the review of existing practice. We, and some of our members, have outstanding areas of concern (most notably concerning acidification and replanting in acid sensitive areas) which, in our view, are not adequately resolved in the current guidelines.

I trust these comments are clear but should you require further information of clarification do contact me at any time. I can also confirm that RAFTS is happy for our response to be publicly available.

Yours sincerely

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