

Citizen Participation and Public Petitions Committee

Wednesday 17 April 2024

6th Meeting, 2024 (Session 6)

PE1812: Protect Scotland's remaining ancient, native and semi-native woodlands and woodland floors

Introduction

Petitioner Audrey Baird and Fiona Baker on behalf of Help Trees Help Us

Petition summary Calling on the Scottish Parliament to urge the Scottish Government to deliver world-leading legislation giving Scotland's remaining fragments of ancient, native and semi-native woodlands and woodland floors full legal protection before COP 26 (UN Climate Change Conference of the Parties) in Glasgow in November 2021.

Webpage <https://petitions.parliament.scot/petitions/PE1812>

1. [The Committee last considered this petition at its meeting on 28 June 2023.](#) At that meeting, the Committee agreed to write to the Scottish Government.
2. The petition summary is included in **Annexe A** and the Official Report of the Committee's last consideration of this petition is at **Annexe B**.
3. The Committee has received new written submissions from the Petitioners and the Cabinet Secretary for Rural Affairs, Land Reform and Islands, which are set out in **Annexe C** of this paper.
4. [Written submissions received prior to the Committee's last consideration can be accessed on the petition's webpage.](#) Additional [written submissions received on the petition before May 2021 are available on the archive petition webpage.](#)
5. [Further background information about this petition can be found in the SPICe briefing](#) for this petition.
6. [The Scottish Government gave its initial position on this petition on 13 August 2020.](#)
7. Every petition collects signatures while it remains under consideration. At the time of writing, 6,678 signatures have been received on this petition.

Action

8. The Committee is invited to consider what action it wishes to take.

Clerks to the Committee

April 2024

Annexe A: Summary of petition

PE1812: Protect Scotland's remaining ancient, native and semi-native woodlands and woodland floors

Petitioner

Audrey Baird and Fiona Baker on behalf of Help Trees Help Us

Date lodged

5 August 2020

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to deliver world-leading legislation giving Scotland's remaining fragments of ancient, native and semi-native woodlands and woodland floors full legal protection before COP 26 (UN Climate Change Conference of the Parties) in Glasgow in November 2021.

Previous action

We have sought guidance from the Planning Department and Access Officer, as well as advice from the Woodland Trust Scotland (WTS), RSPB and MSP Jackie Ballie. WTS contacted Scottish Natural Heritage (SNH) and Scottish Forestry on our behalf.

Background information

According to 2018 report by the United Nations' Intergovernmental Panel on Climate Change, protecting and restoring the world's forests could reduce global emissions by 18 percent by 2030.

Year after year we watch in horror as vast forests in the Amazon, USA, Australia and elsewhere go up in flames. Meanwhile, governments around the world are failing to live up to promises to plant trillions of saplings that will not mature enough to capture meaningful amounts of carbon for decades. It is therefore unacceptable that Scotland's remaining ancient, native and semi-native woodlands and woodland floors have next to no effective legal protection and can be destroyed on a whim.**

According to the Woodland Trust, ancient woodland covers only around 1% of Scotland's land area.

Sir David Attenborough has said: "The future of humanity and indeed all life on Earth depends on us." A local 'lockdown' event has exposed a national tragedy around just how vulnerable Scotland's remaining pockets of ancient woodlands really are. During lockdown a mountain bike trail was constructed, with the landowner's permission, through a small, beautiful, very mature and intensively grazed, ancient woodland that previously had an almost pristine, densely packed native bluebell carpet. Thousands

of bluebells (and other native wildflowers) were destroyed, decaying timbers were sawn up and used to create jumps and berms, and small branches were cut to clear part of the trail. The trail was built during the nesting season, disturbing at least one buzzard pair who had a nest directly above the trail and another nest nearby in the wood. Informal wildlife surveys have revealed the wood also supports other protected raptors including owls and sparrowhawks, plus European protected species such as otters and bats. Woodpeckers, hedgehogs, mice voles and other animals are also resident in the wood. The ecosystem pyramid that supports life in this ancient woodland was being destroyed.

The trail did not conform to guidance around the safe construction of mountain bike trails and, although we understand no official has visited the site, we have been informed the bike trail would not need planning permission as it is of mud and timber construction. Additional threats to this wood are that the old stone boundary wall, probably built to stop livestock straying into the gorge and to manage the woodland as a resource, is now in ruins and cattle and deer intensively graze the woodland floor every year. The existing trees are mature and no saplings are able to survive. Thus, without help, much of this wood (in common with many other ancient and native woods) is unlikely to survive beyond this century. Lastly, a gorge cuts through the wood and on the southern boundary a large estate is being demolished. Windblown polystyrene and other debris has littered the south side of the wood and burn at the bottom of the gorge. We, and others, have complained to SEPA and tried to remove the debris ourselves.

It therefore appears no effective legislation exists to protect Scotland's ancient and native woodlands, rare habitats, woodland floors, native bluebells and other wild plants, nesting birds or other wildlife when landowner permission is granted for developments such as mountain bike trails.

The desecration of a small, ancient, irreplaceable habitat is unacceptable and we understand many new trails have been created in woodlands and other green spaces across Scotland during lockdown. Knowledge of the Scottish Outdoor Access Code is limited and, in addition to new legislation, there is clearly an urgent need for greater respect and more effective education around protecting our environment.

According to the Native Woodland Survey of Scotland (NWSS) only 4-5% of native and semi-native woodland (including 'ancient') cover remains in Scotland (down from a high of 80% woodland cover 5,000 years ago). The Survey concludes that '**...the current amount and distribution of regeneration [of Scotland's native and semi-native woodlands] is not yet enough to sustain all of our current native woodland resource in the long term**'.

Therefore we urge:

1. this Scottish Government to use the NWSS to inform a process to grant full legal protection for all ancient and semi-native woodlands greater than 0.5 hectares;

2. a new classification of ancient and semi-natural native bluebell woods to be included in future surveys;
3. new, simple and unequivocal regulation on how our ancient and native woodlands must be managed respectfully from now onwards;
4. the Government to provide incentives to landowners to protect these woodlands from inappropriate development, over grazing by livestock, neglect, misuse, pollution, fly-tipping and other damaging activities;
5. the Government and partner organisations to ensure local communities know where their ancient and native woodlands are, why they are priceless and irreplaceable, and why they must be protected; and
6. that woodland floors of ancient, native and semi-natural woodlands are recognised as irreplaceable and finite assets and that they are properly assessed and classified in EIAs and are afforded the classification of 'sensitive'. No mitigation for disturbance or destruction of woodland floors is currently required by any Environmental Impact good practice guidelines or protocols. Developments such as mountain bike tracks and paths with the landowner's permission appear not to require planning consent and as they are not classed as Schedule 1 or Schedule 2 developments The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 do not appear to apply. Again The Environmental Impact Assessment (Agriculture) (Scotland) Regulations 2006 applies only to agricultural development and do not adequately provide for assessment or protection to our native woodland floors. We urge the Scottish Government to address the current shortcomings in existing legislation to ensure Scotland's diminishing, rich, biodiverse woodland floors, formed over hundreds of years, are protected from damage and destruction. Planning permission for any development, including paths and trails, (i.e. altering the status quo) should be required by statute. Where disturbance for emergencies cannot be avoided, appropriate mitigation measures to minimise the impact, including establishing new areas of native planting to compensate the loss, should be required.

The National Planning Framework 4 includes six high level outcomes, including:

- improving the health & wellbeing of people living in Scotland;
- meeting any targets relating to the reduction of emissions of greenhouse gases; and
- securing positive effects for biodiversity.

We strongly argue that giving full legal protection to Scotland's remaining ancient and native woodlands meets all three and we aspire to a future Scotland that respects and protects our precious trees.

EXISTING LEGISLATION THAT IS NO LONGER FIT FOR PURPOSE

(Note: Scotland's ancient and native woodlands are mentioned in raft of guidance and policy documents relating to forestry and environmental management, usually linked with economic development and planning. Nowhere in these documents was

an unequivocal message around legislation protecting our ancient and native woodlands to be found.)

- Section 8 of the Wildlife & Countryside Act, section 13(2), which prohibits the sale or advertising for sale of native bluebells. We believe this act no longer protects our native bluebells from current real threats.
- Forestry & Land Management Scotland Act 2018. Landowners can legally fell up to 20 cubic metres of trees (or four mature oak trees) in any small ancient or semi-natural woodland larger than 0.5 hectares each year. This is regardless of whether the trees present a danger to life or property. We believe the felling of up to four mature oak trees each year is too large a burden for a small wood to be sustainable and represents an unacceptable disturbance to the ecosystem.

The Scottish Forestry Commission's 2009 Control of Woodland Removal 2009 states woodland removal with compensatory planting is most likely to be appropriate where it would contribute significantly to encouraging recreational activities and public enjoyment....There will be a 'strong presumption' against removing certain types of woodland, including ancient and semi-natural woodland. We believe this guidance with no teeth and the focus on recreational activities and public enjoyment is no longer acceptable and ancient woodlands must be valued in their own right for their unique biodiversity and carbon capture.

In an increasingly complex world where people are confused and overwhelmed with information, our priceless remaining ancient, native and semi-native woodland cover must now have full legal protection that is simple to understand, clearly communicated and unequivocal. It is not acceptable that it is legal to continue to exploit, vandalise and disrespect our remaining outstanding natural assets and pass on a further degraded Scotland and home to future generations.

Annexe B: Extract from Official Report of last consideration of PE1812 on 28 June 2023

The Convener: Agenda item 1 is consideration of continued petitions. The first one is PE1812, which calls for the protection of Scotland’s remaining ancient, native and semi-native woodlands and woodland floors. It was brought by Audrey Baird and Fiona Baker on behalf of Help Trees Help Us. It calls on us to encourage the Scottish Government to deliver world-leading legislation to give Scotland’s remaining fragments of ancient, native and semi-native woodlands and woodland floors full legal protection. You can tell that the petition has been with us for a while, because it wants that to happen before COP26—the 26th United Nations climate change conference of the parties—which was held in Glasgow in November 2021. That was the petition’s original aim, but the issue remains one of concern, and that aim indicates how long the petition has been in progress.

As I have said, we welcome Jackie Baillie, who has been following our deliberations on the petition at its various stages. We last considered it on 9 November 2022, when we agreed that we would pull together a summary of the evidence that we had heard and send it to the Net Zero, Energy and Transport Committee and the Rural Affairs, Islands and Natural Environment Committee. Subsequently, we considered a draft letter to the Minister for Environment and Land Reform at our meeting on 7 December, at which we also agreed to hold off writing to the two subject committees until a response from the minister had been received, because the letter to the minister was, in effect, the summation of the issues that we wanted to take forward.

It has taken some time, but we have now received a response from the Cabinet Secretary for Rural Affairs, Land Reform and Islands, which has been included in our meeting papers for today. The cabinet secretary notes that a number of measures are already in place to protect ancient woodlands, including provisions contained in the fourth national planning framework—NPF4—and the control of woodland removal policy. The cabinet secretary goes on to restate the Government’s commitment to restore Scotland’s Atlantic rainforest and say that there is on-going work, in collaboration with NatureScot and Scottish Forestry, to determine the best approach to establishing a new national register of ancient woodlands. In response to our suggestion for an additional legislative protection, the cabinet secretary says that the forthcoming natural environment bill would be the route for safeguarding and managing ancient woodland within protected areas.

We have also received another submission from the petitioners, which reflects on their meeting with officials from Scottish Forestry. It highlights in particular the impact of invasive, non-native species on our woodlands—which we as a committee saw for ourselves on a site visit—and notes Scottish Forestry’s view that

“financial constraints are acting against the restoration of Scotland’s ancient woodland”.

The petitioners would like the Scottish Government to

“urgently re-evaluate the policy for commercial forestry species selection”

as a way of limiting and, if possible, reversing the spread of invasive species such as Sitka spruce.

Before I ask the committee to comment on where we might go given that we have received a response from the cabinet secretary, I wonder whether Jackie Baillie would like to contribute to our thinking.

Jackie Baillie (Dumbarton) (Lab): Thank you for the opportunity to contribute to your discussion about the petition. I also thank the petitioners Audrey Baird and Fiona Baker for their continued interest in this area.

I recall asking the then environment minister Màiri McAllan to go out and consider the issue. I understand that she has been too busy to do so. I welcome the fact that the committee has undertaken a visit and that the petitioners’ latest submission centres around their visit from Scottish Forestry officers on location in Argyll in April, which showed first hand the destructive effects of non-native conifers on the ancient woodland.

That visit revealed that, despite the site at Glenbranter forest being described as a rare gem

“where native oakwoods cloak a series of spectacular waterfalls”,

the gorge and the falls are now barely visible, and the ancient oaks are all close to death. Our Scottish historic landscape, which I know we all value, has been overrun by non-native conifers. According to the petitioners, Scottish Forestry officers admitted that they do not know the scale of the non-native conifer wilding problem and that they would be “quickly overwhelmed” if members of the public decided to report it to them.

The University of Stirling published a report recently that is helpful. It looked at the highest-altitude trees and discovered that a colossal 56 per cent of all trees that were recorded at the highest altitude are American Sitka spruce. That gives you an idea of the scale of the problem. It has taken only a few decades for that to happen.

We are allowing—or, if I may be so bold, the Government and the industry are allowing—conifers to self-seed out of plantations, creating new seed sources, which is further encouraging the takeover of our ancient woodlands.

There seems to be a disconnect between what the Scottish Government says in its letter and its sense of urgency on saving ancient woodlands, and its action to reverse its disappearance. It would be extremely useful if the Cabinet Secretary for Rural Affairs, Land Reform and Islands could provide timescales for when work on the new national register of ancient woodlands that is mentioned in her submission will to be undertaken and when it will be completed. It would also be helpful if, through the committee, she could outline what plans the Scottish Government has to identify the scale of the non-native conifer wilding problem on ancient woodlands, and what action it intends to take.

We know from previous discussion that other countries, such as New Zealand, are working to remove non-native conifers where they have seeded in ancient woodlands and elsewhere. It would be good to know whether the Scottish Government has any plans to remove those non-native invasive species from sites such as Glenbranter forest.

The petitioners have also raised valid concerns about what they described as an apparent lack of concern from the cabinet secretary about current regulatory powers not protecting Scotland's woodland. In England, the Forestry Commission and Crown Prosecution Service pursued four successful prosecutions in 2022 alone, and in Wales, a defendant was convicted and fined £36,000 for illegal felling in October 2022. However, not one prosecution has occurred in Scotland.

The petitioners feel that there is no deterrent to the complete erasure of our natural historic identity if there are no prosecutions, so we need not just to see guidance and warm words but to see proper enforcement action. I would be enormously grateful if the committee would continue to press the Scottish Government on this important issue.

The Convener: Thank you, Jackie Baillie. I agree. In many respects, it seems ironic that we as a nation pride ourselves at times on the fact that we have resisted physical invasion for 1,000 years but it would appear that our natural habitat is the subject of a successful invasion by foreign species. At times, there seems to be lip-service acknowledgement of that but no concrete action. The statistic that you gave of 56 per cent of trees at the highest altitude being Sitka spruce is an example of that. Of course, we all saw that for ourselves.

I know that we have received warm words, but I wonder whether the committee feels, as Jackie Baillie does, that there is still room for us to pursue these issues.

David Torrance (Kirkcaldy) (SNP): As someone who has taken an interest in the petition, particularly because of my background in ancient woodlands, I would like to see it continue. I would like us to write to the cabinet secretary to find out when the register of ancient woodlands will be completed. If the committee agrees, I would also like us to write to the Scottish Government to highlight the petitioners' latest

submission and seek an update on whether it expects the forthcoming natural environment bill to include further provisions to protect ancient woodlands.

The Convener: Jackie Baillie's testimony had a couple of specific suggestions that I think the committee would be happy to embrace.

Given the investment that we have made in the petition, it may end up being one that we consider to be suitable for a debate in the chamber at some point. A love of Scotland can extend very much into the natural habitat of our country, and the concern that the committee has felt has very much been given substance by what we have seen for ourselves.

Jackie Baillie said that Scottish Forestry could be overwhelmed and that the last thing that it is looking for is a sort of nature watch from the public. We are at the stage where non-native species are so prevalent that the battle could become a battle lost. Before it can be a battle won, it has to be a battle properly engaged in, and we are maybe not at that point.

Do we agree to keep the petition open and proceed on that basis?

Members *indicated agreement.*

Annexe C: Written submissions

Petitioner submission of 18 July 2023

PE1812/EEE: Protect Scotland's remaining ancient, native and semi-native woodlands and woodland floors

Dear Mr Carlaw and Mr Torrance

We write to thank you, your Committee members, and Jackie Baillie for continuing to support the petition. We strongly endorse your proposal for a debate in Parliament, particularly around the impacts of INNS conifers & rhododendrons, the failures by Scottish Forestry (and, according to Scottish Forestry, the Procurator Fiscal) to enforce existing protections for ancient & native woodland and, lastly, the chaotic 'management' by local authorities of Tree Preservation Orders (TPOs), where it appears there are no common standards, enforcement, or good practice across councils.

Multiple recent developments evidence that this is crunch time for Scotland's ancient and native woodlands, and our country's historic natural identity, upon which we all rely. Please see:

1. The Botanical Society of Britain & Ireland (BSBI) released results from 20 years of research (including 20 million individual plant records) - the most in-depth survey of British & Irish flora ever undertaken - in March this year.

BSBI's report states: **'Peatland habitats will be essential as we strive to combat climate change, but they are being impacted by species such as Sitka Spruce, which is able to regenerate into moorlands and peatlands, reducing their ability to sequester carbon. Sitka Spruce has shown the most significant increase in range of any species recorded for Plant Atlas 2020.'**

(Sources: https://bsbi.org/wp-content/uploads/dlm_uploads/2023/03/BSBI-Plant-Atlas-2020-press-release-Britain-FINAL.pdf & <https://www.bbc.co.uk/newsround/64889032>)

2. New research just released from the University of Stirling states 56% of the highest altitude trees in Scotland are now American sitka spruce (*picea sitchensis*), which is wilding right across Scotland's hills and mountains, as well as in temperate rainforest, ice age pine woods and other ancient & native woodland.

(Sources: <https://www.heraldscotland.com/news/23591853.scotland-munros-trees-reach-record-breaking-altitudes/> and <https://www.stir.ac.uk/research/hub/publication/1911997>)

3. Cabinet Secretary Mairi Gougeon has announced a Forestry Summit, to be held in Scotland later this summer, to increase tree planting to meet scaled up afforestation targets from 2024. Scotland is already responsible for 60-80% of afforestation in the UK annually and Scotland continues to be the only country planting more INNS conifers than native broadleaf trees (**5,530 ha conifers compared to 2,660 ha broadleaf trees in 2022-23**)

(Source: <https://www.forestryjournal.co.uk/news/23590907.emergency-forestry-summit-will-held-wake-planting-rates/>)

We wondered if the Cabinet Secretary was obliquely referring to INNS conifers and associated rhododendron infestation issues when she said: “**We need to dramatically increase the level of woodland creation approvals and improve on the quality of applications being submitted as quite frankly the current status is not acceptable” [emphasis added].**

(Source: <https://www.forestryjournal.co.uk/news/23590542.uks-tree-planting-rates-fall-lowest-levels-five-years/>)

The full consequences of turning Scotland, in a geological blink of an eye, from a beautiful, colourful, biodiverse and life supporting home into an evergreen monoculture of spruce & rhododendron are unimaginable, but the transformation is well underway.

With kind regards,

Audrey Baird

Cabinet Secretary for Rural Affairs, Land Reform and Islands submission of 18 August 2023

PE1812/FFF: Protect Scotland’s remaining ancient, native and semi-native woodlands and woodland floors

Thank you for your letter of 4 July 2023, seeking further information on several points in relation to the above petition.

I will address each of the points in turn.

The timescale for completing a new register of ancient woodland

Scottish Government officials are progressing plans for the register and will work in collaboration with public bodies including NatureScot and Scottish Forestry. Ensuring the register will be fit for purpose, and able to act as a positive driver for the

protection of ancient woodlands, will be a significant and long-term undertaking. It is not possible to provide a timescale for completion of this work, but I am happy to keep the Committee updated. The Scottish Government recognises the importance of the register as a tool for ensuring our precious ancient woodlands are adequately protected.

The scale of the non-native conifer problem affecting ancient woodland populations, and what action the Scottish Government is taking to support the removal of these invasive non-native species

Scale of the issue

Evidence of the current state of woodland ecological condition across Great Britain is provided by a statistical assessment (undertaken by Forest Research) of 15 indicators of woodland ecological condition. These measures of ecological condition include occupancy of native species, vegetation and ground flora, tree health and veteran trees. The data is developed from the National Forest Inventory of 15,000 sample plots with a methodology and outputs agreed across forestry and environmental agencies across the UK. The benchmark is ancient semi-natural woodland in good condition.

The amount of native species was one of the measures, and the study showed that the proportion of native woodland that scored as in favourable condition for nativeness of occupancy was 81%.

The Forest Research National Forest Inventory (NFI) provides ecological data on all types of woodland using data drawn from the Woodland Ecological Condition (WEC) assessment. This is a systematic and statistically robust evaluation of ecological condition in all types of woodlands. Results are produced approximately every five years, with the next cycle of reporting due in 2024-25.

The [Native Woodland Survey of Scotland \(NWSS\)](#), published in 2014, provided high level statistics for the composition of Scotland's native woodlands. At the time of the survey, the composition of those woodlands recorded as ancient and semi-natural in the Scottish Ancient Woodland Inventory (SAWI) were around 5% non-native conifers (c. 4,155 ha). On Planted woods on Ancient Woodland Sites (PAWS), recorded within the SAWI, the figure for non-native conifer was around 1% (520 ha).

The recent Caledonian Pinewood Recovery Project report, with survey data on the Caledonian Pinewood Inventory sites, showed that non-native trees were found on just under 30% of plots per site, with the majority being found within or adjacent to the National Forests and Land. This led to a specific study being commissioned by Forestry and Land Scotland (FLS) to allow a better understanding of the impacts and formulate management plans going forward. As a result, a programme of work over

the course of the next five years will tackle 2,650 ha where non-natives are affecting stand condition.

Guidance, mitigation and removal

The UK Forestry Standard (UKFS) highlights the importance of our ancient woodlands by requiring forest managers to avoid introducing non-native trees. Scottish Forestry guidance (Guidance for Forest Owners and Managers: Managing invasive and non-native forestry species 2015) advises that the top priority should be prevention, then rapid response, and then control and containment.

Scottish Forestry also advises land managers that careful consideration needs to be given to protecting priority habitats through the long-term forest planning and woodland design process. Considerations include site-specific recommendations made by site ecologists within survey reports, the need for buffers, and careful species choice adjacent to sensitive habitats. Scottish Forestry would not approve a non-native forest adjacent to an ancient woodland without some mitigation such as buffering. As we deal with the legacy of forests planted prior to the formalisation of long-term forest planning, there will be a period where risks to sensitive habitats must be managed through direct intervention. Scottish Forestry offers grant aid to assist the landowner, through the [Forestry Grant Scheme](#) for removal of seedlings on sites where the seedlings will, for example, affect the hydrology of a raised bog or blanket bog, and hinder the recovery of the open bog habitat. The Woodland Improvement Grant also provides support for a suite of capital items that will benefit priority habitats and species. This includes improving the condition of native woodlands and restoring PAWS to native woodlands.

Further details can be found at: [Woodland Improvement Grant – Habitats and Species \(ruralpayments.org\)](#)

Scottish Forestry will review the need for further development of support in this area in light of stakeholder responses to the recent consultation of Future Grant Support for Forestry which closed in mid-May 2023. Responses are currently being reviewed and analysed.

The action being taken to enforce existing protections, and your view on whether current enforcement is a sufficient deterrent

The Scottish Government, Scottish Forestry and NatureScot are in agreement that protections in place for ancient woodlands against tree felling are adequate.

As noted in my previous reply to the Committee (1 June 2023), existing protections have been further strengthened by Policy 6 of the new National Planning Framework (NPF4). The Policy states that development proposals will not be supported where they will result in any loss of ancient woodlands, ancient and veteran trees, or

adverse impact on their ecological condition (and any adverse impact on native woods, hedgerows and individual trees of high biodiversity value).

As I also outlined in more detail in my previous reply, a range of enforcement options are available to authorities, depending on the specific circumstances of any unauthorised felling incident. A prosecution may be pursued in cases where it is in the public interest to do so, with the final decision resting with the Procurator Fiscal.

We understand that overgrazing by herbivores and, in some cases, invasive non-native plant species, are also impacting on the condition of ancient and native woodland sites. We remain committed to tackling these issues, and other negative drivers, as part of our vision to be nature positive – halting biodiversity loss by 2030 and reversing declines by 2045.

When the Scottish Government expects to introduce the Natural Environment Bill and whether this Bill will include further provisions to protect ancient woodland

We expect to introduce the Natural Environment Bill during the current Parliament. Subject to formal approvals, a public consultation will be launched shortly on the full strategic framework of our new Scottish Biodiversity Strategy, Delivery Plans and elements of the Natural Environment Bill. I would encourage any stakeholders with an interest in biodiversity and habitat protection to engage with this consultation exercise.

I hope this response has been helpful.

Yours sincerely,

MAIRI GOUGEON MSP

Petitioner submission of 16 October 2023

PE1812/GGG: Protect Scotland's remaining ancient, native and semi-native woodlands and woodland floors

In the light of the Cabinet Secretary's latest submission, we urge the Committee to press on with the long fight for Scotland's remaining fragments of ancient, native and semi-native woodland and woodland floors.

Warm words are not protecting Scotland's native woods and trees.

Delivering a National Register of Ancient Woodland was an [SNP manifesto pledge in 2021](#) (pg. 70), and this pledge was carried forward to the [Programme for Government](#) in the same year (pg.65). Now it seems there is no urgency - no

Register will be delivered by this Government, and no project implementation plan or basic delivery timetable is forthcoming.

Only 1-2% of Scotland's ancient woods are left standing along with a further 2-3% of native woods and yet, according to the new [2023 State of Nature Scotland report](#) (2023 SoN), only a tiny 3% of these precious fragments is in a 'favourable' condition. Most ancient and native woodland is not in 'protected' sites, but even 'protected' sites are in decline, with a 2.3% reduction of sites listed as being in favourable condition between 2007-2023. The report states the biggest threat to 'protected' sites is invasive species, with Rhododendron Ponticum and Sitka Spruce infestation highlighted as especially problematic.

The Cabinet Secretary uses the Native Woodland Survey of Scotland to provide statistics of non-native conifer infestation, yet that survey is 10 years out of date. Sitka Spruce is a profuse natural regenerator (capable of producing more than 100,000 seedlings in a single hectare according to [this Forestry Commission report](#)), and a Sitka can add over 30 ft in height in 10 years, rapidly out competing our native trees.

We are disappointed the Cabinet Secretary has provided National Forest Inventory (NFI) data for the whole of Great Britain – the UK Government has not pursued widespread conifer afforestation in England, and it does not face the scale of decline visited on Scotland by INNS rhododendron and conifer infestation. England also has a higher percentage of ancient and native woodland, and its Courts prosecute and fine criminals who fell native woodland without a licence. Therefore, the NFI stats provided are contradicted by the new Scotland-focussed 2023 SoN Report and do not reflect the deeply sad condition of our own native woods.

Among the many tragic consequences of successive governments' forestry policies, and the vast sums of public money given to landowners to plant invasive conifers, is that our Governments' nature recovery grants are directing public money to reverse the damage done to Scotland by these monoculture forestry plantations.

The United Nations issued its [latest assessment of the impact of Invasive Non-Native Species](#) in September, stating the global economic costs exceeded \$423 billion in 2019 alone and the financial impacts of INNS have quadrupled every 10 years since the 1970s. It states: ***'The severe global threat posed by invasive alien species is underappreciated, underestimated, and often unacknowledged.'*** So it is with Scotland, and we therefore hope the Committee is indeed able to secure an INNS debate in the Scottish Parliament.

It is profoundly sad that the overwhelming majority of people resident in Scotland know so little about the land and waterways that sustain them, and the native trees on which their society was built – for centuries providing the raw material for homes, transport, tools, fuel for warmth and cooking. Scotland is now so degraded it is one

of the most nature poor countries on Earth (ranking 212 out of 240 countries according to the Biodiversity Intactness Index) and according to an RSPB survey in 2019, 82% of children in the UK are unable to identify an oak leaf. This vacuum of knowledge combined with the disenfranchisement of people in communities who campaign on behalf of our country, makes our Scotland ripe for continued exploitation. That international investors continue to be facilitated to snap up huge swathes of our precious land for dodgy carbon offsets by planting vast INNS conifer plantations is, in our view, barbaric lunacy.

Legislation has thankfully tightened up recently around the issue of development in ancient woodland, but NPF4 remains weak and ambiguous for native woodland that is not identified as ancient. Also, legislation that is not enforced, and regulatory powers that are not used, as the Committee's own enquiries have established, creates an appalling illusion of protection.

Scottish Forestry officials have stated to the Committee they blame Scotland's Procurator Fiscal for not taking cases of unlicensed felling forward. Access to justice for Scotland's communities and their native trees is both unavailable and unaffordable, and the [Environmental Rights Centre for Scotland's enlightened recommendation](#) to follow the lead of dozens of other countries around the world and establish an environmental court is, we believe, essential and urgent in a climate and nature emergency.

Petitioner submission of 30 March 2024

PE1812/HHH: Protect Scotland's remaining ancient, native and semi-native woodlands and woodland floors

Is it time to stop caring? The harder we strive to protect our local woods, the faster they are destroyed.

Any remnants of trust in local government were felled this year along with [78 trees with Tree Preservation Orders](#) (TPOs) in a publicly owned wood our council sold to a developer.

Community efforts to end native woodland deforestation, strengthen resilience (against flooding, pollution, INNS, peat and soil degradation) and mitigate the worsening impacts of global warming and nature loss are blocked by an impenetrable web of deceit and greed that facilitates and funds abusers at every single stage of the lucrative deforestation of Scotland industry. As ordinary citizens we have no recourse to justice for the erasing of our local nature. The trees we fought for are dead. Caring is a dead end.

In 2018 we learned a Council-owned wood, land, and dilapidated former Council offices were to be sold and so the community council secured TPOs for the many

mature native and exotic trees on site. Expensive, extensive local authority officer time was dedicated to the long and involved process of delivering those TPOs. Soon afterwards the Council sold the wood, and we were relieved the trees were 'protected'. How stupid of us. Our Council granted the developer permission to clear fell and now most of the wood has been erased, including seven of the nine approximately 200-year-old Giant Redwoods that towered above the native trees. No single tree in the world sequesters more carbon than a Giant Redwood¹. Had our Council not conned us into thinking the trees were safe, we would have fought like Ukrainians for our wood and the 'protected' Red List wildlife that lived among those trees.

But our reserves-rich Council is cash crazy – pocketing the money from selling our land, demanding we pay more for their betrayals by adding 10% on our council tax, billing residents just days after their budget meeting, and then tossing us the cost of U-turning following their spat with the Scottish Government. Unlike priceless native woods that are hundreds of years old, when our Council betrays us by destroying our trees, there can be no U-turn.

The Council subsequently stated that as the wood was allocated for housing in the 2015 Local Development Plan, TPOs there are essentially useless. Clearly putting TPOs on the wood in 2018 was just a Council charade.

- **Why** did National Planning Framework 4 (NPF4) not apply?
- **Why** was a felling licence from Scottish Forestry not required?
- **Why** did the Council not inform the local community council in 2018 that TPOs were a waste of everyone's care?

This outcome is an unforgiveable breach of trust. We urgently need to be protected from our Council and we need help to save what remains of the wood. Evidence provided to the Petitions Committee suggests that councils' TPO regulatory powers are yet another weak link letting Scotland sink further into ecological poverty.

Council-owned land and woods are also dying from neglect, often overrun with invasive species. To have a chance of saving them, responsibility for all public woods could be transferred to another organisation (a new National Nature Service?) that has a remit to work in partnership with local communities and landowners to bring them back to ecological health. Nature is rapidly in retreat and [our local community is 100% powerless to help](#).

In addition to losing our wood, our community is bearing witness to our beloved hill above the felled wood being fenced off and dug up for yet another 'green concrete' conifer plantation extension to an existing vast disease-ridden monoculture block.

¹ <https://www.newscientist.com/article/2421922-giant-sequoia-trees-are-growing-surprisingly-quickly-in-the-uk/>

Our hill's colours, contours and identity are being permanently erased, wildlife and pollinators poisoned and evicted again and again, [archaeological sites dug over](#), livestock gone, wild flowers and biodiversity eradicated over most of the 500 acre scheme. The vast amounts of the logging industry's chemicals and plastics now being added to the peaty soils with the associated toxins sure to leach into our burns and loch. The increase in high rainfall incidents this year alone is resulting in greater volumes of water clashing with the vast local land use change, deforestation, development and new drainage channels diverting the water, silt, and other debris into blocked and overflowing natural watercourses and flooding our pavements and roads.

While there will be no direct community benefit from the afforestation, hundreds of lumber trucks will travel through our narrow village streets, the tiny fragments of ancient woodland left face an even greater threat of INNS conifer infestation and all the while our hill has become nothing more than a gambling chip to be tossed between investment companies² around the world.

Many human-made cancers are spreading unchecked across Scotland's historic natural identity and the dire, declining condition of our mature native woodland is arguably the most obvious symptom. Small rural communities like those on Craignish Peninsula, assessed by the Alliance for Scotland's Rainforest as [defendable](#), are forced to form alliances with conservation charities to battle to protect them from the INNS cancer.

But most of Scotland is completely undefended from rampant, all-consuming, unchecked spread of INNS (Rhododendron Ponticum, commercial conifers, Laurel, Bamboo and many others) and the catastrophic diseases ([pluvaris](#) and [ramorum](#)) and pests they are spreading, leading Ireland to restrict imports of timber from Scotland³.

The logging industry has known for 30 years their favoured conifers are highly invasive. On Sky News in December 2021⁴, CONFOR Chief Executive, Stuart Goodall, said: *"If there are trees which are being blown in, by actively managing them we take them out and we would absolutely support that, we want to see our ancient woodland protected."* We urge the Petitions Committee to demand CONFOR explains when and how the forestry industry will pay to remove its pollution, in accordance with its responsibilities to the UKFS and in line with Scottish Forestry's own guidance, instead of shunting the hard, spirit crushing work of removing self-

² <https://www.thisismoney.co.uk/money/markets/article-12307917/UK-fund-manager-Gresham-House-falls-hands-buyout-barons-Searchlight-Capital-470m-deal.html>

³ <https://www.farmersjournal.ie/more/forestry/new-restrictions-announced-for-timber-imports-from-scotland-804155>

⁴ <https://news.sky.com/story/scotlands-ancient-forests-facing-a-biodiversity-crisis-from-non-native-tree-planting-12502002>

seeded conifers on to people and volunteers in charities and communities who actually care about Scotland.

[The Royal Society of Edinburgh's 2024 Inquiry into public financial support for tree planting](#) has reached many of the same conclusions we have been presenting to the Committee. With the INNS conifers now being planted right down our hill, and housing development decimating mature semi-natural woodland up the hill to meet the plantation, there is no possibility of an NPF4 Nature Network to reconnect our community's fragments of ancient and native riparian woodland.