

Fergus Ewing, the illegal felling of native woodland and the Cairngorms National Park

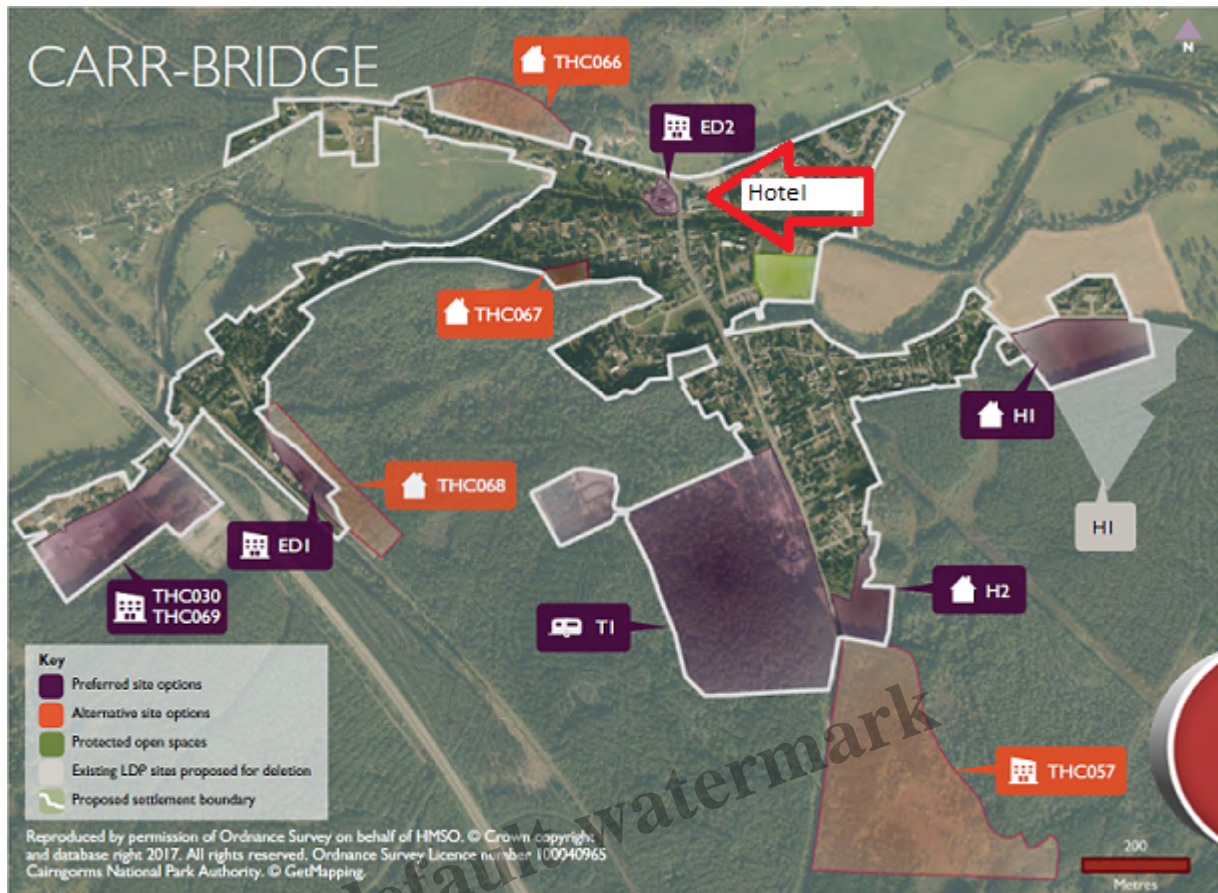
Description

Last year parkswatch covered Fergus Ewing's intervention on behalf of the owner of the Carrbridge Hotel, Mr Watt, to create a new car park in an area outside the village settlement boundary where trees had been illegally felled ([see here](#)). This has been followed up by the environmental journalist, Rob Edwards, who published the results of his investigation yesterday on the Ferret ([see here](#)). Recommended reading! Rob's investigation reveals that two weeks before launching his attack on the Cairngorms National Park and the planning system, Mr Ewing had received written advice from Forestry Commission Scotland officials NOT to engage with Mr Watt because they were taking enforcement action under their own procedures and had also referred the case to the Procurator Fiscal. Mr Ewing chose to ignore that advice and I am delighted that politicians are now demanding that Mr Ewing be investigated under the Ministerial Code of Conduct.

Mr Ewing's defence, that he was acting as a local constituency MSP rather than as a Minister, is laughable. Since when has it been the duty of MSPs to intervene in cases where their constituents are accused of breaking the law unless unless a clear injustice is involved? To do so when you are the Minister directly responsible for enforcing part of those processes (the ones requiring illegally felled woodland to be restored) appears a very serious breach of the Ministerial Code.

Mr Ewing's actions also undermines the credibility of the decision by the Procurator Fiscal Service NOT to take legal action against the legal felling – as revealed by Rob Edwards. The PF Service does not have a good record when it comes to taking action against breaches of environmental law. For example, Raptor Persecution Scotland regularly covers how rarely action is taken against the illegal killing of birds of prey while regular readers may recall how the investigation into those ultimately responsible for the illegal felling of trees at Drumkinnon Bay appears to have run into the sand ([see here](#)). However, while the Environment Minister, Roseanna Cunningham, has been supportive of better law enforcement in respect of raptor persecution, Mr Ewing's actions in this case suggest he has no real interest in ensuring native woodland is properly protected. That should be of major concern. We need Ministers who understand the need to put the public interest before private interests.

Mr Ewing's attacks on the Cairngorms National Park Authority last summer also, in my view, constitute a further breach of the Ministerial Code. The Scottish Government has issued Guidance to all Planning Authorities on Planning and woodland, "The right trees in the right place". This contains detailed prescriptions for how Planning Authorities should preserve trees and again Mr Ewing is the Minister responsible. The CNPA appears to have followed those procedures and Mr Ewing therefore appears to have criticised them for doing what his own department advocates! No wonder Grant Moir, the Chief Executive of the CNPA, expressed concerns in an email to Mr Ewing that he had not has the courtesy to check first before going public.



The land where the illegal tree felling took place is within area marked THC066 on the map. This was consulted on extensively during the preparation of the Local Development Plan as an alternative site for housing and rejected.

It's good to see, therefore, that in the new Cairngorms Local Development Plan, which is out for consultation ([see here](#)), that the Cairngorms National Park Authority has held firm to its position and resisted the pressure from Mr Ewing. The car park would have been outwith the village settlement boundary in the site at the top of the map marked THC066. This is NOT included in the final development plan.

What needs to happen

The need for a full investigation of Mr Ewing's actions in this case under the Ministerial Code of Conduct seems to me beyond doubt. Whether it will happen, however, is another matter and will depend on "political" pressure.

If you share the concerns expressed by myself and others in this case, you can help by asking your MSP to call on Nicola Sturgeon to refer Mr Ewing for an independent investigation. Nicola Sturgeon, as First Minister, has lead responsibility for the conduct of her cabinet colleagues and for taking decisions on the need for independent investigations.

Category

1. Cairngorms

Tags

1. CNPA
2. Forestry Commission Scotland
3. Governance
4. Minister Environment
5. natural environment
6. planning
7. Scottish Government

Date Created

March 8, 2019

Author

nickkempe

default watermark