



The Scottish Parliament
Pàrlamaid na h-Alba

CITIZEN PARTICIPATION AND PUBLIC PETITIONS COMMITTEE

Máiri McAllan MSP
Minister for Environment and Land Reform
Scottish Government

By e mail only—
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Citizen Participation and Public
Petitions Committee
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8 December 2022

Dear Máiri,

[PE1812: Protect Scotland's remaining ancient, native and semi-native woodlands and woodland floors](#)

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.

The above petition was first considered by our predecessor Committee in September 2020. Since then, the Citizen Participation and Public Petitions Committee has examined written and oral evidence from a range of sources including the petitioner, environmental NGOs, Scottish Forestry, local authorities, and the Scottish Government. The Committee thanks you for the evidence you provided in person during our meeting on 23 March 2022.

While the Scottish Government set out a number of existing protections, it has been suggested to the Committee that these are insufficient in fully safeguarding Scotland's ancient, native and semi-native woodland and woodland floors. The Committee heard many issues are impacting the effectiveness of current woodland strategies and policies, including:

- Overgrazing, invasive non-native species, and commercial forestry obligations,
- Lack of information on the location and condition of ancient woodlands, and a lack of resources to properly monitor their condition,

- Tension between the pursuit of commercial forestry and protecting ancient and native woodland,
- Community voices being insufficiently heard and taken into account,
- Sanctions for illegal felling failing to act as a deterrent, with Scottish Forestry and local authorities rarely pursuing prosecutions where illegal felling has occurred, and
- Where enforcement does occur, this typically takes the form of replanting or tree management, which does little to mitigate the irreplaceable nature of ancient trees.

In addition to the challenges and pressures facing ancient and native woodlands, the Committee also heard there is scope to improve the existing policy, legislative framework, and the approach to implementation, to provide enhanced protection of this significant habitat and enhance biodiversity and carbon capture.

The Committee recognises the fundamental importance of ensuring Scotland has a comprehensive knowledge base on the location and condition of ancient woodlands. The Committee is concerned that the current processes for monitoring the location and condition of ancient and veteran woodland are insufficient and asks the Scottish Government to prioritise the development of a register of ancient woodland.

Since the Committee last considered this petition at its meeting on 9 November, Members were encouraged to note that the revised National Planning Framework (NPF4) includes a policy on forestry, woodland, and trees which states:

*“Development proposals will not be supported where they will result in:
i) any loss of ancient woodlands, ancient or veteran trees, or adverse impact on their ecological condition.”*

The Committee welcomes this action and urges the Scottish Government to continue taking steps to protect ancient and native woodland.

The Committee recognises there are current policy development opportunities to strengthen woodland protections, including through the new Biodiversity Strategy and upcoming biodiversity delivery plan and planned changes to deer management policies. The Committee is also aware of the recently announced [refresh of the Forestry Grants Scheme](#) which may offer opportunities. The Committee encourages the Scottish Government to ensure these strategies result in enhanced ambition and consistent implementation and enforcement of woodland protection across Scotland.

The petition calls for the delivery of world-leading legislation to fully protect Scotland’s remaining ancient, native and semi-native woodlands. The Committee is aware of upcoming legislative opportunities to deliver on this ask, such as through the proposals for the Land Reform Bill, the upcoming nature restoration targets in the Natural Environment Bill, and the Agriculture Bill. The Committee calls on the Scottish

Government to reflect on the evidence and consider the opportunities to strengthen the statutory protections for woodlands.

Specifically, the Committee asks the Scottish Government to consider provisions to designate ancient woodlands as SSSIs, or to provide a new protection scheme similar to that which exists for ancient monuments and listed buildings. This could, for example, ensure that all ancient woodlands are considered 'sensitive areas' [for the purpose of forestry Environmental Impact Assessments](#). Consideration could also be given to whether EIA regulations more widely could be strengthened to offer protection to ancient woodlands. The Committee also asks the Scottish Government to consider whether the safeguards around felling and rules around permitted development rights in relation to forestry are appropriate with regard to ancient woodlands.

The Committee considers that the forthcoming legislation should also include provisions to ensure that community voices are strengthened in the planning and decision-making processes in relation to woodlands and woodland protection.

Given the issues in relation to compliance and enforcement, the Committee considers there is merit in the Scottish Government undertaking an evaluation of the current approach to improve compliance and to ensure the process of enforcement and penalties are fit for purpose and acting as an effective deterrent. The Committee asks that this review include consideration of the approach to prosecutions where illegal felling has occurred.

The Committee would welcome a response at your earliest opportunity, but by no later than **Thursday 19 January**. Your response will be processed in accordance with the Parliament's [policy on the treatment of written evidence](#).

On behalf of the Committee, I thank you once again for your own contribution to our consideration of this petition.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'J Carlaw', written in a cursive style.

Jackson Carlaw MSP
Convener