

Citizen Participation and Public Petitions Committee

4th Meeting, 2022 (Session 6), Wednesday 9
March 2022

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

Note by the Clerk

Lodged on	5 August 2020
Petitioners	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

Introduction

1. The Committee last considered this petition at its meeting on [Wednesday 2 February 2022](#). The Committee agreed to invite the Petitioners and relevant stakeholders to give evidence at a future meeting.
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 responses from the Petitioner, the Scottish Government, Communities for Diverse Forestry and the RSPB which are set out in **Annexe C**.
4. The Committee decided to hear evidence from the petitioners initially then hold a roundtable session with RSPB, Scottish Forestry, NatureScot, Confor and the Woodland Trust Scotland. A separate questions paper is provided for Members as **Paper 5 (private paper)**.

5. Written submissions received prior to the Committee's last consideration can be found on the petition's webpage <https://petitions.parliament.scot/petitions/PE1812>.
6. All written submissions received on the petition before May 2021 can be viewed on the petition on the [archive webpage](#)
7. Further background information about this petition can be found in the SPICe [briefing](#) for this petition.
8. The Scottish Government's initial position on this petition can be found on the [petition's webpage](#).

Action

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

Clerk to the Committee

Annexe A

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

5/08/2020

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 rafts 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 2 February 2022

The Convener: PE1812, which was lodged by Audrey Baird and Fiona Baker on behalf of Help Trees Help Us, calls on the Scottish Parliament to urge the Scottish Government to deliver world-leading legislation giving Scotland's remaining fragments of ancient, native and semi-nativewoodlands and woodland floors full legal protection. The petitioners initially hoped that that would be done before the 26th United Nations climate change conference of the parties— COP26—in Glasgow last November.

I am delighted to welcome Jackie Baillie. Before I come to Jackie, I will provide a little background. The committee previously considered the petition on 8 September, when we agreed to write to the Scottish Government to seek an update on its response to the deer working group. To date, no response has been received from the Scottish Government. However, the petitioners have made a further submission, in which they raise concerns that Scotland's ancient woodland, Atlantic rainforest, country parks, remote glens, areas of outstanding beauty and farmland are all now being overrun by invasive non-native ecosystem-engineer conifer species.

The submission explains that such species already cover around one sixth of the country and that, where conifers are not being deliberately planted, they are planting themselves. The petitioners understand that Scotland added around 10,500 hectares of new invasive conifer-dominated plantations last year and, by 2024, aims to plant a further 18,000 hectares each year for felling.

The submission explains that, at the first part of the United Nations COP15 biodiversity conference in China, the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services stated that invasive species and destructive land use are two of the five biggest threats to the natural world.

The petitioners explain that the UK law on escaped non-native trees is set out in the Wildlife and Countryside Act 1981, which states:

“any person who plants, or otherwise causes to grow, any plant in the wild at a place outwith its native range is guilty of an offence.”

The petitioners are concerned that no one appears to be upholding that law, with the forestry industry being exempt. The petitioners call for the act to change to reflect the growing scientific understanding of the impact of invasive ecosystem engineers, as well as the forestry industry's inability to manage the risks that are associated with planting invasive conifers across Scotland.

I express disappointment that we have not had a response from the Scottish Government. However, I am happy to invite Jackie Baillie, who is with us this morning, to update us with any comments that she may wish to contribute.

Jackie Baillie (Dumbarton) (Lab): Given your comprehensive introduction to the petition, convener, you have taken away most of my comments.

The Convener: I was worried that that might be the case.

Jackie Baillie: I am grateful to you and to the committee for the opportunity to speak to this petition from Audrey Baird and Fiona Baker, both of whom are my constituents. Members will know that I am not an expert in ancient or native woodland but, in learning about the petition, I am absolutely persuaded of the need to protect our woodlands, and I therefore hope that the committee will support its aims.

The petitioners believe that our ancient and native woodlands are being colonised. I have copies of pictures that show that. I do not know whether it is appropriate to circulate them to members, but a picture does what 1,000 words cannot do. It shows the invasion of non-native species in our countryside.

Scotland's ancient woodlands, its Atlantic rainforest and other land are being colonised by invasive non-native conifer species, which, as you said, already cover one sixth of the country. It is interesting to note that while New Zealand, which is remarkably similar to Scotland, is spending hundreds of millions of dollars to remove invasive conifers, we have the opposite situation in Scotland. As you rightly referenced, we planted 10,500 hectares in the past year and have an ambition to plant an additional 18,000 hectares each year in the next three years.

New Zealand is not alone. Irish authorities have issued contracts for the removal of self-seeded conifers in an attempt to protect their woodlands from being colonised in a similar way. As I understand it, conifers take anything from six to 40 years to mature. They produce copious amounts of seeds that can live in the soil for decades before they germinate. Once they take hold, they rapidly invade, outgrow and destroy native woodlands.

Another set of issues is the impact on local communities, which members may have experienced. Such plantations are often promoted by faceless investment companies, some of which are global actors, that buy up land in Scotland. In an article a few days ago, the *Daily Record* described how tax haven companies such as Gresham House are taking advantage of tree planting in Scotland.

Their investment opens access to tax breaks. There is no income tax, corporation tax or capital gains tax in relation to growing timber. In their brochures, the investment companies talk about forestry funds providing their high-net-worth clients with inheritance-tax-efficient structures. I know that I digress slightly, but the committee should be aware of the motivation of some of those companies. It is not about climate change or the environment; it is about tax-efficient funds. Some might even describe it as tax-avoidance funds for wealthy clients.

The companies outbid local communities for land, and farmers in those areas are often extremely concerned that productive land is lost. Community consultation is meaningless and road safety concerns about large haulage lorries going through small rural communities are swept aside. I know this, because there is currently a consultation affecting my area for a 200-acre afforestation scheme at Stuckenduff involving the one and only Gresham House.

Nature and life are all about balance. It would therefore be interesting to know how many commercial afforestation schemes there are, and how many are conifers and how many are native woodland. As the petition noted, we have only something like 1 per cent of our ancient woodland left. We need to protect the remaining fragments of that ancient woodland, semi-native woodland and woodland floor for future generations. That means providing full legal protection.

You were right to reference the Wildlife and Countryside Act 1981, which states:

“any person who plants, or otherwise causes to grow, any plant in the wild at a place outwith its native range is guilty of an offence.”

The forest industry is exempt, but I would be curious to know how often that has been enforced in Scotland in the past 41 years and, indeed, why there are no controls on the forestry industry, because it has a direct impact on our ancient woodlands.

I will leave you with a surprising fact, which I confess to not being aware of before and which you referenced, convener. According to the United Nations COP15 in China, invasive species and destructive land use are two of the five biggest threats to the natural world. I certainly did not know that before. Surely, it is time for Scotland to update its legal framework to take account of that growing body of knowledge of the impact of invasive non-native species and act to protect what remains of our ancient native woodland.

The Convener: Do committee members wish to comment?

David Torrance: Like you, convener, I was disappointed that we did not get anything back from the Scottish Government. Could we invite the Cabinet Secretary for Rural Affairs and Islands to give us evidence on the questions that have been raised? The evidence that has been put before us is concerning.

Ruth Maguire (Cunninghame South) (SNP): It is an important topic and I, too, would be interested to hear directly from the cabinet secretary. That would allow us to move things along a bit quicker than letter writing seems to have done in this instance. It would be helpful to hear from her.

Alexander Stewart: I, too, indicate my disappointment at not having a response from the Scottish Government. It is very much in our favour if we invite the cabinet secretary to comment on the evidence that we have received. It is useful to have the photographic evidence as well. Ms Baillie has taken an informed approach. It would be useful to get the cabinet secretary to answer some of the questions that she posed.

Paul Sweeney: The petition is incredibly important. During COP26, the RSPB did a fantastic showcase on Scotland's rainforests, which was an eye-opening educational experience. Not many people realise that rainforests exist in Scotland in the temperate climate. There is probably a need to mobilise a broader debate on the issue. We ought to consider taking evidence from a wider group of stakeholders to broaden the base of the evidence that we obtain. I am thinking of Forestry and Land Scotland and the RSPB as two suggestions.

It is an urgent concern, particularly with the invasive growth in ancient woodland and the displacement that is caused by conifer plantations, which I think were originally planted for the first world war. That was the origin of the Forestry Commission; it was about the need to rapidly grow timber for the war, but it has had severe long-term effects over the past century.

The Convener: I thank Jackie Baillie for her helpful and comprehensive suggestions. Our original thought was that we might write to the cabinet secretary again but, given the focus in Scotland on the environmental agenda and the importance of the issue, it seems to be the sort of issue that the committee was designed to pick up, make some running with and interrogate in some detail.

I welcome the suggestion that we have the cabinet secretary before us, and I am happy to concur with the other suggestions that Mr Sweeney made. The photographs that we have been given are helpful in illustrating what an invasion can look like. I am happy for the cabinet secretary to have sight of those before she comes to give evidence, so that there is an understanding of the practical reality.

Were the petitioners responsible for those photographs, Ms Baillie?

Jackie Baillie: They were. My photographic skills are not as good as theirs.

The Convener: No comment. I thank them very much for that. I wonder whether we would like to have the petitioners involved, too. As a courtesy, it might be nice to have them.

10:30

Jackie Baillie: I think that they would certainly welcome that.

The Convener: Are members content with that approach?

Members *indicated agreement.*

The Convener: I thank members for their contributions.

Annexe C

Petitioner submission of 4 February 2022 PE1812/W - Protect Scotland's remaining ancient, native and semi-native woodlands and woodland floors

I implore you to read this New Zealand Government brief about how 'wilding' conifers are out of control in their country and spreading at a rate of 90,000 hectares each year. This is despite all their efforts thus far to control them. They state wilding conifers are a major threat to their country's ecosystems, land and farms and the conifer seeds can be blown many kilometres by the wind. This year they are spending an additional \$36 million (over the \$100 million they allocated for a 4 year programme) to increase control work. The conifer species they are fighting are mainly lodgepole pine (which I believe is now illegal to propagate in New Zealand) and scots pine. These are species the Scottish forestry industry has favoured for decades, along with the extremely high risk sitka spruce. The tragic consequences of escaped conifers has been acknowledged in countries all around the world, why is Scotland ignoring it?

Every day we do nothing to tackle this devastating problem in Scotland, the invasion spreads. We must learn from the New Zealand Government and take immediate action to stop this from destroying more of our precious land. PLEASE invite a representative from the New Zealand Government to join the meeting by video link.

We thank you for the invitation and are willing to attend the meeting. We most sincerely hope it will be constructive, action focussed and without crossfire. We are volunteers, not politicians, forestry workers or civil servants. I am struggling to juggle work commitments, life commitments, lack of sleep, campaigning panic and being contacted by other desperate people appealing to us for help to save their own threatened ancient and native woods.

I note that in addition to the Cabinet Secretary, a representative from Scottish Forestry will be asked to attend. Scottish Forestry's statement to SKY News on this issue on 28 December was 'There is no evidence to suggest that ancient woodlands are being lost to non-native tree regeneration in the way described. The current, principal threat to our ancient woodlands is from selective browsing by deer, which tend to prefer broadleaves.'

CONFOR Chief Executive Stuart Goodall essentially contradicted this in the same news item by saying: 'The important thing for ancient woodland is that they are managed. 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.'

The SKY News pieces are here:

<https://news.sky.com/video/forests-face-biodiversity-crisis-12505022>

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

Scottish Government submission dated 21 February 2022

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

Thank you for your letter of 10 September 2021 seeking further information from the Scottish Government in relation to the above petition. I have been asked to respond, based on the topics covered. Please pass my apologies to the Committee for the delay in responding, as due to a clerical error your letter was only recently brought to my attention.

Update on response to the independent Deer Working Group

Scottish Forestry, an agency of Scottish Government, are working closely with other key partners, including NatureScot who have statutory responsibility for deer management in Scotland, to progress the Scottish Government response to the Deer Working Group recommendations which will ensure there are robust systems of deer management in place within the forestry sector. We have established a project under the Scottish Biodiversity Programme to encompass the legislative and non-legislative components of these recommendations. This will ensure an appropriate level of governance, but will also bring deer management into consideration alongside biodiversity as the Scottish Biodiversity Strategy (SBS) progresses.

The project includes four key work streams:

Legislative – progressed through a new Bill to create the enabling conditions for more effective deer management;

Incentives – to secure a suitable payment and penalty regime including forest management, agricultural conditionality and moorland management;

Regulation – focusing on how and where to target regulatory efforts, prioritising key landscapes and areas;

Operational delivery – ensuring a cohesive approach on the ground between key delivery partners.

A project board to steer the project has been established, chaired by Scottish Government and comprising senior officials from our Environment and Forestry Directorate, Forestry and Land Scotland, Scottish Forestry, NatureScot, and both the Cairngorms and Loch Lomond and the Trossachs National Park Authorities. NatureScot have taken on secretariat responsibilities. The project board reports to the SBS Programme Board.

The project board meet quarterly and are due to meet next in early March 2022 to discuss taking forward the priority recommendations to ensure there are robust systems of deer management in place in Scotland.

Development of new biodiversity strategy

We have committed to publish a new biodiversity strategy by October 2022, which will define high level outcomes and priority actions that are required in Scotland to address the ongoing decline in biodiversity. This will be supported by a delivery plan published within six months of the new strategy.

We are engaged in a programme of engagement with stakeholders as we develop our strategic vision and outcomes. This engagement got under way in December and will run until April. It has involved both focused, topic-based discussions in small groups and wider group discussions with our Programme Board Stakeholder Engagement Group. This process will lead to a wider public engagement, with a view to publishing a consultation document in May 2022.

Use of the National Planning Framework to protect ancient, native and semi-native woodlands and woodland floors

Our draft National Planning Framework 4 (NPF4) sets out how our approach to planning and development will help to achieve a net zero, sustainable Scotland by 2045. This includes draft planning policy on Trees, Woodland and Forestry, which states that development proposals should not be supported where they would result in:

any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition; or

adverse impacts on native woodlands, hedgerows and individual trees of high biodiversity value or identified for protection in the Forestry and Woodland Strategy.

Views are currently being invited on the draft NPF4 alongside parliamentary scrutiny, following which we anticipate producing a final version for approval and adoption around summer 2022.

The draft NPF4 is available to view on the Scottish Government website at: Scotland 2045 - fourth National Planning Framework: draft - gov.scot (www.gov.scot) .

Information on any legislation we intend to bring forward relevant to the issues raised by the petition

Further to comments included above, we have committed to introducing a new Natural Environment Bill in 2023-24, which will include targets for nature recovery. Formal scoping of the content of that Bill has not yet commenced.

I hope this response has been helpful.

Communities for Diverse Forestry submission 2 March 2022

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

Community councils and other groups increasingly contact us because they feel disenfranchised by rapid afforestation without meaningful consultation. Residents in areas impacted by rapid forest expansion are concerned by the lack of species diversity from both a resilience and biodiversity point of view, as well as broader social concerns around current land use policy. We regularly hear that more consideration should be given to nearby existing native woodland habitats when assessing new woodland creation proposals. Some express concerns re self-seeded Sitka spruce establishing out with the curtilage of forest boundaries.

Volunteers often suffer from a lack of knowledge about how the system works. We are campaigning to publish a set of guidelines that guide a community through the process, step-by-step and let them know how, when, and why they can engage. While we have produced a set of freely available guidelines, we would prefer to see a Charter endorsed by the industry, Scottish Forestry, and grassroots community groups like us. We are aware that work is ongoing to establish guidelines but strongly believe a greater degree of urgency is required, given the current volume of proposals. This information should be sent to communities at the earliest stage of an application, i.e. at the scoping phase, with an additional walk-through of the process if required and, ideally, a joint site visit. The onus would be on the applicant to show that this process occurred before submitting the scheme to Scottish Forestry.

RSPB submission of 2 March 2022

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

Introduction

The RSPB is writing to support the main call in this petition to provide better protection for Scotland's remaining Ancient Woodlands. This protection should comprise:

- a new survey and register to identify all remaining Ancient Woodlands and their status,
- legislation to protect all Ancient Woodland in Scotland,
- regulations and grants to improve the condition of those designated as Ancient Semi- Natural Woodlands,
- regulations and grants to increase the rate of restoration of Plantations on Ancient Woodland sites, so that they return to appropriate condition to be redesignated with Ancient Semi-Natural Woodland status,
- grants to support the establishment of buffer zones around Ancient Woodlands where natural colonisation is facilitated. This is the best way to expand native woodland cover. However, ecological restoration requires careful management including deer and other herbivore control, the removal of invasive species, including *Rhododendron ponticum*, and non-native trees, as well as the patience to allow much longer time for establishment.

Background

A 2021 report on [Biodiversity Loss](#) from the Natural History Museum, in collaboration with the RSPB, shows that Scotland has retained more biodiversity intactness (56%) than any of the UK's other devolved nations. However, there is no room for complacency. The report ranks the countries and territories assessed from 240 (the country/territory with the most biodiversity intact) to 1 (least biodiversity intact) and Scotland is among the lowest 25%. If the Scottish Government acts now, restoration from a baseline in which more than half of its biodiversity remains is still possible. Delaying will mean the trend for loss of biodiversity will continue, risking Scotland becoming one of the nations in which more than 50% of its native biodiversity has been lost.

The UN Sustainable Development Goals' [Life on Land](#) recognises that forests are home to 80% of global terrestrial biodiversity although they comprise only 31% of the total land area. Therefore, one of the most efficient ways of reversing biodiversity loss is by increasing forest and woodland protection, improvement and enhancement. In Scotland, this must include the remaining fragments of our Ancient Woodlands. However, the Woodland Trust's inaugural [State of the UK's Forests and Woodlands 2021](#) report provides unequivocal evidence that Ancient Woodlands have continued to be lost in recent years, and many still remain under threat.

Table 3.2.1 from this report (overleaf) shows that when Scotland's Ancient Woodlands are threatened, they are much more likely to be lost (73%) than saved

(27%). This is disproportionate in comparison to the other devolved nations where more are saved than lost. Clearly, the level of protection in Scotland is not yet adequate and this does not bode well for the 274 Ancient Woodlands still under threat.

International Context

2021-2030 has been declared the [UN Decade on Ecosystem Restoration](#) in which the aim is **‘to prevent, halt and restore the degradation of ecosystems on every continent and in every ocean.’**

One outcome of the UN Climate Change Conference (COP26), held in Glasgow in November 2021, was the [Glasgow Leaders’ Declaration on Forests and Land Use](#). This call to strengthen shared efforts began with, **‘Conserve forests and other terrestrial ecosystems and accelerate their restoration.’**

The UK has the COP presidency until the November 2022 handover at COP27. Although Scotland was not the official host, its largest city welcomed the world and is forever linked to this important meeting and Declaration, like Kyoto and its Protocol in 1997. The Declaration has been signed by 141 nations, representing more than 90% of the world’s forests. Both forestry and biodiversity are devolved matters, and this gives Scotland an opportunity to demonstrate leadership at the global scale by strengthening its own efforts to conserve forests by providing full statutory protection to our remnant Ancient Woodlands.

National Action

On 14th December 2020 the Scottish Government issued a Statement of Intent on Biodiversity announcing at least [30% of Scotland’s land to be protected for nature by 2030](#) (‘30 x 30’). Around 18% of Scotland’s land is protected for nature, but not all of this is currently effectively managed, we therefore need a robust and ambitious strategy for delivery on 30 x 30 in a way that will lead to genuine improvements in biodiversity. About 50% of Scotland’s Ancient Woodlands are outside of current protected areas, so, as part of its forthcoming strategy for 30x30, the Scottish Government should consider the need and benefits of providing statutory protection for all of Scotland’s Ancient Woodlands, how this might be achieved and the contribution that this could make to achieving the 30% target by 2030.

RSPB Scotland will be responding to the current consultation on the Fourth National Planning Framework Draft ([NPF4](#)), which closes on 31 March 2022. Draft policy 34 seeks to protect woodland from loss due to development and encourages enhancement and expansion. We generally welcome the strengthened policy wording in Policy 34, including part b) which states, **‘Development proposals should not be supported where they would result in: • any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological**

condition'. However, this does not guarantee that there will be no loss as a result of development and the wording could be strengthened further, for instance, *'Development proposals will not be supported where they would result in: • any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition'*.

RSPB Scotland is calling for a Scottish Nature Network to be included in NPF4 as a National Development. This would help to identify and protect the native woodland we have and direct resources to the best places for enhancement, supporting woodland expansion, for instance, identifying buffer zones around woodlands to allow for natural regeneration.

Although stronger policy wording in NPF4 and local plans will be a positive change, there are other threats to native woodland which the planning system cannot address, therefore further protection is needed.

Summary

The RSPB believes that the time is now for the Scottish Government to demonstrate global leadership by providing full statutory protection for our precious and iconic Ancient Woodlands, including fragments of Caledonian pinewoods and Scotland's rainforest. This action would contribute to measures to address the nature and climate emergency.