

**Report by the Forestry
Regulation Task Force**

**Challenging Assumptions,
Changing Perceptions**

October 2011

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Letter to Ministers

**Rt. Hon. James Paice MP,
Minister of State for Agriculture and Food, Defra**

27 October 2011

Dear Minister

We are delighted to submit our independent report on regulation in the Forestry Sector for your consideration. Thank you for setting up this Task Force and giving us the time to consider how best to move forward based upon a genuine desire by the Government to support businesses and sectors that 'do the right thing'.

The report is the result of broad engagement and in-depth discussions with individuals and organisations from across the sector. They include the full range of owners and managers representing the small and often fragmented lowland woodlands, the larger more diverse mixed woodlands and the extensive commercial forests.

Shortly after starting our work the Independent Panel was set up to look at the future role of the Forestry Commission and wider policy issues. We make no apologies for sometimes straying into their territory! We anticipate that some of our recommendations will support, or potentially provide solutions for, the work of the Panel. Where this is the case we look forward to discussing these further with you. We have deliberately left the operational details of a Woodland Partnership open as we hope this will be considered further by the Panel.

As you are well aware the sector is quite small in comparison to agriculture but it has a considerable beneficial effect on the lives of many throughout England. In addition to the important timber producing and processing role and the employment this generates, the sector provides an extensive range of social, recreational and environmental benefits and the opportunity to ameliorate the effects of climate change in both urban and rural settings.

Our key message from the report is best summed up in the title: we wish to see the achievements of the sector and the part it can play in the life of the nation recognised more widely. Regulation based upon an informed view of risk, compliance and best practice contributes to this recognition.

We describe a sector that is increasingly confident in its ability to help the Government achieve its aspirations for a low-carbon economy, a rich and diverse landscape and a healthy and vibrant woodland economy.

We believe there is a possibility that, in time, new forms of funding will become available to help secure more woodland by, for example, payments for ecosystem services and carbon projects. However in the short to medium term, active management will come about from more traditional funding streams, new markets and economic activity supported by a benign regulatory environment. We believe that the old adage, 'a wood that pays is a wood that stays' is as relevant today as it was in the past.

Letter to Ministers

We have put forward in this report a suite of recommendations designed to make it simpler for a skilled and compliant sector to deliver high quality management appropriate to the scale and location of the woodlands. In addition we hope that the changes we suggest will make it easier for the owners of the extensive area of unmanaged woodland across England to access appropriate advice and guidance.

With your full support we sense a real opportunity, perhaps more so than at any time in a generation, to achieve the management that our rich woodland heritage deserves.

The public needs to trust that our trees, woodlands and forests are well cared for and regulated and we need to celebrate the role that a diverse and successful woodland economy can play in achieving a resilient and diverse landscape, both now and for generations to come.

Yours faithfully

Chris Starr, Chair
Stuart Goodall
George McRobbie
John Morris
Gordon Pfetscher
Mike Seville
John Wilding

Executive Summary

'A culture is no better than its woods'. W H Auden

The Task Force was set up with a clear remit to look at the regulatory framework for forestry in England and to consider the role of grant support in aiding the aspirations of more woodland management and creation. We soon became aware that many of the issues identified by respondents in relation to regulation and management were often rooted in external perceptions of the sector and a lack of understanding by the wider public and parts of government of the process and importance of creating and managing woodland. Many of the controls that are in place do little to tackle the real risks such as loss and deterioration of ancient woodland, most frequently through lack of management, but instead act to undermine the desire and ability to do those things that would positively benefit woodlands and society.

Although the sector is relatively small in terms of direct employment and the direct contribution to the economy, there is a substantial downstream effect into the processing sector, import substitution, the rural economy and ecosystem services. The expanding woodfuel market, conservatively estimated to be worth an additional £200 million annually, together with the forthcoming Renewable Heat Incentive, offers exciting opportunities for growth, sustained income and an increase in timber prices, especially for the small and often unmanaged broadleaved woodlands. These opportunities need to be captured.

The woodlands and forests of England also have a profound effect on the health and well-being of the nation and contribute enormously to our heritage, biodiversity and landscape. In most cases these benefits are closely linked to active and sustained management.

Respondents from across the sector noted with a mixture of surprise and disappointment the lack of an understanding of the connection between active management and the health and vitality of the woods and forests that make the landscape so quintessentially 'English'.

We have recently seen a 'public display of affection' for woodlands and forests which the Government could harness to establish a far more vibrant 'woodland culture'. This lack of a woodland culture seems to us of central importance, since it colours the responses of regulators, government departments and society to the activities of foresters.

Since the Forestry Regulation Task Force's report was commissioned we have become increasingly aware that government's approach to supporting and regulating the sector needs to be based on a better understanding across government of forest management practices, and should take account of evidence of good practice and focus more on areas of greatest risk.

We see a sector that is mature in its approach to regulation, generally low-risk and compliant, bold and innovative in its use of Standards and Guidelines to create 'assurance' and which provides to the nation through the sustainable management of woods and forests a rich heritage of rural employment, biodiversity and landscape values. The guidelines also identify many of the changes we need to make to build resilience to the predicted threats from climate change.

We believe that now is the time to set out a bold and fresh approach to caring for our woodland resource. We are aware that public resources are and will continue to be constrained and this is one of the reasons why we believe things will have to be done differently, for the benefit of the wider environment, for people and for the health and vitality of England's forests.

Executive Summary

In **Chapter 1: Introduction to the Forestry Sector** we describe the sector, detail some key facts and explain the importance of the market in providing the income streams needed to enable active woodland management to take place. We also highlight the ecosystem values that woodlands provide to society.

In **Chapter 2: Government Landscape for the Forestry Sector** we describe how the sector is regulated and briefly explain the thinking behind current and emerging approaches to regulation and compliance.

In **Chapter 3: Engagement process and summary of responses** we set out our approach to the call for evidence and explain the way in which the Task Force gathered detailed views from across the sector. We then summarise the key points from our engagement and explain how these informed our thinking and the development of our recommendations.

Chapter 4: Doing Things Differently sets out our recommendations for a new approach to regulation by making more effective use of long term Management Plans linked to a system of earned recognition. We also recommend that the Forestry Commission is tasked with looking beyond its traditional customer base by working through a newly formed Woodland Partnership designed to work with civil society and the private sector in developing new opportunities for woodland management and by exploring new joint funding initiatives. We suggest that this new Partnership acts to promote and communicate more effectively the benefits that arise to society and the economy from managing woodlands and forests.

In **Chapter 5: More Effective Regulation and Delivery by the Forestry Commission** we make a number of recommendations aimed specifically at the State forest service and designed to improve the effectiveness of the regulations and of the service offered to the private sector. We are concerned about the real and potential threats to our existing woods and forests from new pests and diseases and make a number of recommendations in support of their monitoring and control.

In **Chapter 6: More Effective Regulation and Delivery by other Statutory Bodies/Agencies** we make a number of recommendations centred around the implementation or removal of some of the existing regulations which, when taken together and implemented in full, will enable businesses to flourish based upon good compliance and a risk-based approach. In addition we make a number of recommendations designed to ensure appropriate safeguards are in place to protect our ancient woodland heritage.

The safety record of the sector is poor with a fatality rate currently 15 times the national average and this must be addressed. This is not a matter requiring increased regulation but rather increased awareness and training. Safety standards have improved within the sector but not as fast as elsewhere; we believe there is still much to do.

We are concerned at the effect the Gangmasters Licensing Act is having on small businesses, on their profitability and in some cases their survival. We found no evidence to support the continued inclusion of the sector in the Act and make a recommendation for its exclusion.

Finally we believe there is an urgent need for better evidence on which to base the regulations surrounding wildlife management and species conservation in woodlands and we make recommendations to support this view.

We recognise that some of our recommendations raise significant challenges for government. However we are confident that they have the potential to help secure for England a lasting legacy of an increased woodland resource which is better regulated and more effectively managed.

Summary of Recommendations

Guiding Principles

Guiding principles:

- 1) In the light of the National Ecosystem Assessment, the Government should recognise and actively promote the value of woodlands and their contribution to society and the economy.
- 2) The multiple benefits that well-managed forests and woodlands provide to society should be recognised by all government departments in policy development and implementation and this should be reflected in a presumption in favour of permission for creating, establishing, protecting and sustainably managing forests.
- 3) When enforcing regulations the Government should acknowledge that the Forestry Sector is compact and its members demonstrate high levels of compliance with regulations.

Recommendation:

- 4) In the light of the National Ecosystem Assessment, the Government should ensure that public policy is fully informed by ensuring that the economic value of forestry, the sector and its goods and services is incorporated into the Impact Assessment and Post Implementation Review¹ economic analysis mechanisms.

Long Term Management Plans

Key Recommendation:

- 5) Long term management plans which meet the requirements of the UK Forestry Standard should be accepted by all government bodies as evidence of sustainable forest management and these long term management plans should attract the benefit of approval for a range of forest operations for the duration of the management plan.

Recommendations:

- 6) In collaboration with a diverse range of Forestry Sector organisations, the Government should develop UK Forestry Standard compliant management plan templates for a range of forest types and scales including those designed for landscape scale use.
- 7) Where long term management plans are devised, approved and implemented, the Government should explicitly state that they meet the UK Forestry Standard and accept them as satisfying the requirements of, for example, the Woodland Carbon Code and EU Timber Regulations (2013).

¹ Department For Business Innovation and Skills Impact Assessment <http://www.bis.gov.uk/Policies/better-regulation/consultation-guidance/impact-assessment>. "Impact Assessment is a continuous process to help the policy-maker fully think through and understand the consequences of possible and actual Government interventions in the public, private and third sectors a tool to enable the Government to weigh and present the relevant evidence on the positive and negative effects of such interventions, including by reviewing the impact of policies after they have been implemented."

Summary of Recommendations

Process Recommendation:

- a) The duration of long term plans to be linked to a range of variables including, for example, management objectives, land-use designations, scale of operation and silviculture.

Earned Recognition

Key Recommendation:

- 8) **Working together with the private sector, the Government should develop, pilot and implement a system of earned recognition for the Forestry Sector which provides a clear framework for a reduced burden of regulation and inspection for woodland managers/owners based upon long term forest management plans and an assessment of risk. The Task Force acknowledges that EU regulations may require random inspections for some grant schemes.**

Recommendation:

- 9) **When developing a system of earned recognition, risk assessments should take account of a broad range of evidence including for example compliance with existing legislation and standards, reports of non-compliance, membership of professional bodies, training and Continuing Professional Development.**

Woodland Partnership

Key Recommendation:

- 10) **The Forestry Commission England should actively engage in a Woodland Partnership which has a clear remit to promote and communicate the benefits of sustainable forest management to a wider public audience and further to actively engage with the owners of under-managed woodlands and seek to attract owners into creating new woodland. This should be done in partnership with the private sector, landowners, non-government organisations and other government departments.**

Recommendations:

- 11) **The Forestry Commission should re-balance the work of technical staff away from existing well-managed woodlands with long term management plans and where recognition has been earned. Using the Forestry Commission's newly established structure as the basis for a Woodland Partnership approach, the Forestry Commission should re-direct its efforts to prioritise bringing unmanaged woodlands into management and promoting woodland creation.**
- 12) **In promoting and communicating the benefits that stem from active woodland management to a wider constituency, a Woodland Partnership should engage more widely in developing landscape scale approaches to achieve the Government's objectives for woodlands.**
- 13) **A Woodland Partnership should harness collaboration across government departments, particularly those with an interest in the wider community, social, health, economic and energy benefits which woodlands provide. This collaboration should be led by Defra and its agencies such as Natural England, the Environment Agency and Forestry Commission.**

Summary of Recommendations

14) The Forestry Commission should coordinate a survey that characterises and identifies the ownership of the unmanaged woodlands across England and seeks to determine the aspirations and objectives of the owners as an aid to policy formulation, grant product development and the allocation of resources.

Process Recommendations:

- b) The Forestry Commission should provide a single point of contact for those wishing to manage existing woodlands or create new ones, and act as the 'gatekeeper' for all enquiries relating to woodlands on behalf of other government departments.
- c) A Woodland Partnership should organise joint training and research events aimed at promoting the benefits of adherence to the UK Forestry Standard and associated Guidelines and other codes (eg: Woodland Carbon Code and Habitats Regulations) by private woodland owners.

More Effective Regulation and Delivery by the Forestry Commission

Key Recommendation:

15) To secure the development of a Woodland Partnership, the Task Force recommends that the Forestry Commission redirects resources, to increase the number of staff working in partnership with the private woodland sector and other organisations outside of Government. The Task Force believes these resources would be partly freed up as a result of operating a system of earned recognition.

Recommendations:

- 16) The Forestry Commission should explore the feasibility of civil sanctions under the Regulatory Enforcement and Sanctions Act 2008.**
- 17) The Forestry Commission should use its web site to ensure that it better promotes the benefits that accrue to society, in urban, peri-urban and rural areas, from sustainable woodland management. The website should be more widely used to promote the importance of silviculture and to ensure that all relevant forms and regulations are clearly 'signposted'.**
- 18) Forestry Commission staff should work closely with colleagues in Forest Enterprise to promote joint partnerships at local and regional levels and to pump-prime local woodland management initiatives.**

Grants

Key Recommendation:

19) The Task Force recommends that the Government re-designs its forestry grants to integrate with the long term management plan approach outlined above and that new, simpler forestry grants products are launched to coincide with the beginning of the next Rural Development Programme for England round in 2014.

Summary of Recommendations

Recommendations:

- 20) **The Task Force recommends that an end-to-end process review of grants is carried out which seeks to reduce customers' administrative burden and to simplify the complex application processes. This review must include representatives from across the private Forestry Sector, the Rural Payments Agency, Natural England and the Forestry Commission and be completed and operational by 2014.**
- 21) **The Government should secure transition arrangements, including funding, to provide grants for forestry during the period when a current Rural Development Regulation expires and a new Regulation is approved and implemented.**
- 22) **The Government maintains its appetite to fund forestry delivery priorities outside of the Rural Development Programme for England funding rules, for example the Big Tree Plant. In addition that the Government regularly reviews and revisits non Rural Development Programme for England funding opportunities and publicly reports on the conclusions of these reviews.**

Process Recommendations:

- d) Activity attracting grant payment in approved plans is provisionally allocated to future years, prior to budgets being set, with confirmations or otherwise issued as budgets are set. This principle should be applied to Long Term Forest Plans rewarding long term planning.
- e) Owners in long term plans are required to confirm their intention to claim replanting grant by a given trigger point in the year when felling work will be underway or commissioned ahead of replanting before year end. This will support the Forestry Commission by affording earlier clarity on market led activity, thus allowing greater flexibility in targeting grants.
- f) Eligibility to claim Woodland Management grant should not be dependent on certification.
- g) The Government should make all its forestry related forms available electronically so that customers can electronically amend, save and submit template forms.

Felling Licences

Key Recommendation:

- 23) **UK Forestry Standard compliant long term management plans should attract permission for thinning and felling for the full period of the approved period of the plan.**

Recommendations:

- 24) **A Woodland Partnership should ensure that the general public, local interest groups and civil society groups are much better informed about the regulations surrounding forest protection, the requirement for Felling Licences and actively encourage reporting of illegal activity.**
- 25) **Consideration should be given to whether a Restocking Notice could be a burden or 'charge' applicable to the parcel of land in addition to the landowner, akin to grant repayment obligations and Tree Preservation Order legislation.**

Summary of Recommendations

Process Recommendations:

- h) Felling Licences should be retained as a valued mechanism to manage woodlands outside of a long term management plan.
- i) The requirement for a long term management plan for the woodland should be used as a condition of restocking notices and any refusal to comply within a set time period should attract greater penalties.
- j) Appropriate mechanisms should be developed to ensure that members of the public are able to monitor and comment upon potential illegal felling in their local area.

Mapping

Recommendation:

- 26) The Government should work with the private sector to develop a simple, low-cost and effective solution designed to meet the mapping requirements of the owners of the mainly smaller woodlands found in England.**

Biosecurity and Resilience

Key Recommendation:

- 27) Given the emerging threat of pests and diseases the Government should retain adequate resources to protect England's existing woodland resource, ensuring it can respond rapidly to, contain and control threats to biosecurity.**

Recommendations:

- 28) In light of evidence of damage to England's woodland resource and biodiversity by grey squirrels, deer, other mammals and pests, the Government actively supports local approaches to co-ordination and management of these through revised policy, guidance and research priorities.**
- 29) In view of the unpredictable nature of the threat of pests and diseases and the need to respond rapidly, the plant health regulations should be given a lighter touch with respect to the 'One-in, One-out' regulatory requirement now expected by the Government.**

Process Recommendation:

- k) The Government should work with the sector and partners through the newly created Woodland Partnership, to actively promote and disseminate current research findings in an applied context in order to promote a more informed understanding of the emerging and potential threats from pests and diseases and how to combat them.

UK Forestry Standard

Key Recommendation:

30) We urge all parties with a stake in the UK Forestry Standard and in the UK Woodland Assurance Standard to look at approaches that might harmonise the requirements of the two standards, looking particularly at the needs of smaller and less intensively managed woodlands.

Recommendations:

31) In line with the Government's Code of Practice on Guidance on Regulation (2009), the Government should publish a 'Quick Start Guide' for the UK Forestry Standard. This 'Quick Start Guide' should be tailored to customers' needs, ensuring it provides a concise guide for practitioners and the owners of small woodlands.

32) We recommend that the UK Forestry Standard is the benchmark against which sustainable forest management is judged by the Government and should be used in the proposed approach to earned recognition through the production of long term forest management plans and associated support mechanisms.

Health and Safety at Work Act – Health and Safety Executive

Key Recommendation:

33) The Health and Safety Executive (HSE) should work with the Forestry Sector to set up a 'safety summit' to improve the sector's overall safety performance including an industry-led refresher training process for chainsaw operatives.

Gangmasters Licensing Act – Gangmasters Licensing Authority

Key Recommendation:

34) Forestry should be excluded from the scope of the Gangmasters Licensing Act.

Recommendation:

35) In the short term forestry should be exempt from the cost and administrative burden of the requirement for licensing and inspection under the Gangmasters Licensing Act.

Summary of Recommendations

Wildlife Regulations – Natural England

Key Recommendations:

- 36) In light of comments received by the Task Force suggesting that the Habitats Regulations are deterring active woodland management, we recommend that more resources are devoted to establishing a sound evidence base for determining to what degree approved woodland management activities affect European Protected Species.
- 37) Natural England should become actively involved with a Woodland Partnership in promoting the benefits of woodland management and, through the secondment of staff, support the aspirations for forestry set out in the England Biodiversity Strategy 2020.

Rural Land Register – Rural Payments Agency

Key Recommendation:

- 38) The Rural Payments Agency should work with the Forestry Commission, Natural England and the private sector to produce a simplified land registration process aimed specifically at the needs and timescales of the Forestry Sector.

Planning – Local Authorities

Recommendation:

- 39) Planning Policy should clearly state that the benefits of local developments must be assessed against the national value of ancient woodland.

Process Recommendations:

- l) The Government should reaffirm with planning authorities the biodiversity value of Ancient and Semi-Natural Woodlands and Planted Ancient Woodland Sites.
- m) Forestry Commission and Natural England's standing advice for ancient woodland should be adopted and applied consistently by all English Local Planning Authorities.

Highways Act – Highways Agency and Local Authorities

Key Recommendation:

- 40) Forestry traffic is not considered to be extraordinary traffic, aligning forestry traffic with farming traffic.

European Union

Key Recommendation:

41) When negotiating within the EU, the Government actively promotes the multiple benefits and ecosystems services that accrue to society and the economy from actively managed woodlands.

Process Recommendation:

n) To facilitate the aspiration for woodland creation in the Natural Environment White Paper, where Environmental Impact Assessment (EIA) determinations are called for by the Government, the scope and requirements of the reporting and EIA determination should be proportionate to the risk and scale of the application.

Section I – Background

Forestry Regulation Task Force membership and acknowledgements

Chris Starr, Chair of the Forestry Regulation Task Force, is a Chartered Forester and independent consultant, having spent over 25 years in applied forestry education and training, including spells as Head of the National School of forestry and most recently as Director for International Development in the Faculty of Science and Natural Resources at the University of Cumbria. He has worked with foresters in many countries, most recently from Nigeria and Nepal, and has seen at first hand the effect poorly regulated woodland management has on the ability of the resource to provide for peoples needs. He is the author of a book on woodland management aimed at new owners. “I believe passionately that well-regulated forests and the foresters who manage them provide a genuinely sustainable resource, capable of securing multiple benefits for society as a whole. In a small and densely populated country we have a duty to make the most effective and efficient use of our forests and woodlands.”

Stuart Goodall is Chief Executive of ConFor, the forestry trade association which promotes forestry and wood and is the representative body for forest owners, wood-using businesses and people working in the forest. He has over 21 years of experience in the sector, working in both the public and private sectors. Stuart is also on the Independent Advisory Panel on forestry which was set up to advise the Secretary of State on forestry policy. “The Forestry Sector has led the way in promoting the sustainable management of forests, but we still face big challenges in securing long term, responsible management. I’m particularly keen that we tackle regulation that is counter-productive – it’s intended to protect wildlife and people, but instead undermines them. We need to refocus efforts to help people manage forests while retaining the ability to tackle bad practice.”

George McRobbie is a Chartered Forester and former President of the Institute of Chartered Foresters with 35 years of experience covering all aspects of forestry throughout Britain. George is currently the Director responsible for both Forestry and Health & Safety for UPM Tilhill, Britain’s largest forestry and harvesting company with 450 employees. “Forestry, like many other sectors, is being hamstrung by processes and procedures which do little to generate best practice and instead absorbs precious resources within both the public and private sectors. The opportunity to do something about that was irresistible.”

John Morris is currently Director of the Chiltern Woodlands Project Ltd, a registered charity working in the Chilterns Area of Outstanding Natural Beauty to promote and encourage sustainable and sensitive management of Chilterns woodlands. John focuses on smaller often unmanaged woods, many of them ancient, helping new or inexperienced woodland owners get consent to manage their woods. Previously, in 1988 John was a founder member of the National Small Woods Association where he was a trustee December 2010 and was Chairman from 2000 – 2005. John is a member of the Forestry Commission’s Applicants Focus Group and is on the steering group for Woodfuel East. “I want to see the regulatory and grant system simplified and speeded up so that owners get consent for the sustainable management of their woods.”

Gordon Pfetscher is a Chartered Forester with international experience living in Durham. He has a particular interest in high forestry standards and is a Board member of the UK Woodland Assurance Standard, on the Soil Association Certification Committee and is a former Trustee of the Forest Stewardship Council (UK). He has owned woodlands in England for over 20 years and has more recently branched out into agriculture. He is the UK Operations Manager for the Woodland Trust. “I’m particularly keen to ensure that the work of the Forestry Regulation Task Force will result in better (not necessarily more or less) regulation for Forestry in England and especially that regulations should reflect risk.”

Section I – Background

Mike Seville is the National Forestry and Woodland Adviser for the Country Land and Business Association (CLA) and a part-time self employed forestry agent working in the East of England. He has a wealth of operational forestry experience including 25 years as a private estate forester. Mike represents the CLA on groups including the Woodland Carbon Task Force, National Tree Safety Group and Applicants Focus Group. In the East of England, Mike is the chairman of the steering group of Woodfuels East, represents the private sector forestry interests on the Regional Advisory Committee and is a director of Anglia Woodfuels. “Having previously lobbied hard to get a review of the regulatory and grant making framework, I was keen to be fully engaged in the process. As the real value of trees and woods are starting to be recognised the recommendations of the Task Force, if acted upon, will hopefully make their sustainable management easier and more efficient.”

John Wilding MBE is a Chartered Forester and Head of Forestry and Environmental Economy at Clinton Devon Estates. John is responsible for the day to day management of Clinton Devon Estates’ 1,900 hectares of multi-purpose woodland in East and North Devon – a mixture of both commercial conifers and native broadleaf trees with significant areas of ancient woodland sites. “As a forester I am an optimist by nature and believe that lowland woodlands have exciting commercial and environmental opportunities, in the form of activity around wood fuel and the demand for home grown timber products. The weight and complexity of regulation around woodland management is often cited as a major contributory factor in why woodlands remain under managed and I am pleased to have been able to contribute to this review and look forward to the benefits of more woods being worked as a result.”

Acknowledgements

The Chair would like to thank the following organisations for so generously allowing their staff the time and resources to support the work of the Task Force: ConFor, the Country Land and Business Association, UPM Tilhill, the Woodland Trust, Clinton Devon Estates and the Chiltern Woodlands Project Ltd. The report has benefited tremendously from the breadth and wealth of operational experience of Task Force members. In addition the Chair and Members of the Task Force are grateful to all those who have contributed by taking the time to send in their views and to meet with us. In particular we have gained enormously from the expertise of a range of organisations and government agencies including Natural England, the Environment Agency, Royal Society for the Protection of Birds, the Forestry Commission, the Health and Safety Executive, Wildlife Trusts, Institute of Chartered Foresters, Royal Institution of Chartered Surveyors, Rural Payments Agency, Gangmasters Licensing Authority, and the Applicants Focus Group. The Chair and Members would like to thank David Cross for his contribution and the Secretariat, Poppy Saunders and Jessica Neill, for their unstinting support and guidance throughout our work.

Why this Report? Why Now?

In setting up the Forestry Regulation Task Force the Minister showed a commitment to tackling some of the underlying issues facing sustainable woodland management in England. The Terms of Reference (Appendix A) are deliberately broad and we have been encouraged to look across Government to find solutions to the problems facing the sector.

We began this task determined to find ways to make it easier for the sector to:

1. Ensure jobs are protected and businesses flourish
2. Bring some 600,000Ha (45% of England's resource) of un/under-managed woodland into active and sustainable management
3. Halt the loss of ancient woodland and conserve ancient and veteran trees
4. Create new woodland in appropriate locations
5. Help restore business confidence in managing forests and woodlands
6. Work within a regulatory environment that rewards good behaviour
7. Reverse the loss of biodiversity caused by the lack of management
8. Access grants and other related mechanisms to achieve the above

By suggesting how we might:

1. Ensure that good practice benefits from a reduced burden of regulation
2. Reward those who seek to 'do the right thing'
3. Retain, and if necessary increase, regulation to deter bad practice

And we will seek to do this within a political and public sector environment where:

1. Resources will be constrained by the deficit reduction strategy
2. Government expects greater involvement by the private sector
3. Recent 'low carbon' initiatives look set to improve the economic case for managing smaller broadleaved woodlands
4. Partnerships are encouraged
5. There is an appreciation of the role woodlands can play in improving the natural environment and the health of the nation

Chapter 1 – Introduction to the Forestry Sector

Woodland in England: Some Key Facts

Forests, woodlands and trees play a crucial role in maintaining life on earth. They support a rich biodiversity, helping to mitigate the effects of climate change as well as improving the health and well-being of the nation:

“...humans are an integral part of the natural world, ultimately dependent on a functioning biosphere and its constituent ecosystems for our survival. At the most fundamental level, other organisms create a breathable atmosphere and provide us with the food vital to our existence, as well as fibre, timber and a host of other raw materials. Ecosystems are of huge importance in other, less immediately obvious ways, in the breakdown of waste products, controlling water supplies and helping to regulate climate. They provide space for recreation and contemplation, and play a pivotal role in creating a sense of place that underpins the mental and spiritual well-being of many”²

- England has one of the lowest percentages of woodland cover in the EU³
- The creation of new woodland is lower today than at any time in the past 20 years⁴
- Forests and Woodlands cover nearly 10% of England⁵
- Woodlands range in size from small copses under 1 hectare to large complex woodlands covering many hundreds of hectares
- Over 600,000 ha of woodlands are either under or unmanaged: an area equivalent to a single woodland 5 miles wide and stretching for over 450 miles!⁶
- There is overwhelming evidence that 50% of our woodlands are suffering from a lack of active management⁷
- Every man, woman and child in England consumes, on average, the equivalent of 10 medium sized conifer trees each year.
- The average size of privately owned woodland in England is around 3 ha (7 acres)
- We import over 80% of our timber needs every year⁸
- The private sector, including charities, owns 82% of the woodland in England⁹
- Ancient woodland accounts for 2.45% of the total woodland cover in England¹⁰
- Woodland in England provide essential habitats for some of our rarest plants, birds and mammals
- A healthy woodland sector has a positive impact on rural economies in England¹¹
- Many urban communities are increasingly dependent on woodlands for their own health and well-being¹²
- Wood from well-managed forests is an infinitely renewable resource and contributes to a low-carbon economy

2 UK National Ecosystem Assessment, UNEP WCMC, 2011 <http://www.defra.gov.uk/environment/natural/uknea/>

3 Forestry Commission Forestry Facts and Figures, 2010 [http://www.forestry.gov.uk/pdf/fcfs210.pdf/\\$FILE/fcfs210.pdf](http://www.forestry.gov.uk/pdf/fcfs210.pdf/$FILE/fcfs210.pdf)

4 David Read Presentation to Independent Panel on Forestry: A Role for Afforestation in the Mitigation of Climate Change

5 National Forest Inventory – Forestry Commission <http://www.forestry.gov.uk/website/forestry.nsf/byunique/INFD-8EYJWF>

6 www.sylva.org.uk

7 Combination of sources: 1. Plantlife report on state of plants in woodland: on their web site and also their response to the Panel 2. DEFRA studies of biodiversity indicators including butterflies 3. ITE (Bob Bunce) Longterm study on Woodland flora and shade 4. RSPB Woodland Bird Index

8 National Ecosystem Assessment Woodland Chapter <http://uknea.unep-wcmc.org/Resources/tabid/82/Default.aspx>

9 <http://www.defra.gov.uk/news/2011/01/27/englands-forests/>

10 <http://www.woodlandtrust.org.uk/en/why-woods-matter/what-are-they/decline/Pages/decline.aspx>

11 English Forestry Contribution to Rural Economies, <http://www.forestry.gov.uk/forestry/hcou-4u4jmh>

12 [http://www.forestry.gov.uk/pdf/urban_health_and_forestry_review_2010.pdf/\\$FILE/urban_health_and_forestry_review_2010.pdf](http://www.forestry.gov.uk/pdf/urban_health_and_forestry_review_2010.pdf/$FILE/urban_health_and_forestry_review_2010.pdf)

The Forestry Sector in England

The Forestry Sector in England is characterised by the diversity of scale, species and management objectives, ranging from very large commercial forests through more mixed woodlands to the large number of small and scattered woodlands and copses found throughout the lowlands. It is this diversity that makes it so difficult to capture the essence of the sector.

Our forests and woodlands are also home to a variety of industries, ranging from the large-scale and highly mechanised, predominantly upland conifer forests through to small-scale operations based in lowland broadleaved woodland. These industries further support a processing sector that converts the raw material into useable goods, ranging from paper to sawn wood, from packaging to fine furniture.

In addition the woodlands of England encompass the ancient and modern, the distinctly rural and the urban, the well-managed and the moribund.

Woods and forests are an integral part of a low-carbon industry that through growing and harvesting wood for the manufacture of carbon-lean products, and increasingly for fuel, makes an important contribution to the UK economy. The sector has real potential for growth, while at the same time aiding the transition to a low-carbon economy, if the business environment, including the regulatory framework, is conducive to investment.

Direct employment in the forest and woodland sector is difficult to measure accurately, since many Small and Medium Enterprises work across other rural industries and many contractors work in complementary sectors including arboriculture. In addition many consultants, managers and contractors work throughout the UK.

The most recent research commissioned by Lantra, the Land-based Sector Skills Council, estimates that there are currently just over 11,700 people employed directly in the trees and timber industries, excluding arboriculture, in England¹³. The Institute of Chartered Foresters estimates that there are about 800 of their professional members who practice mainly in England.

The Read Report¹⁴ highlighted the carbon benefits of woodland expansion. The Government is now looking to increase tree cover through the Forestry Commission led Woodland Carbon Task Force, charged with kick-starting a major increase in new woodland planting to help the UK curb and adapt to climate change. Moreover, Ministers have set a target of one million additional trees to be planted by 2016.

Not only is there a clear desire for woodland cover to increase, with Government wishing to substitute fossil fuels with renewable energy such as woodfuel but there is also an aspiration to see increased activity within forests and woodlands. The aim is to double the amount of timber taken from woodlands and forests: Forestry Commission England has set a target to bring an additional 2 million tonnes of woodfuel to market by 2020.¹⁵

In view of the woodland creation aspirations and realistic woodfuel targets, employment in the Forestry Sector is likely to increase, especially in rural areas.

For example the woodfuel industry alone is expected to create an additional 15,000 jobs by 2020 and add £1.24 billion of GVA to the UK economy.¹⁶ The Forestry Commission estimates that the processing sector in England has invested at least £200 million over the past seven years, underlining their confidence in wood as a renewable natural resource.

13 LANTRA 2011. Draft unpublished Labour Market Intelligence Report: September 2011

14 David Read (2009) Combating Climate Change: A Role for UK Forests <http://www.forestry.gov.uk/forestry/infd-7y4gn9>

15 Forestry Commission England's Woodfuel strategy www.forestry.gov.uk/england-woodfuel

16 Centre for Economics and Business Research (2010) The economic value of the woodfuel industry to the UK economy by 2020 http://www.biomassenergycentre.org.uk/pls/portal/docs/PAGE/BEC_TECHNICAL/RESEARCH%20AND%20STUDIES/ECONOMIC%20STUDIES/2010-06-30%20ECONOMIC%20VALUE%20OF%20WOODFUEL_REVISIED%20REPORT.PDF

Chapter 1 – Introduction to the Forestry Sector

The economic value of woodlands goes way beyond wood

While forestry and wood processing industries clearly contribute to productivity and job creation, other woodland-based activities are equally important.

“Woodlands are highly valued by people for social and cultural services; there are approximately 250–300 million day visits to woodlands per year. Woodland includes nearly 5,000 Scheduled Ancient Monuments, plus many areas managed for geological study. The social and environmental benefits of woodlands in Great Britain (GB) were valued in 2002 at more than £1.2 billion per annum (at 2010 prices), with the landscape value of woodland estimated at £185 million (2010), and recreational visits valued at £484 million (2010). However, only 55% of the population has access to woods larger than 20 ha within 4 km of their home.”¹⁷

The proportion of a forest owner’s revenue stream coming from recreational and leisure activities including hunting and stalking, plus other non-wood uses, is on average 50%, indicating a Gross Domestic Product contribution of approximately £350 million¹⁸.

The non-market value of forest-based ecosystem services is significant¹⁹. In England, the annual non-market value of recreation, measured as willingness to pay, is estimated at £354 million. Similarly, landscape and biodiversity are valued at £124 million and £363 million per annum respectively.

More recently ResPublica, in their 2011 report entitled *Natural Policy Choices, Why Trees and Woods Matter*, suggests a UK figure of over £2 Billion per annum for the ecosystem services of forests.

The following example clearly illustrates how woodlands and tourism can contribute to the local economy.

“In 2001 a pair of ospreys settled in a commercial woodland near Keswick in the Lake District. These were the first ospreys to breed in the area for 150 years. They are visited by a 100,000 people each season, who spend £1.68m, of which £420,000 is directly attributable to the ospreys”²⁰.

With these non-market benefits broadly accepted, and now quantified through the National Ecosystem Assessment, what is the picture for England’s woodland cover?

Woodland Cover in England

As noted previously England has one of the lowest figures for woodland cover, not only in Europe but also internationally. While this in itself might not be a sufficient reason to plant more trees, especially when there are other calls on land, it is apparent that there are many sound reasons for doing so.

England has:

- Excellent growing conditions for trees
- A rich history of trees and woodlands in the landscape
- A wealth of experience in woodland creation and establishment
- A commitment to a low-carbon economy
- A history of integrated land-use
- An urban population that seeks more opportunities for engaging with the natural world

¹⁷ UK National Ecosystem Assessment – Technical Report on Woodland, UNEP WCMC, 2011

¹⁸ Jaakko Poyry Consulting (2006) Woodland and Forestry Sector in England <http://www.efip.org.uk/publications.asp?id=26>

¹⁹ Jaakko Poyry Consulting (2006) Woodland and Forestry Sector in England <http://www.efip.org.uk/publications.asp?id=26>

²⁰ Mentioned in Ecotec (2008) The economic value of green infrastructure <http://www.nwda.co.uk/PDF/EconomicValueofGreenInfrastructure.pdf> Please get in touch with Forestry Commission if you require the complete case study.

The Forestry Commission's recent National Forest Inventory²¹ (NFI) indicates a net area of woodland of just under 1.3 million hectares, representing 9.9% of the total land area.

Professor David Read, in his presentation to the Independent Panel on Forestry entitled "A Role for Afforestation in the Mitigation of Climate Change"²², highlighted a dramatic drop in Woodland Creation over recent years:

"We have one of the best climates for growing trees in Europe. We can grow trees faster in England than almost anywhere else in Europe – yet we fail to grasp the opportunity to do so foregoing all the ensuing societal benefits which woodlands deliver. England is the perfect environment for growing trees; that's not the challenge, the perception is that more trees could threaten what we value about our present landscape and land-uses."

The perception of more woodland planting as a threat to the landscape is now firmly consigned to history, as evidenced in the recently published England Biodiversity Strategy 2020²³ which makes it clear that a priority is to "expand the area of woodland in England."

Furthermore, it asserts that "active management of woodland can address the most widespread and serious problems affecting ecological condition."

Recent Rates of new Woodland Planting

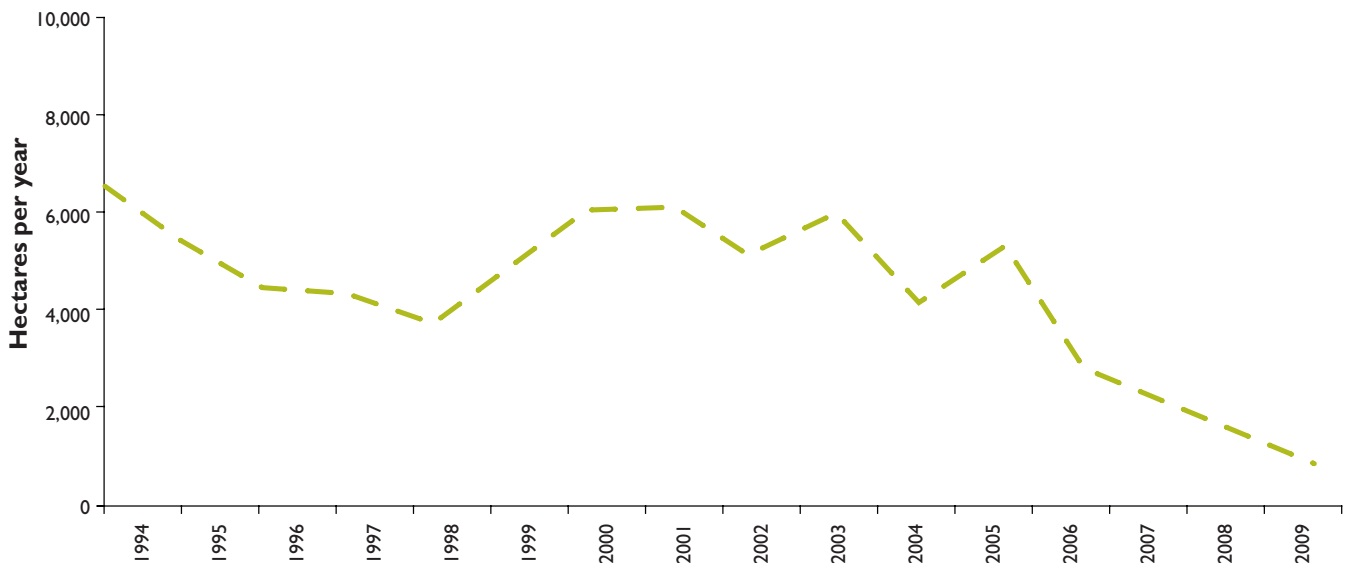


Figure 1: Areas of New Forest Planting in England since mid 1990s²⁴

21 Forestry Commission National Forest Inventory Woodland Area Statistics: England May 2011 [http://www.forestry.gov.uk/pdf/NFI_England_woodland_area_stats_2010_FINAL.pdf/\\$FILE/NFI_England_woodland_area_stats_2010_FINAL.pdf](http://www.forestry.gov.uk/pdf/NFI_England_woodland_area_stats_2010_FINAL.pdf/$FILE/NFI_England_woodland_area_stats_2010_FINAL.pdf)

22 <http://www.defra.gov.uk/forestrypanel/files/forestrypanel-presentation-3-2.pdf>

23 Defra August 2011. England Biodiversity Strategy 2020

24 David Read Presentation to Independent Panel on Forestry <http://www.defra.gov.uk/forestrypanel/files/forestrypanel-presentation-3-2.pdf>

Chapter 1 – Introduction to the Forestry Sector

EU Comparisons

The low forest cover found across the UK (13%)²⁵ and especially in England (9.9%)²⁶ is a direct result of our long history of settlement, our industrial heritage and one of the highest population densities in Europe. Woodlands traditionally only survived if they had an economic value to the local community: *'a wood that pays is a wood that stays'*.

Today woodland competes with other uses of land and in many cases the economic value has to include some measure of the ecosystem services provided to society. Woodlands are unusual in that they can meet local, regional, national and even international needs at the same time. How the nation pays for all the many non-market benefits is beyond the scope of this report.

Many owners are looking forward to the opportunities that new initiatives such as the Woodland Carbon Code and the Renewable Heat Incentive may bring to revitalise woodland management and aid woodland creation, thereby helping to achieve an increase in woodland cover approaching that of our European neighbours.

Forest cover as a percentage of land area for selected EU countries. At around 12%, the UK's forest cover is amongst the lowest of any country in Europe.

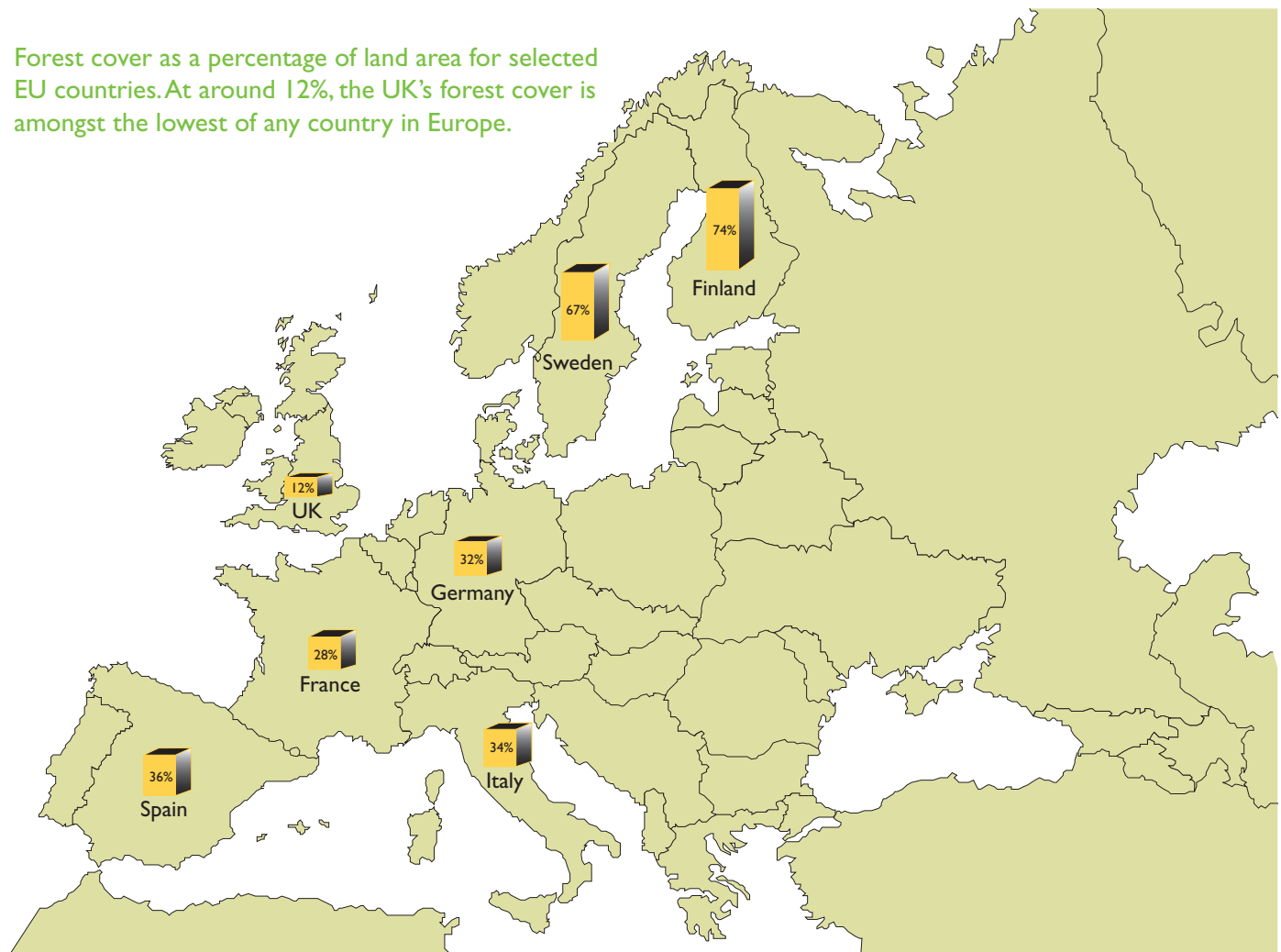


Figure 2: Comparison of UK Forest Cover with Selected EU Countries²⁷

25 National Forest Inventory <http://www.gov.uk/website/forestry.nsf/byunique/INFD-8EYJWF>

26 National Forest Inventory <http://www.forestry.gov.uk/website/forestry.nsf/byunique/INFD-8EYJWF>

27 David Read Presentation to Independent Panel on Forestry <http://www.defra.gov.uk/forestrypanel/files/forestrypanel-presentation-3-2.pdf>

The International Context

The low level of forest cover in England is dramatically illustrated in Table 1. The Task Force has focused its recommendations to make it easier to achieve more and better managed woodlands and forests. It believes this will help Government support the case for the wise use of resources world-wide.

Forest cover: international comparisons, 2010²⁸

Country	Forest area (million ha)	Total land area (million ha)	Forest as % of land area
Europe			
England	1.3	13	10
Finland	22	30	73
France	16	55	29
Germany	11	35	32
Italy	9	29	31
Spain	18	50	36
Sweden	28	41	69
Other EU	49	154	32
Total EU-27	157	419	37
Russian Federation	809	1,638	49
Total Europe	1,005	2,215	45
Africa	674	2,974	23
Asia	593	3,091	19
North & Central America	705	2,135	33
Oceania	191	849	23
South America	864	1,746	49
World	4,033	13,011	31

Table 1: International Comparisons

Notes:

England data from NFI England May 2011

1. Source: FAO Global Forest Resources Assessment 2010 (not National Statistics).

2. Cyprus is included in EU-27 total but is part of FAO's Asia region.

Finally we believe that the regulatory landscape for the Forestry Sector is important in the context of our consumption of wood and wood products. The UK is one of the world's largest importers of forest products. The more we can do to redress this balance the better and this includes easing the operating environment for the Forestry Sector and for all businesses. This will contribute to the sector's capability and capacity to help reduce our reliance on imports while being assured that the timber we grow is managed to high environmental and social standards. We will probably never be entirely self-sufficient but we owe it to future generations to ensure that we make the most of what we have.

Chapter 2 – Government Landscape for the Forestry Sector

Compliance of the Sector

Within current Forestry-specific regulatory systems, the Forestry Commission estimates illegal logging at less than 0.1% and a recent independent report²⁹ assessed the UK as scoring highly against key criteria of governance and forest sustainability.

The table below sets out assessments of the Forestry Sector's compliance with a range of regulations and risk levels based on evidence received during the course of the Task Force's engagement exercise.

Regulatory Body	Impact on the sector	Risk Rating	Commentary
Gangmasters Licensing Authority	Regulation of Labour Provision. High impact on sector, businesses report leaving sector and high costs threatening business survival	Low	Assessment given by GLA Chief Executive in meeting with Task Force. The sector is small: in November 2010 ³⁰ Forestry Sector licences represented only 7% of those licensed by GLA for Forestry Activities. The Authority reports that only 2 prosecutions have been brought against forestry businesses with "aggravating factors" with none in England.
Forestry Commission	Regulation of felling, plant health and EU grants regulations	Low	Low number of reports of illegal felling, with few requiring further action.
Health and Safety Executive	Contractors, harvesting	High	HSE reports during engagement meeting with Task Force that the Forestry Sector has poor performance in chainsaw operating.
Natural England	Habitat management, wildlife	Med-Low	Assessment given during engagement meeting with Natural England's Forestry expert. Lack of activity is often of greater concern than damaging activity. Data on damage to SSSI's is by habitat rather than by sector.
Environment Agency	Waste management and flood management	Low	Insignificant impact on enforcement and compliance activities of Environment Agency as reported during engagement meeting with the regulator.

Table 2: Compliance of the Forestry Sector

29 Work undertaken by FSC UK

30 GLA Forestry Pilot Board Paper 27.7.2 "There are only 81 licence holders that are operating within Forestry with any degree of certainty." "The number [of Forestry Labour Providers] with non-compliances represents a much smaller risk to the GLA's mission than the rest of the licence population."

Government Context

Running a profitable business and contributing to a green economy are not mutually exclusive and this is borne out in the Government's policies. The Coalition recently published its strategy for transition to a green economy³¹ whilst harnessing business opportunities at home and abroad.

The Government's White Paper, *Natural Choice: Securing the value of Nature*³² puts the value of nature

“at the centre of the choices our nation must make: to enhance our environment, economic growth and personal well-being. By properly valuing nature today, we can safeguard the natural areas that we all cherish and from which we derive vital services. Everyone can think of places near where they live that languish, neglected and damaged. In many cases, with well-informed intervention, we can make progress towards restoring nature's systems and capacities... valuing nature properly holds the key to a green and growing economy, one which invests in nature.”

The National Ecosystem Assessment has quantified the value and contribution that forests and woodlands add to the economy. This assessment has been published in the context of a recent groundswell of interest in forestry issues from members of the public and a shrinking of the public sector to reduce budget deficit.

These factors have collided to ensure the ideal conditions for the Government to be able to capitalise on heightened public interest in forestry and to channel this energy to achieve its own objectives.

To that end the Government has commissioned two complementary reviews. The Forestry Regulation Task Force's report was commissioned by Government in January 2011. The Terms of Reference for the Task Force (Appendix A) made it very clear that our remit was primarily operational. From the outset we took the view that engagement with the sector should focus on those who had direct experience of, and an interest in, Forestry Regulation from an operational perspective.

Soon after the announcement of the Task Force the Government set up an Independent Panel to consider the future of the Public Forest Estate and of the role of the Forestry Commission. The remit of the Panel is broader³³ than the work of this Task Force. The Independent Panel will primarily look at the future direction of forestry policy and will engage with the wider public and interest groups with respect to policy and structures.

The considerations and recommendations of the Task Force and Independent Panel are likely to complement each other on the issues of appropriate future policy delivery mechanisms and bodies such as the Forestry Commission or Big Society which may implement those mechanisms. The two may also complement each other when considering the public benefits of woods and forests, economic development and increasing woodland cover.

The Task Force has also been mindful of other reviews which will look at how the complex regulatory and operational landscapes facing businesses can be simplified. Some of these reviews have some overlaps in focus with the scope of the Task Force. Firstly the findings of the McDonald review³⁴ into Farming Regulation are particularly pertinent as many woodland owners (or those who might consider creating woodland) are farmers. The Department for Business Innovation and Skills is looking into the implementation of employment law³⁵ to see if there can be some rationalisation of the enforcement bodies involved in ensuring that workers' rights are protected.

Recently the Law Commission has launched its 11th Programme of Law Reviews assessing whether the law can be reformed in certain areas to eliminate legislative duplication or confusion. In Summer 2012 the Law Commission will begin its focus on Wildlife Regulations with a consultation paper in summer 2012 and a final report plus a possible draft Bill in Summer 2014. We note that the Law Commission will also look at legislation surrounding the exchange of data between public bodies with a planned consultation summer 2013 and scoping report late 2013.

31 <http://www.bis.gov.uk/news/topstories/2011/Aug/encouraging-green-growth>

32 <http://www.official-documents.gov.uk/document/cm80/8082/8082.pdf>

33 <http://www.defra.gov.uk/forestrypanel/>

34 <http://www.defra.gov.uk/publications/2011/05/17/pb13527farming-reg-report/>

35 <http://www.bis.gov.uk/policies/employment-matters/employment-law-review>

Chapter 2 – Government Landscape for the Forestry Sector

Better Regulation Agenda

The Coalition Government has put in place measures to tackle regulatory burdens.

It is tackling the stock of existing regulation through the Red Tape Challenge which gives the public an opportunity to review the entire stock of regulations, identifying those that are burdensome and should be removed, as well as those that could be merged, simplified, or delivered in better ways.

The Coalition Government is also concentrating on the flow of new regulation. It has established the 'One-in One-out' process and the Statement of New Regulation. These restrict the volume of new regulation which Government can bring in. They force government departments who wish to add regulations that have a net cost to business to remove regulations with an equivalent net cost for business. The powerful new Cabinet Committee, Reducing Regulation Committee, polices these systems by ensuring that no regulation can proceed until the independent Regulatory Policy Committee has validated the costs that any new regulation will impose on business and ensuring that an offsetting deregulatory measure has been identified.

But these efforts to reduce the stock and flow of regulation are just part of the picture. The way that regulation is enforced on the front line is very important for businesses.

The Forestry Regulation Task Force's review of the regulatory landscape for the Forestry Sector sits beside a suite of reviews which have been commissioned by the Coalition Government looking at areas such as the enforcement of employment law and Farming. In this case the aim is to find ways for Government, regulators and the Forestry Sector to refocus regulation and help deliver increased benefits from our forests for all.

The Government is currently consulting³⁶ on basic principles of its proposed approach to regulatory enforcement and outlines ways in which it plans to tackle the issues that businesses have already identified, using three principles:

- *Greater Accountability will ensure that businesses have the opportunity to inform and help shape how enforcement is managed.*
- *Recognising and promoting best practice will mean that businesses' own efforts to comply with regulations are taken properly into account by regulators, and positive incentives for good practice are put in place*
- *Greater transparency will ensure that businesses know what their regulatory duties are, what compliance support they can expect, and how they can expect the enforcement system as a whole to be reviewed and reformed.*

The Government is also consulting on putting in place a system of earned recognition. Business has conveyed its desire to be given due recognition for the steps they take to comply with regulations.

The Government acknowledges that more robust private sector-managed schemes are in operation and that many businesses use significant internal and external auditing systems to manage their own compliance.

The Government is seeking to align this private activity with the functions of public regulators to find the most cost-effective routes to delivering compliance, remove unnecessary duplication, and target state enforcement as effectively as possible.

36 <http://www.bis.gov.uk/policies/better-regulation/improving-regulatory-delivery/consultation-enforcement-strategy>

Section 2 – Responses and Recommendations

Chapter 3 – Engagement Process and Summary of Responses

In this section we describe the engagement process used to gather evidence from across the sector and provide a summary of the analysis carried out on the responses received. Overall we believe we have captured the views of the majority of those working in the sector, be they professional forest managers, agents, management companies or those working in the charitable sector and with non-governmental organisations.

We then explain the background to the thinking that has led us to the recommendations and provide, in many cases, additional suggestions as to how they may be implemented. Throughout this section we underline, where appropriate, the importance of Government (both central and local) and its arms length delivery bodies working in partnership with the private sector and civil society.

Introduction

The Forestry Sector is characterised by its diversity and varied organisational structures. It ranges from a few large management companies employing hundreds of professional foresters through many smaller companies, often with just a handful of staff, to owners managing their woods on an *ad hoc* basis. In addition there are a number of trade associations, interest groups, learned societies and professional bodies who seek to speak for part or all of the sector.

Outside the traditional owner base, recently there has been considerable increase in members of the public buying woodland for 'lifestyle' reasons and this has led to an active market. Most of those owning these 'lifestyle' woodlands are not well represented by the existing sector bodies.

Engagement

The Terms of Reference for the work of the Forestry Regulation Task Force and those of the Independent Panel on Forestry Policy, indicate that the Government will receive two different but complementary perspectives on the perceptions, policy, practice and regulation of a sector of great importance to the wealth, health and well-being of the nation.

Our engagement with forestry stakeholders was conducted between February and August 2011 and we favoured a two track approach. However it soon became obvious that a number of organisations preferred to make their own detailed written responses that did not in all cases follow the approach we had taken. We were able to link the comments made in these less structured responses to the emerging themes.

We used the Forestry Commission's website and targeted email contacts to issue a 'call for evidence'³⁷ setting out a range of mainly open questions designed to seek views and opinions on the current regulatory framework and on the grant schemes. We were looking for ideas for improvement in the existing regulations and suggestions as to how things might be done differently in future.

In parallel we met with representatives and individuals from across the sector including organisations with a predominantly landscape and wildlife interest and those working within government departments and organisations (Appendix B) to seek their views and gather suggestions for improvement and change. These meetings proved very fruitful and we were impressed by the time respondents had taken to answer our questions and to provide, in many cases, detailed written feedback.

37 <http://www.forestry.gov.uk/website/forestry.nsf/byunique/inf-d8d8gje>

Chapter 3 – Engagement process and summary of responses

Overall we estimate that we sought the views and/or had direct engagement with both individuals and organisations representing well over 90% of the traditional Forestry Sector. In fact the only interest group we were unable to survey were those owners of woodlands which are currently not receiving any grant aid/intervention, are unmanaged and where information on the ownership is missing. By their very nature this group do not tend to engage with the sector and its membership organisations. We make a specific recommendation (14) aimed at characterising these owners and their woodland aspirations.

Further Details of direct email engagement

- Members and stakeholders of 26 umbrella organisations including Trade Associations, wildlife organisations, certification bodies and Government’s environmental bodies such as Forestry Commission, Natural England and Environment Agency. Together these organisations represent the vast majority of the Forestry Sector.
- 18 small woodland stakeholders
- 199 Forestry Commission grant customers (approximately 3% of grant recipients) covering a selection of small, medium, large grant schemes as well as business applicants and applications made through agents.
- 60 Forest Enterprise customers
- 90 Small and Medium Enterprises via the Institute of Chartered Foresters

Summary Analysis

From the engagement process we had three complementary sources of responses, views and suggestions:

1. Responses to the Questionnaire (see Appendix C for Questionnaire)
2. Detailed written feedback resulting from our call for evidence
3. Detailed notes following direct engagement at meetings (see Appendix B for summary)

Early in the engagement process the Forestry Regulation Task Force considered each an every suggestion and idea – a total of nearly 600. These ideas were then classified by the themes that emerged during the engagement process. The ideas and themes which emerged from the call for evidence informed the next stage.

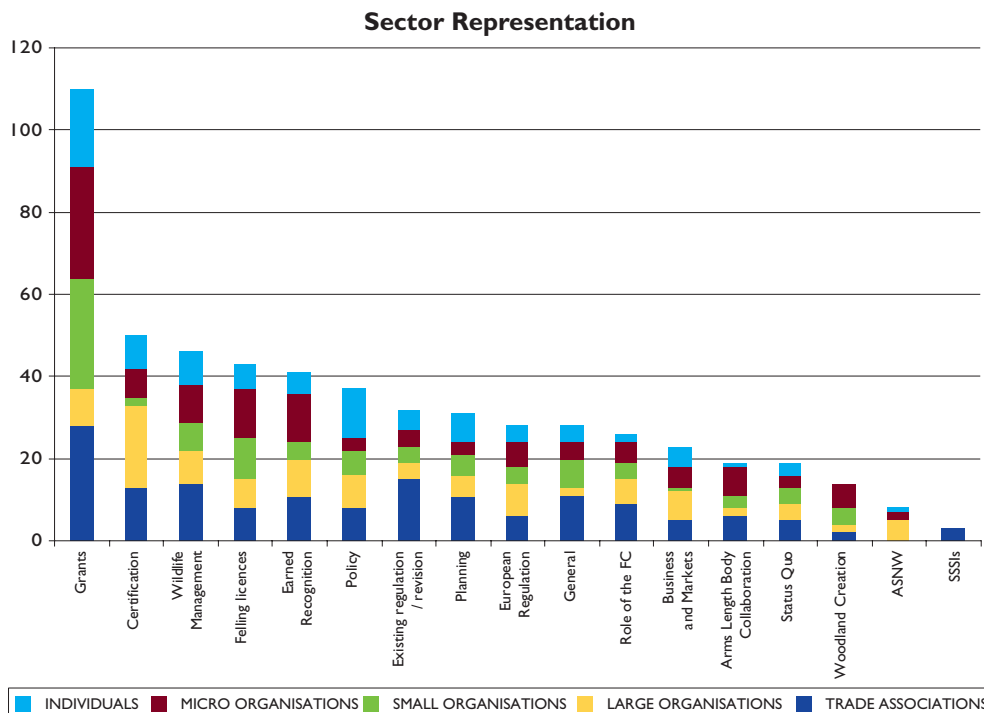


Figure 3: Number of times respondents mentioned an issue – emerging themes

Chapter 3 – Engagement process and summary of responses

Taking the number of unprompted mentions of a topic in engagement responses (written and meeting responses) as an indication of level of concern among the Forestry Sector and its stakeholders, the top 5 issues were:

1. Grants
2. Certification
3. Wildlife Management
4. Felling Licences
5. Earned recognition

It is worth noting that the ‘Status Quo’ category in Figure 3 above contains 19 mentions that there is no real need for change in forestry regulations and these mentions were.

These themes and ideas then helped the Task Force focus on key areas for further work, which were further informed by requests for briefing papers from government departments and organisations, additional meetings with stakeholders and the Task Force’s collective expertise. Finally these themes were the foundation for the Task Force’s development of its suite of recommendations.

In our considerations of evidence submitted and proposed solutions we have noted each individual response and have acknowledged that Trade Associations and interest groups represent a large proportion of the Forestry Sector.

Statistical analysis of respondents asked to ‘rank’ the most burdensome regulations allowed us to understand which specific areas of regulation were causing a burden. These emerged as:

1. Wildlife
2. Planning
3. Gangmasters licensing

For ‘Forestry Commission one stop shop’, we understand this to mean that Forestry Commission customers prefer to deal with one public body (usually the first they come into contact with) when working through the myriad of permissions they need to acquire for forestry activities.

We received many comments, both written and during the engagement meetings, in relation to the future role of the Forestry Commission and to ‘policy’ in general. We have tried to limit our considerations to the Government’s Terms of Reference when commissioning this report. At times this has been challenging and in some cases impossible to avoid considering the effects of the bigger policy issues on the regulatory and support environment for the sector.

Summary of Responses³⁸:

Overall Ranking (1= Highest Priority)	Regulation	Micro Organisations' Score	Small Organisations' Score	Large Organisations' Score	Trade Associations' Score	Overall Combined Score From All Respondents	% of Total Combined Score Points
1	Wildlife Regulations	38	40	52	241	371	14.1
2	Planning	44	68	32	149	293	11.1
3	Grants	10	80	92	111	293	11.1
4	Gangmasters Licensing Act	10	52	40	146	248	9.4
5	Forestry Commission 'One Stop Shop'	26	52	72	70	220	8.4
6	Certification	31	48	80	11	170	6.5
7	Arms Length Bodies Collaboration	18	72	0	73	163	6.2
8	Felling Licences	9	24	72	43.5	148.5	5.7
9	Forest Haulage	0	4	124	0	128	4.9
10	Simplify Regulations	14	0	8	104	126	4.8
11	Earned Recognition	20	18	4	72	114	4.3
12	Environmental Impact Assessments	1	6	32	70	109	4.1
13	Mapping	18	40	0	0	58	2.2
14	Forest Management	34	20	0	0	54	2.1
15	Other	20	22	0	0	42	1.6
16	Waste Regulations	8	0	0	26.5	34.5	1.3
17	Plant Health	0	0	24	0	24	0.9
18	Health and Safety	6	16	0	0	22	0.8
19	Woodland Creation	10	0	0	0	10	0.4

Table 3: PROPOSED CHANGES TO THE REGULATORY ENVIRONMENT: SUMMARY OF RANKINGS PROVIDED Question 4: “Please list, in order of priority, up to 10 changes in the regulatory environment that would make a significant impact in achieving the aims of your business/organisation/woodland ownership.”

38 See Appendix C for original consultation questions. Methodology: Organisations were weighted according to their number of employees, or in the case of Trade Associations, according to their membership

Chapter 4 – Doing things Differently – New approaches to Forestry Regulation

Introduction

If we are to succeed in meeting the challenges imposed by increasing our forest cover, by managing the existing woodland effectively and engaging with those currently owning under-managed woodland, all with fewer public sector resources, then we need to do things differently. In this chapter we propose a number of linked recommendations that we believe will, in time, help to achieve the Government's aspirations for England's woods and forests.

Alone amongst our European partners we not only have some of the lowest forest cover (see Fig.2) but we also suffer from a lack of understanding by society at large of the role of active management in achieving the many benefits from woodlands. This lack of what is often termed a 'forest culture' has its roots in our land-use history, the movement of people from rural to urban areas during the industrial revolution and an increasing 'distancing' of people from the natural world.

Many reports, including the Lawton Review, the National Ecosystem Assessment and the Natural Environment White Paper (2011), point to the economic, social and environmental value of, in the main, managed forests and woodlands. Indeed it is often the economic value in the past that has ensured their survival into the present. A point seemingly lost on those who perpetuate the view that the productive function of a woodland is at best a distraction from its real purpose. Forestry is perhaps unique in that the more economic activity there is the more potential there exists for environmental benefits. The challenge in forestry is often not to 'green' the business, but to ensure that environmental benefits can be financially sustained.

*"[expanding woodland cover] can go hand-in-hand with plans to enhance England's ecological network, providing trees are not planted on open habitats that are themselves important for wildlife."*³⁹

Lawton Review 2010

During our engagement and at meetings with a wide range of stakeholders we were struck by the regularity with which respondents urged us to underline the value of active management in achieving the multiple benefits that society demands of our woodlands. In addition many respondents noted a seeming disconnect in people's minds between management for timber and timber products, which we all consume and the many other non-market benefits that flow through from management.

Respondents also noted, or at least it was their perception, that there appears to be a lack of understanding across Government of the importance of woodland management. This may be partly due to the long timescales involved, partly that by nature foresters are not good at promoting their achievements or simply that we need to keep 'banging the drum' for a sector that contributes approximately £6.4 billion⁴⁰ per annum to the UK economy. Others stated that because there is no compensation mechanism in forestry as there is in agriculture, Government has much less need to listen.

³⁹ Lawton Review 2010 available at <http://archive.defra.gov.uk/environment/biodiversity/documents/201009space-for-nature.pdf>

⁴⁰ For industry GVA figures: Annual Business Enquiry (2009) <http://www.statistics.gov.uk/abi/default.asp> For total economy GVA: National Accounts Blue Book (2009). For specific sectors: Forestry and logging contributed 0.04% of GVA, or £472 million, Wood product manufacturing contributed 0.24% of GVA, or £3.1 billion, Paper and paper product manufacturing contributed 0.22% of GVA, or £2.8 billion.

Changing Perceptions of Managing Forests and Woodlands

It is by no means uncommon for a woodland to have been actively managed for many hundreds of years and for the management plan to set out the owner’s objectives in clear detail for the next 50 years. Such a timescale and commitment is hard for many people to grasp. It requires dedication, long term ownership and some measure of stability. It also requires a sound regulatory framework, consistent policy and an ability to respond to the vagaries of the market.

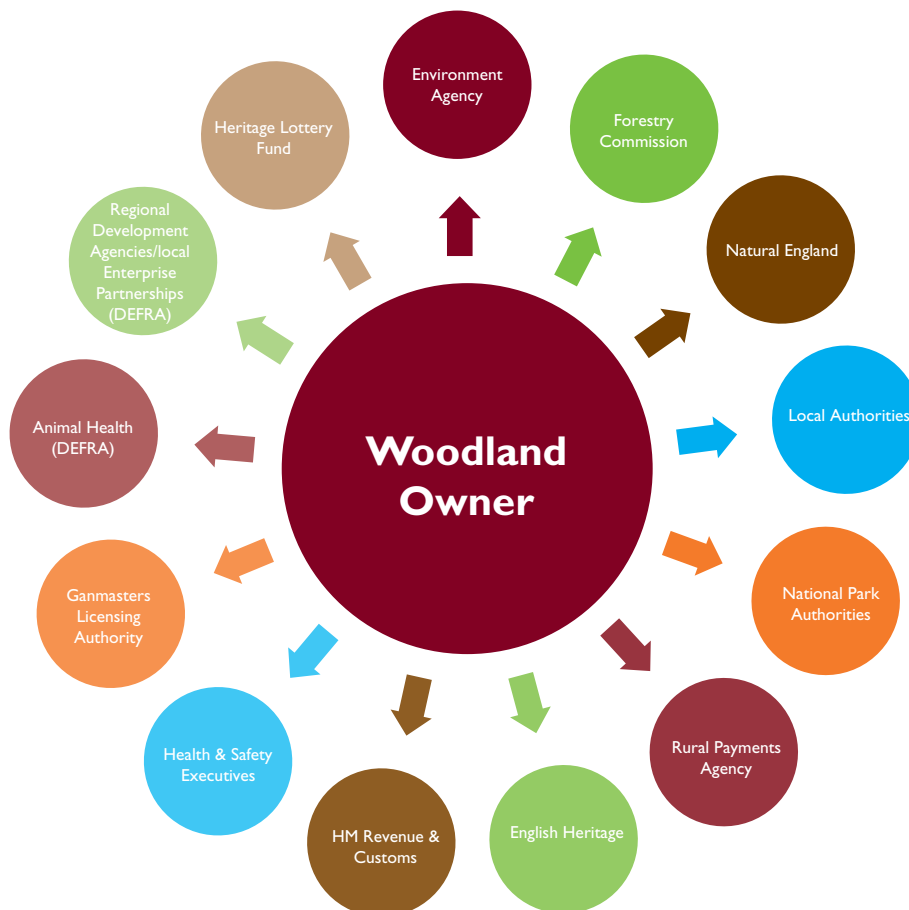
Too often short term thinking, inflexible regulations and fashionable concepts conspire to make long term management a considerable challenge and undermine future delivery of the very benefits that we all want from our forests

A useful analogy is with farming. Taking a ‘typical’ forest timber crop maturing after 50 years, changing Government incentives, policies and approaches are akin to the farmer having to alter the crop or management regime every 6 weeks!

In order to challenge and combat the impact of these assumptions, the Task Force recommends that the Government adopts the following guiding principles when considering forestry policy design and the implementation of regulations for the Forestry Sector.

Arms Length Body Collaboration

The average woodland owner may need to deal with an extensive, complex and confusing network of Public Bodies. Navigating this system to apply for multiple permissions and approvals can prove frustrating, time consuming and burdensome. The illustration below gives some indication of the number of bodies s/he may come into contact with and the number of government bodies increases if a woodland owner is also a farmer and employs staff.



Chapter 4 – Doing things Differently – New approaches to Forestry Regulation

The Task Force recognises that in many cases the requirements of the systems and processes used and the additional layers of communication necessary when dealing with a number of the Government's Arms Length Bodies can cause a substantial burden on the Forestry Sector. We have heard from those responding to our engagement that this complex web of differing requirements and the associated administration can prove to be a major barrier to sustainable woodland management. When asked for their solution to the problem respondents tended to suggest a 'First Stop Shop' approach, indicating that the Forestry Sector wished for a greater level of liaison between the Government's delivery bodies, acting on behalf of the customer.

However, the Task Force has not made a specific recommendation on this as it is aware that the Government currently has a number of individual projects looking at how Arms Length Bodies can collaborate more effectively. The Task Force urges the Government to maintain its momentum in this area, to keep the customer/end user at the forefront of its solutions and to apply a presumption in favour of permission granted if Agencies cannot respond to applications within their published timeframes. The Task Force would welcome an update on progress one year after publication of this report.

I. Guiding Principles

Guiding principles:

- 1) **In the light of the National Ecosystem Assessment, the Government should recognise and actively promote the value of woodlands and their contribution to society and the economy.**
- 2) **The multiple benefits that well-managed forests and woodlands provide to society should be recognised by all government departments in policy development and implementation and this should be reflected in a presumption in favour of permission for creating, establishing, protecting and sustainably managing forests.**
- 3) **When enforcing regulations the Government should acknowledge that the Forestry Sector is compact and its members demonstrate high levels of compliance with regulations.**

In order to ensure that the value of forests and woodlands are accurately reflected in policy development thinking, the Task Force believes that this value needs to be woven into 'business as usual' via economic analysis tools such as impact assessments⁴¹.

"[There is] considerable concern that wider forestry economic issues are not given sufficient weighting"

Individual Forester, RICS, ICF and ConFor member

Recommendation:

- 4) **In the light of the National Ecosystem Assessment, the Government should ensure that public policy is fully informed by ensuring that the economic value of forestry, the sector and its goods and services is incorporated into the Impact Assessment and Post Implementation Review economic analysis mechanisms.**

41 Department For Business Innovation and Skills Impact Assessment <http://www.bis.gov.uk/Policies/better-regulation/consultation-guidance/impact-assessment>. "Impact Assessment is a continuous process to help the policy-maker fully think through and understand the consequences of possible and actual Government interventions in the public, private and third sectors a tool to enable the Government to weigh and present the relevant evidence on the positive and negative effects of such interventions, including by reviewing the impact of policies after they have been implemented."

2. Long Term Management Plans & Earned Recognition

Long Term Management Plans

Long term planning and stability is the key to successful forest management. At one time all landed estates would have had such plans as a matter of course, and these were often highly detailed, descriptive and complex. In addition they usually provided little room for manoeuvre and assumed a constant policy and, more recently, grant support environment.

Over time, plans have evolved to be map based, less descriptive, flexible and built around broad objectives, allowing for an element of discretion in their application. Such flexibility is likely to become even more important with a changing climate and issues around biosecurity.

However during the course of our evidence gathering we became aware that many owners were becoming over-reliant on the Forestry Commission (FC) to provide them with advice and guidance on a regular basis, and that in many cases plans were non-existent or at best skeletal. We do not believe it is the role of the Forestry Commission to do the professional work of a forest manager. In addition public sector resources are likely to become increasingly stretched in the future.

We believe that long term management plans based around clear objectives with built-in flexibility have the potential to free up Forestry Commission and local authority resources. These plans – where they are developed following relevant guidelines, where they meet the UK Forestry Standard and regulatory requirements – should form the basis of the earned recognition approach outlined below. If the Government accepts Key Recommendation 5, it will also help owners/managers of woodlands with Tree Preservation Orders because the long term management plan will not require separate approval from the local authority for the period of the plan.

“Management Plan agreements should take clear precedence over Felling Licence, Tree Preservation Order and other special designations”

Individual response from Landscape Architect and Woodland Advisor

Key Recommendation:

- 5) Long term management plans which meet the requirements of the UK Forestry Standard should be accepted by all government bodies as evidence of sustainable forest management and these long term management plans should attract the benefit of approval for a range of forest operations for the duration of the management plan.**

Recommendations:

- 6) In collaboration with a diverse range of Forestry Sector organisations, the Government should develop UK Forestry Standard compliant management plan templates for a range of forest types and scales including those designed for landscape scale use.**
- 7) Where long term management plans are devised, approved and implemented, the Government should explicitly state that they meet the UK Forestry Standard and accept them as satisfying the requirements of, for example, the Woodland Carbon Code and EU Timber Regulations (2013).**

Chapter 4 – Doing things Differently – New approaches to Forestry Regulation

Process Recommendation:

- a) The duration of long term plans to be linked to a range of variables including, for example, management objectives, land-use designations, scale of operation and silviculture.

Earned Recognition

“Evidence from industry assurance programmes like the Red Tractor Scheme has shown that good levels of compliance can be achieved without regular inspection by public regulators, and there are many examples of effective ‘co-regulation’ which show that industry can take on a variety of roles and functions to deliver compliance. To date, however, there have been limited mechanisms for recognising industry schemes, recognising how businesses manage their own compliance, or for ensuring that co-regulatory approaches are fully explored when designing enforcement regimes.

We want to give businesses the means to make a reality of earned recognition. We will do this by requiring regulators to take account of businesses’ efforts to comply with regulations and to adjust their enforcement plans accordingly. We want to create positive incentives to recognise and promote best practice”⁴²

Respondents to the Task Force engagement process were interested in development of a system which allowed businesses and practitioners to earn trust from the regulator where high standards could be evidenced.

Figure 4 below indicates that large organisations were particularly interested in the Government finding a way to acknowledge their efforts to comply with regulations.

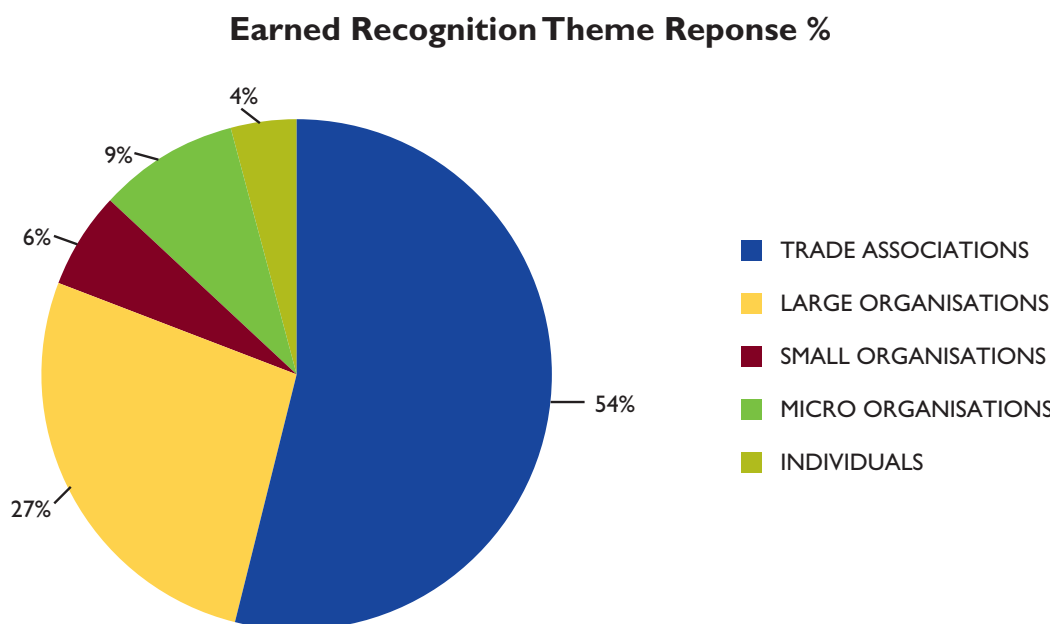


Figure 4: Responses mentioning Earned Recognition – by organisation type

The concept of earned recognition is based upon trust built up over time when considering the existing standards an organisation may be adhering to. Use of existing information which is available about an organisation’s operations is used with the regulator complementing that information only where necessary together with an enforcement ethos which is built on an acceptance that those who act responsibly should be given a lighter touch when it comes to regulation and inspection. We believe this makes sense, especially when resources are constrained and business and government organisations alike have to use their resources to best effect.

42 Department For Business Innovation and Skills, Better Regulation Executive’s consultation on improving enforcement. <http://www.bis.gov.uk/assets/biscore/better-regulation/docs/t/11-989-transforming-regulatory-enforcement-consultation.pdf>

Chapter 4 – Doing things Differently – New approaches to Forestry Regulation

We have gathered evidence that, in general, the Forestry Sector maintains high standards with respect to compliance with regulations (see Table 2). In addition the very nature of forest management with its long timescales, public acceptance and active involvement in setting national and international standards for sustainable forest management is an exemplar of a well regulated approach to management.

In common with other professions in the UK the sector has a single professional chartered body, the Institute of Chartered Foresters (ICF) with the Royal Institution of Chartered Surveyors (RICS) also providing appropriate expertise. In addition there are a number of very well-respected societies and trade associations that provide regular Continuing Professional Development (CPD) and training.

Government bodies already assess the skills and training of organisations and businesses as an indicator of the companies' professionalism and compliance⁴³. A further element of recognition in any system of earned recognition may be the skills level of the industry. The Forestry Sector workforce is highly skilled, it has higher qualification levels than the agriculture sector and, in all but one category, than all sectors in the UK: LANTRA statistics show that 33% of the workforce is qualified to N/SVQ Level 4/SCQF Level 8/9 and above (graduate level) and only 6% have no qualifications which is close to the national average for all sectors.⁴⁴

Qualification Level	All Sectors UK	Trees and Timber sectors	Agriculture Sector
N/SVQ Level 4 SCQF Level 8/9 and above	36%	33%	20%
N/SVQ Level 3 SCQF Level 6/7	19%	20%	13%
N/SVQ Level 2 SCQF Level 5	21%	21%	23%
N/SVQ Level 1 and entry level SCQF Level 4 and SCQF Levels	16%	20%	20%
No qualifications	7%	6%	24%

Table 4: Comparative Qualification levels for Forestry Sector⁴⁵

At present Forestry Commission Woodland Officers spend much of their time working with, advising and checking on, the work of forest managers. This means that these forest managers' standards and skills are already well-understood. Discussions with Forestry Commission staff during the engagement process indicated that to some extent an informal 'risk-based' approach is already used but that this is inconsistently applied and causes uncertainties for managers working across England.

We believe this is not time well-spent, and even more so when resources are stretched. In addition forest managers have to apply on a regular basis for felling or thinning Licences. In theory these are very straightforward but in practice customers have experienced delays in the Forestry Commission processing and issuing felling licences.

We considered a number of approaches to reduce the burden of regulation on forest managers but the simplicity and continuity of basing such an approach on the forest itself and on a long term management plan associated with it, rather than the individual, is compelling.

"No regulatory organisation in modern Britain has the resources to police everybody all the time. Risk-based approaches are almost universally employed to target the highest likelihood of offending."

Certification Body

43 SIA Approved Contractor Scheme http://www.sia.homeoffice.gov.uk/Documents/acs/sia_acs_how_to.pdf

44 LANTRA Trees and Timber factsheet 2010/11

45 LANTRA Trees and Timber factsheet 2010/11

Chapter 4 – Doing things Differently – New approaches to Forestry Regulation

“Forest certification bodies could provide a one-stop shop for inspections relating to both certification requirements and legal/grant inspections currently done and often duplicated by the Forestry Commission. It seems sensible to integrate the two somehow.”

Certification Body

The Task Force recognises that EU regulations relating to grants may prevent a change in some grants inspection requirements. However, where it is possible to reduce duplicated inspections between regulators and certification bodies, this should be pursued. The view of the Task Force is that this is a workable and effective solution which will ultimately free up Forestry Commission staff to focus on engagement in areas of known high risk, higher priority and with a broader, more diverse range of ‘customers’.

The Task Force acknowledges that, in the short term, designing a system of earned recognition will require staff and budgetary resources and in the medium term will require staff training. The Task Force strongly suggests that the Forestry Commission seeks out the experiences and understanding gained by the Environment Agency through its current pilot scheme for ‘Earned Autonomy’.

The Task Force is keen to stress the view that, in designing, testing and developing a system of earned recognition for the Forestry Sector, great care should be taken to ensure mitigation of the risk that earned recognition could be an unintended catalyst for ‘quasi compulsory’ voluntary assurance schemes. In addition the Task Force is concerned that the broad range of woodlands and forests in England is reflected in the design of any earned recognition system and that smaller operations are not disadvantaged by an increased cost and administrative burden.

“Most certification schemes are too costly / bureaucratic for small woods.”

Trade Association

Key Recommendation:

8) Working together with the private sector, the Government should develop, pilot and implement a system of earned recognition for the Forestry Sector which provides a clear framework for a reduced burden of regulation and inspection for woodland managers/owners based upon long term forest management plans and an assessment of risk. The Task Force acknowledges that EU regulations may require random inspections for some grant schemes.

“There is scope to use chartered status as a way of allowing ‘light touch’ regulation when it comes to grant agreements, Felling Licences and re-stocking.”

Woodland Partnership organisation

Recommendation:

9) When developing a system of earned recognition, risk assessments should take account of a broad range of evidence including for example compliance with existing legislation and standards, reports of non-compliance, membership of professional bodies, training and Continuing Professional Development.

3. Woodland Partnership

The Forestry Commission currently provides advice and guidance to owners and their agents, regulates the sector, carries out inspections, distributes and monitors grants and it should continue to do so.

However, in the context of budget constraints and stiff competition for finite resources, we believe there is a need to shift the role and focus of some of the Forestry Commission's activity to make more effective use of the technical expertise provided by its staff. In particular there is an urgent need to address the problem of the large area of under-managed woodland across England and facilitate engagement with a wider constituency. To achieve this, the Task Force wishes to send a clear signal that things need to be done differently.

This will entail a new approach to deployment of existing resources and support for forestry issues and activities. During the course of our review we were made aware of the need to raise the profile of well-managed forestry activities amongst a broader, more diverse range of stakeholders. This will in time help to increase the area of neglected woodland under management. We believe this is best achieved by collaboration, harnessing the wealth of experience found in the public, private and voluntary sectors and developing a genuine and productive approach to partnerships for woodland which is consistently applied across England. The focus should be on addressing the need for more active management and increasing the creation of new woodland, using where appropriate novel funding streams and bringing in new players to achieve these aspirations.

We also believe that there is an urgent need to reduce the administrative burden on technical staff to enable them to spend more time as the 'eyes and ears' of the Forestry Commission. As well as the obvious direct benefits, this will also enable them to better understand emerging issues and to act in an early warning capacity in relation to biosecurity threats to forest health.

This fresh approach to partnerships has been recognised at the landscape scale in the Natural Environment White Paper: Natural Choice⁴⁶

"We will enable partnerships of local authorities, local communities and landowners, the private sector and conservation organisations to establish new Nature Improvement Areas (NIAs), based on a local assessment of opportunities for restoring and connecting nature on a significant scale."

It is the Task Force's vision that this approach to partnership will also be replicated on a local scale and that, over time, the development of landscape scale long term forest management plans will support the vision, outlined in the Natural Environment White Paper, to reduce fragmentation and mirror the approach detailed in the landscape scale Nature Improvement Areas (NIA's)⁴⁷ and the ideas expressed in 'Think Big'⁴⁸.

"Landowners, farmers and foresters own the solution to making real change in the countryside. If they agreed the collective environmental challenges within their local area and each adopted complementary management over property boundaries then a real increase in wildlife might be seen. However it needs to be acknowledged that such management is not without cost and financial mechanisms must be devised to offset these costs or make such management more profitable in order for it to be delivered."

The Task Force recognises that recommendations which involve the way the Forestry Commission works are within the scope of the Independent Panel on Forestry Policy. We also recognise that the resources available to us have prevented a full costing and business case exercise. We would, therefore, very much appreciate the Panel considering and developing further the concept of a partnership approach to the delivery of improved outcomes for woodlands and forests in England.

46 Natural Environment White Paper: The Natural Choice 2011 <http://www.defra.gov.uk/environment/natural/whitepaper/>

47 Natural Environment White Paper: The Natural Choice 2011 <http://www.defra.gov.uk/environment/natural/whitepaper/>

48 Think BIG. How and why landscape-scale conservation benefits wildlife, people and the wider economy. Natural England 2011

Chapter 4 – Doing things Differently – New approaches to Forestry Regulation

Key Recommendation:

10) The Forestry Commission England should actively engage in a Woodland Partnership which has a clear remit to promote and communicate the benefits of sustainable forest management to a wider public audience and further to actively engage with the owners of under-managed woodlands and seek to attract owners into creating new woodland. This should be done in partnership with the private sector, landowners, non-government organisations and other government departments.

Recommendations:

- 11) The Forestry Commission should re-balance the work of technical staff away from existing well-managed woodlands with long term management plans are and where recognition has been earned. Using the Forestry Commission's newly established structure as the basis for a Woodland Partnership approach, the Forestry Commission should re-direct its efforts to prioritise bringing unmanaged woodlands into management and promoting woodland creation.**
- 12) In promoting and communicating the benefits that stem from active woodland management to a wider constituency, a Woodland Partnership should engage more widely in developing landscape scale approaches to achieve the Government's objectives for woodlands.**
- 13) A Woodland Partnership should harness collaboration across government departments, particularly those with an interest in the wider community, social, health, economic and energy benefits which woodlands provide. This collaboration should be led by Defra and its agencies such as Natural England, the Environment Agency and the Forestry Commission.**

Process Recommendations:

- b) The Forestry Commission should provide a single point of contact for those wishing to manage existing woodlands or create new ones, and act as the 'gatekeeper' for all enquiries relating to woodlands on behalf of other government departments.
- c) A Woodland Partnership should organise joint training and research events aimed at promoting the benefits of adherence to the UK Forestry Standard and associated Guidelines and other codes (eg: Woodland Carbon Code and Habitats Regulations) by private woodland owners.

In developing a Woodland Partnership concept, consideration should be given to the model suggested for Local Nature Partnerships, applying local and regional solutions appropriate to the nature and scale of the wooded landscapes. We believe such an approach should also consider the development of cooperative ventures for harvesting and marketing to support the delivery of the Government's Woodfuel Strategy for England.⁴⁹

It will take time and resources to achieve this transition, shifting to a new way of working. We believe the Forestry Commission has the knowledge, experience and scale to develop appropriate strategies, structures and timescales within which to deliver it.

⁴⁹ Local Nature Partnerships <http://www.defra.gov.uk/environment/natural/whitepaper/local-nature-partnerships/>

Chapter 4 – Doing things Differently – New approaches to Forestry Regulation

We envisage that a Woodland Partnership will be resourced from a number of agencies and, in time, via external funding. Other Arms Length bodies such as Natural England, the Environment Agency, Fera and the Rural Payments Agency come into contact with woodland owners and managers and can increase the coverage of advice and expertise which is delivered by the Government as a whole, taking a lead on forestry from the Forestry Commission to ensure a joined-up approach.

More training will be needed, both internal to Government and in concert with other private sector bodies, charities, non-governmental organisations and community groups. It will require a willingness to promote the benefits of well-managed forests, extending understanding and engagement across a broader front and capturing the imagination of a more diverse range of members of the public through, for example, the use of social media.

Chapter 5 – More Effective Regulation and Delivery by the Forestry Commission

“Can the Forestry Commission still deliver all of the Grants and Regulations if they have a reduced capacity due to restructuring and reduced staff levels?”

Forestry Company

“Many small woodland owners are happy with the support and advice they receive from the Forestry Commission. There is some concern about the reduction of staff and the impact this will have on existing support systems.”

Forestry Association

The Forestry Commission is a non-Ministerial Government Department responsible for protection, expansion and improvement of Britain’s woodland resource. As well as managing publicly owned land and providing recreation/leisure green spaces, the Forestry Commission is also responsible for protecting all of Britain’s woods and forests from pests and diseases. Through its network of Woodland Officers, Forestry Commission England enables and encourages others to create and sustainably manage woods and forests through advice, guidance, partnerships and grant funding.

The Forestry Commission also has a function as a regulator, issuing Felling Licences under the Forestry Act and Plant Health notices to ensure containment and control of the ever increasing threat from pests and diseases.

However we are alive to the economic context in which this report is written. The Forestry Commission, in line with the public sector as a whole, has been asked by the Government to reduce its spending and costs by 25% by 2014. The Forestry Commission’s plans include a steady decrease as follows:

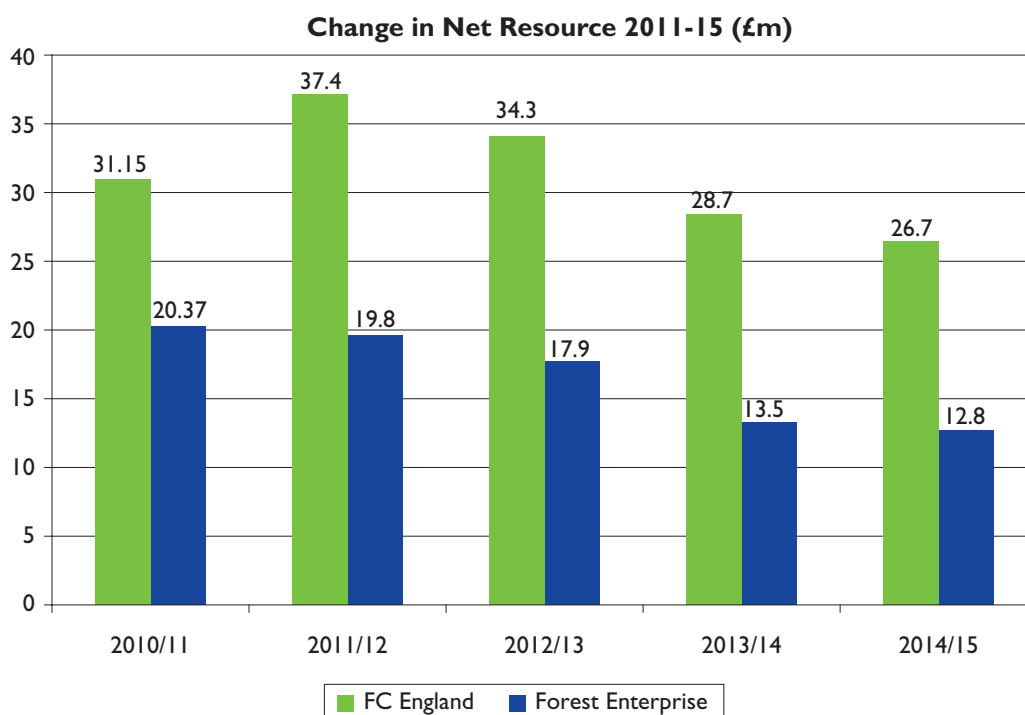


Figure 5: Forestry Commission England and Forest Enterprise budget⁵⁰

Respondents to the Forestry Regulation Task Force's call for evidence supported the work of the Forestry Commission and noted benefit of having strong links between the regulatory function (historically referred to as the 'forest authority') of Forestry Commission England (Forestry Commission) and the woodland management/timber production function of Forest Enterprise England (FE).

However there was a concern that the Forestry Commission was already too stretched, evidenced by some simple regulatory and grants procedures taking a long time to process, and that some of its 'authority' with those it regulates and advises was in danger of becoming lost. This would be exacerbated by reduced resources unless significant changes were made.

Concern was also expressed about the trend in devolved administrations where the forest regulatory and grants functions were being subsumed within larger and more generalist departments.

In that context the Task Force is heartened that the Woodland Officer post will see a slight increase in its numbers to a total of 46 by 2014/15.

Redirecting Resources

It is clear that with decreasing resources and staff, Forestry Commission will need to prioritise deployment of its resources in order to achieve its delivery responsibilities.

Recommendation:

14) That the Forestry Commission coordinates a survey that characterises and identifies the ownership of the unmanaged woodlands across England and seeks to determine the aspirations and objectives of the owners as an aid to policy formulation, grant product development and the allocation of resources.

The Forestry Commission's Corporate Plan 2011-15⁵¹ indicates that protection of the woodland resource in England is an emerging priority – whilst this Task Force has not considered specifically the implication on business of plant health regulations, we acknowledge that the Forestry Commission's regulatory functions will increasingly need resources dedicated to this area.

"The threat to England's trees and forests from climate change, pests and diseases has never been greater."⁵²

This means that to achieve an increase in woodland management and woodland creation the Government's resources need to be better targeted at organisations or individuals who are not yet engaged.

Key Recommendation:

15) To secure the development of a Woodland Partnership, the Task Force recommends that the Forestry Commission redirects resources, to increase the number of staff working in partnership with the private woodland sector and other organisations outside of Government. The Task Force believes these resources would be partly freed up as a result of operating a system of earned recognition.

51 [http://www.forestry.gov.uk/website/pdf.nsf/pdf/FCE-CorporatePlan-2011_15-V1.1.pdf/\\$FILE/FCE-CorporatePlan-2011_15-V1.1.pdf](http://www.forestry.gov.uk/website/pdf.nsf/pdf/FCE-CorporatePlan-2011_15-V1.1.pdf/$FILE/FCE-CorporatePlan-2011_15-V1.1.pdf)

52 Forestry Commission Corporate Plan [http://www.forestry.gov.uk/website/pdf.nsf/pdf/FCE-CorporatePlan-2011_15-V1.1.pdf/\\$FILE/FCE-CorporatePlan-2011_15-V1.1.pdf](http://www.forestry.gov.uk/website/pdf.nsf/pdf/FCE-CorporatePlan-2011_15-V1.1.pdf/$FILE/FCE-CorporatePlan-2011_15-V1.1.pdf)

Chapter 5 – More Effective Regulation and Delivery by the Forestry Commission

One of the features of the Regulatory Enforcement Sanctions Act 2008 is to provide a framework for regulators (enforcers) to be granted access to a range of civil sanctions as an alternative to criminal prosecution. These civil sanctions, such as fines and warnings, provide a wider, more flexible, and proportionate range of sanctions, enabling regulators to take action which is more proportionate to the offence and is less costly than prosecution through the courts. The Environment Agency currently has gained access to these civil sanctions and Natural England is consulting on whether it is feasible for them to adopt these sanctions.

Recommendations:

- 16) The Forestry Commission should explore the feasibility of civil sanctions under the Regulatory Enforcement and Sanctions Act 2008.**
- 17) The Forestry Commission should use its web site to ensure that it better promotes the benefits that accrue to society, in urban, peri-urban and rural areas, from sustainable woodland management. The website should be more widely used to promote the importance of silviculture and to ensure that all relevant forms and regulations are clearly ‘signposted’.**
- 18) Forestry Commission staff should work closely with colleagues in Forest Enterprise to promote joint partnerships at local and regional levels and to pump-prime local woodland management initiatives.**

I. Grants

Grant aid has been an important component of the support available to manage forests for over 60 years and during this time has become ever more complex, both to apply for and to administer.

The very nature of woodland management, where nearly all the income comes at the very end of the rotation, necessitates some early funding to help ensure successful establishment and survival. Grants are targeted at providing support to help deliver increased social and environmental benefits that forests provide for society, but without an assessment of the long term financial viability of the forests. This means provision of these social and environmental benefits may falter once funding expires.

We believe that if we are to promote more woodland creation and bring more woods into management, the current system needs a radical overhaul, with a stronger focus on delivering enduring benefits.

	£k
National Office Resources	2,100
Regional Resources	1,649
Other Costs (Incl. Accom, Shared Services etc)	820
	<u>4,569</u>

Table 5: Current Forestry Commission Spend on Administration of RDPE grant⁵³

At present the Forestry Commission’s spend on administration of grants is independent of the Grant amounts distributed and therefore the grant pot is not directly impacted if Forestry Commission’s administration is not efficient. Therefore, the Task Force has focused its recommendations in this arena to benefit the recipients of the grants.

Grant Spend Forecast 2007-13

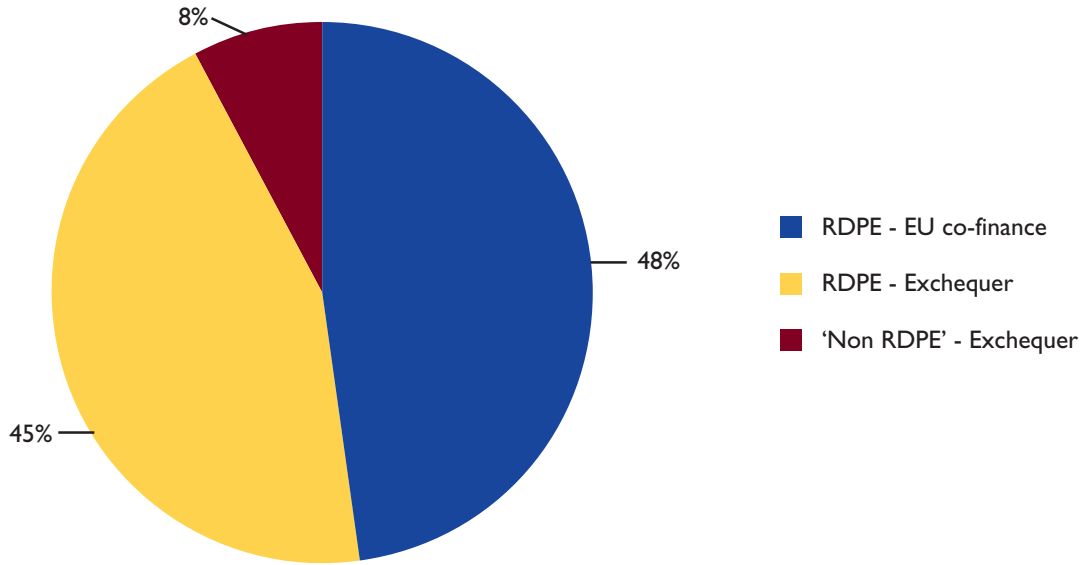


Figure 6: Proportion of EU :UK Exchequer funding for England's Forestry Grant Schemes⁵⁴

Key Recommendation:

19) The Task Force recommends that the Government re-designs its forestry grants to integrate with the long term management plan approach outlined above and that new, simpler forestry grants products are launched to coincide with the beginning of the next Rural Development Programme for England round in 2014.

“The application process is cumbersome, awareness of EWGS grants amongst private sector landowners is low and paperwork is off-putting”

“The time taken to deal with matters must be speeded up, currently grant applications can sometimes take up to a year, far too long and certainly a deterrent to the smaller woodland owner”

“The whole EWGS application system should be completely overhauled, it appears to have developed in an ad hoc way and does not flow or fit together. Some of it can in theory be filled in digitally whilst some has to be done manually. For someone approaching it for the first time and following the instructions it is a very daunting process requiring the employment of an agent. So there is a clear difference in how it works (or doesn't work) for an owner and how it works for an agent.”

“The overall Process of applying for EWGS does not lend itself to a general member of the public being able to apply... it does exclude a proportion of people who may wish to gain funding directly themselves”⁵⁵

This statement is borne out by analysis of responses to the Forestry Regulation Task Force which indicates grants to be of concern for a significant proportion of individuals and Small and Medium Enterprises.

54 Forestry Commission data

55 Country Land and Business Association contribution to Task Force engagement process

Chapter 5 – More Effective Regulation and Delivery by the Forestry Commission

“Grant application processes need to be simplified.”

Woodland partnership organisation

“Too many grants are given for individual actions where they could easily be swept up by taking a more holistic approach.”

Environment and planning manager

Grants Theme Reponse %

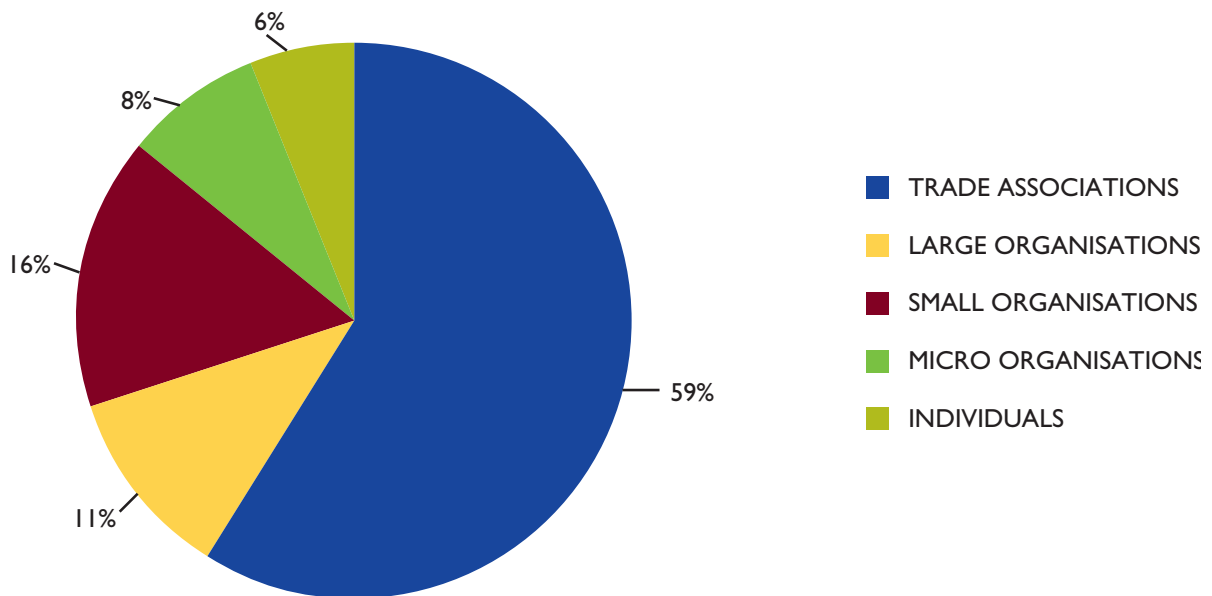


Figure 7: Responses mentioning Grants – by organisation type

The Figure above indicates which organisation types have mentioned improvement to grants processes in their engagement with the Task Force. Please note that, while the number of Trade Association mentions is small, Trade Associations’ responses have been weighted in proportion to the industry members they represent.

The Task Force is aware that, with the demise of the Regional Development Agencies, new structures have been put in place to distribute EU funding for capital projects under Axis 1. The Task Force hopes the new structures will be effective in ensuring that the funding allocated to forestry projects meets its intended targets and achieves demonstrable outputs of benefit to the sector.

In addition the Task Force welcomes the Government’s commitment in the Natural Environment White Paper to review its interactions with farmers and land managers, the Task Force looks forward to seeing positive impacts for the Forestry Sector as a result of this work:

“We will carry out a full review of how we use advice and incentives for farmers and land managers, to create a more integrated, streamlined and efficient approach that is clearer for farmers and land managers and yields better environmental results”⁵⁶.

Recommendations:

- 20) **The Task Force recommends that an end-to-end process review of grants is carried out which seeks to reduce customers' administrative burden and to simplify the complex application processes. This review must include representatives from across the private Forestry Sector, the Rural Payments Agency, Natural England and the Forestry Commission and be completed and operational by 2014.**
- 21) **The Government should secure transition arrangements, including funding, to provide grants for forestry during the period when a current Rural Development Regulation expires and a new Regulation is approved and implemented.**
- 22) **The Government maintains its appetite to fund forestry delivery priorities outside of the Rural Development Programme for England funding rules, for example the Big Tree Plant. In addition that the Government regularly reviews and revisits non Rural Development Programme for England funding opportunities and publicly reports on the conclusions of these reviews.**

Process Recommendations:

- d) Activity attracting grant payment in approved plans is provisionally allocated to future years, prior to budgets being set, with confirmations or otherwise issued as budgets are set. This principle should be applied to Long Term Forest Plans rewarding long term planning.
- e) Owners in long term plans are required to confirm their intention to claim replanting grant by a given trigger point in the year when felling work will be underway or commissioned ahead of replanting before year end. This will support the Forestry Commission by affording earlier clarity on market led activity, thus allowing greater flexibility in targeting grants.
- f) Eligibility to claim Woodland Management grant should not be dependent on certification.
- g) The Government should make all its forestry related forms available electronically so that customers can electronically amend, save and submit template forms.

Chapter 5 – More Effective Regulation and Delivery by the Forestry Commission

2. Felling Licences

We received many comments in relation to Felling Licences ranging from greater regulation, to retaining the status quo through to the removal of any licensing regime.

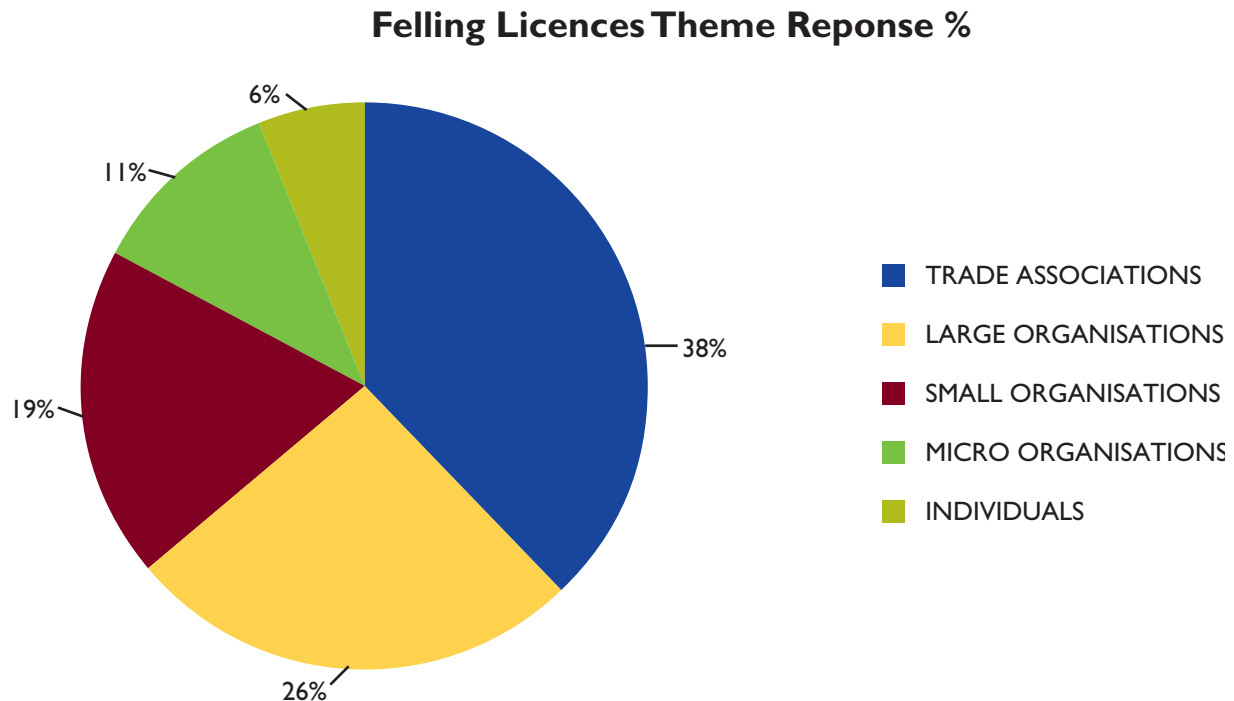


Figure 8: Responses mentioning Felling Licences – by organisation type

There was no consensus across the sector on Felling Licences and the evidence from the Forestry Commission did not indicate a serious issue of non-compliance. Table 7 below indicates an extremely low level of refusals by the Forestry Commission of Felling Licence applications.

Financial year	Felling Licence application	Total	% of total applications	Total applications for Fin Year
09-10	Approved	2320	95%	2434
	Withdrawn by Applicant	102	4%	
	Referral to Local Authority – Tree Preservation Order	11	0%	
	Refused	1	0%	
10-11	Approved	2559	92%	2771
	Withdrawn by Applicant	99	4%	
	Referral to Local Authority – Tree Preservation Order ⁵⁸	110	4%	
	Refused	3	0%	

Table 6: Felling Licence Statistics – 2009-10 and 2010-11⁵⁷

⁵⁷ Forestry Commission data

⁵⁸ Referred to Local Authority because there is a Tree Preservation Order on the site – this is not common practice for Tree Preservation Orders, Forestry Commission usually issue the felling licence after obtaining the LA's consent to do so

Chapter 5 – More Effective Regulation and Delivery by the Forestry Commission

In addition the Forestry Commission has provided data of the volume and area they know to have been felled illegally:

- between October 2009 and October 2010 19 cases of illegal felling were found, covering 16.5 Ha of woodland from which 927.9 cubic metres timber was illegally felled.
- this represents an insignificant proportion of England's total woodland⁵⁹

It is also interesting to note that for the year 09/10 there were a total of 28 cases of suspected illegal felling which the Forestry Commission assessed as not warranting any further action. There is a suggestion that public concern about felling and the reporting of illegal activity helps keep these figures low.

In a largely compliant sector we recognise that Felling Licences can be a particularly blunt instrument but we are confident that, in time, the recommendations we have made on long term plans and on a Woodland Partnership will ensure more woods are actively managed in accordance with agreed plans. This, in conjunction with a system of earned recognition, will enable Woodland Officers to focus on high priority and high risk areas in need of protection.

“Ideally there would be no controls on thinning. However a way forward could be a simple process of notification to the Regulator, with the latter's right to follow up (on a 'light touch basis'). Certified woodland could be exempt from this process.”

Commercial woodland owner

We do however believe that there needs to be a greater appreciation by the public of the existence and importance of Felling Licences in helping to maintain and protect forest cover and well-informed members of the public need a vehicle so they can constructively contribute to the protection of their treasured woods and forests in their locality. This needs to be accompanied by promoting understanding of the role of felling trees as part of good management practice, to differentiate between illegal and responsible activity, and awareness of how the public can check whether a forest has a management plan/Felling Licence. This will be a role for a Woodland Partnership.

Key Recommendation:

- 23) UK Forestry Standard compliant long term management plans should attract automatic permission for thinning and felling for the approved period of the plan, thus removing the requirement for a Felling Licence.**

Recommendations:

- 24) A Woodland Partnership should ensure that the general public, local interest groups and civil society groups are much better informed about the regulations surrounding forest protection, the requirement for Felling Licences and actively encourage reporting of illegal activity.**
- 25) Consideration should be given to whether a Restocking Notice could be a burden or 'charge' applicable to the parcel of land in addition to the landowner, akin to grant repayment obligations and Tree Preservation Order legislation.**

59 1,295,000 hectares of woodland : 0.00001%

Chapter 5 – More Effective Regulation and Delivery by the Forestry Commission

Process Recommendations:

- h) Felling Licences should be retained as a valued mechanism to manage woodlands outside of a long term management plan.
- i) The requirement for a long term management plan for the woodland should be used as a condition of restocking notices and any refusal to comply within a set time period should attract greater penalties.
- j) Appropriate mechanisms are developed to ensure that members of the public are able to monitor and comment upon potential illegal felling in their local area.

3. Mapping

Access to good quality maps is essential for all land managers and the evidence gathered during our engagement process highlighted the need for a more effective and efficient system making best use of advances in digitisation and accessibility. In addition it is essential that access to maps meets the needs of all stakeholders, whether they manage thousands of hectares or simply wish to access grants for a small isolated woodland.

Respondents noted differences in standards between government organisations and this became a problem and a source of confusion when applying for funding or registering land.

We believe that partnership working with the private sector is essential in ensuring that the needs of the sector are met in a cost-effective way and consider that simplicity is the key.

“Government should work with the private sector to develop a simple, low-cost and effective solution to meet the mapping requirements of the smaller and more fragmented pattern of woodland ownership found in England.”

Woodland partnership organisation

“The mapping process is messy and open to errors for both the applicant and Forestry Commission which can be very time consuming (and thus expensive) to rectify.”

Trade Association

“...there needs to be better joined up working between Forestry Commission and Rural Payments Agency”

Community partnership for environmental regeneration

Case Study

myForest is a free service for woodland owners designed to provide them with a range of online tools to help promote sustainable woodland management. It may be used with woodlands of any size and in addition to the inclusion of management tools it helps put owners in touch with the market.

It has the capability to:

1. Map
2. Record an inventory
3. Create a management plan

For example it includes user friendly GIS tools to allow new woodlands and compartments to be added to an aerial photograph.

The service is growing rapidly and in England there are currently over 450 woodlands, covering 9000 hectares, registered for the service.⁶⁰

We believe it is essential that maps, which form the basis for so much activity in the land-based sector, are 'fit for purpose' and acceptable to as wide a range of woodland owners as possible. We also believe it is necessary to ensure that those without the latest IT systems are still able to meet the requirements for planning and grant aid.

The following points taken from evidence received by the Task Force are worth noting when developing appropriate solutions:

1. Applying for the maps should be reasonably easy and new woodland owners should be guided through the process with help sheets on the web site
2. Paper sheets should fit easily together and ideally all compartments should be on one sheet
3. There should be as few opportunities for error as possible, often caused by repeated scanning, drawing by hand and re-copying.
4. Applicants should be able to choose to have the maps made available either digitally, or as paper copies.
5. Ideally a single large sheet should cover the whole of the property or, if necessary, on A3 sheets that can be joined together to cover the whole of the property.

Recommendation:

26) The Government should work with the private sector to develop a simple, low-cost and effective solution designed to meet the mapping requirements of the owners of the mainly smaller woodlands found in England.

4. Biosecurity and Resilience

As mentioned earlier there is an increasing acknowledgement of the emerging threats posed by climate change, pests and diseases to England's trees and woodlands. *Phytophthora Ramorum*, the disease which infects Japanese larch, is spreading from the South West with new outbreaks in other, predominantly westerly, parts of the country being discovered by the Forestry Commission's specialist team.

60 <http://www.sylva.org.uk/myforest/index.php>

Chapter 5 – More Effective Regulation and Delivery by the Forestry Commission

Businesses in the South West have already begun to feel the financial impact of the requirement to fell where this disease has been found. Woodland owners are compelled to fell significant volumes of timber which represents their investment in their business and will have a direct impact on profitability and livelihoods.

Larch can attract a market value of between £18-£50 per cubic metre, and being compelled to fell when market values are low has a dramatic impact on income and profit margins.

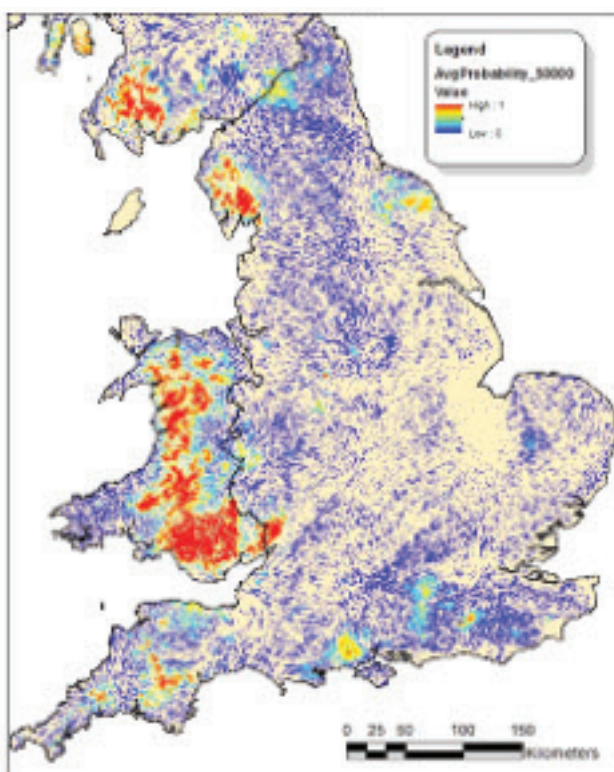
“Woodland management in the lowlands can be a discouraging business. Disease, grey squirrels, the scarcity of skilled woodsmen, environmental regulation and the difficulty of turning a profit dissuade all but the more dedicated owners. As a result, much of England’s woodland remains a wasted resource.”

Commercial estate

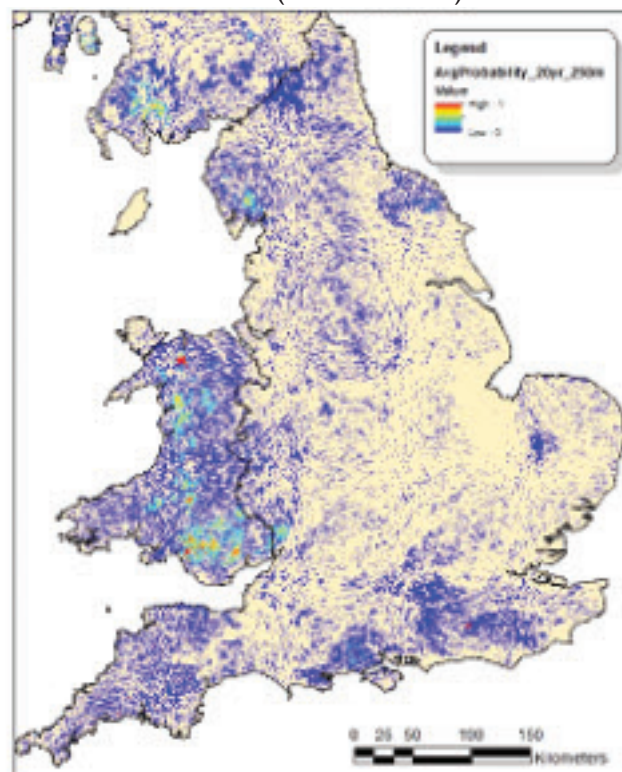
We are aware that direct Government compensation for compulsory felling under Statutory Plant Health Notices is not available. In cases where *Phytophthora Ramorum* is present some supplemented grant aid has been given to ease the burden on owners when re-planting. Therefore, to support and sustain thriving and resilient forestry businesses which make a contribution to economic growth, prevention and control measures are essential to minimising the impact on businesses across the country.

Below is a contrast of no control being exercised compared with the proactive control. In this example, proactive control involves removal of diagnosed infected areas as well as removal of trees within 250m of diagnosed infection. The illustration gives a clear indication of the positive impact that plant health regulations and measures could have in containing *Phytophthora Ramorum*⁶¹

Prob. Infection – 20 yrs
No Control



Prob. Infection – 20 yrs
Proactive (250m removal)



61 Cambridge University/Fera/ Forestry Commission Outbreak Management Team model predictions

Phytophthora Ramorum is reasonably high profile, attracting Ministerial visits to the South West in 2010 and 2011. Other threats are, and will continue to emerge. For example, the Oak Processionary Moth poses a significant human health hazard and is spreading across South West London and beyond. Other pathogens and diseases are finding their way into England through the import market for nursery plants as well as a result of the changing climate. The Forestry Commission's research arm Forest Research sets out all the emerging threats at <http://www.forestryresearch.gov.uk/fr/inf-d-5stc8a>.

We need to do all we can to avoid a repeat of the devastation caused by Dutch Elm Disease.⁶²

The Task Force sees in these potential threats a need for increased vigilance. The role of a Woodland Partnership should include feeding in operational intelligence, acting as the Government's eyes and ears on the ground and using the technical knowledge and expertise to provide early warning of potential threats from pests and diseases.

“Staffing shortages could be an issue in view of biosecurity issues”

Woodland partnership organisation

“The current Forestry Commission grey squirrel policy needs to be revisited, with meaningful consultation, especially in light of the current EU interest in alien invasive species.”

Trade Association

Key Recommendation:

27) Given the emerging threat of pests and diseases the Government retains adequate resources to protect England's existing woodland resource, ensuring it can respond rapidly to, contain and control threats to biosecurity.

There are good examples of combating the damage resulting from pests through local and coordinated collaborative working on the ground. The Task Force has particularly noted the work of the Deer Initiative⁶³ which is a registered Charity bringing together a broad partnership of statutory, voluntary and private interests dedicated to “ensuring the delivery of a sustainable, well-managed wild deer population in England and Wales.”

The Task Force is also aware of the approach being taken by Defra, Forestry Commission and the Red Squirrel Survival Trust to better coordinate the efforts of local landowners, charitable groups and trusts in order to actively support, maintain and increase the viability of the populations of the red squirrel.

As a result of recent *Phytophthora Ramorum* outbreaks, since Spring 2010 Forestry Commission has been conducting fly-overs in order to detect new areas of infection. On ground inspection Forestry Commission woodland officers have reported that, after *Phytophthora* infection, grey squirrel damage has been the next highest known cause of damage. Out of 160 sites which have been diagnosed as not infected with *Phytophthora Ramorum*, 32 (20%) sites were damaged as a result of grey squirrels.⁶⁴

62 <http://www.forestryresearch.gov.uk/fr/inf-d-5stc8a>

63 <http://www.thedeerinitiative.co.uk/index.htm>

64 Forestry Commission data

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Recommendations:

- 28) In light of evidence of damage to England’s woodland resource and biodiversity by grey squirrels, deer, other mammals and pests, the Government actively supports local approaches to co-ordination and management through revised policy, guidance and research priorities.**
- 29) In view of the unpredictable nature of the threat of pests and diseases and the need to respond rapidly, the Plant Health Regulations should be given a lighter touch with respect to the ‘One-in, One-out’ regulatory requirement now expected by the Government.**

Process Recommendation:

- k) The Government should work with the sector and partners through the newly created Woodland Partnership, to actively promote and disseminate current research findings in an applied context in order to promote a more informed understanding of the emerging and potential threats from pests and diseases and how to combat them.

5. UK Forestry Standard and Certification

UK Forestry Standard

The UK Forestry Standard links the requirement to sustainably manage woods and forests with the regulatory mechanisms. Working within the UK Forestry Standard provides woodland owners the assurance that they are complying with international agreements and domestic policies on the sustainable management of forests and that they meet EU requirements for rural development support. The system can also be used to provide assurances that timber and timber products produced from UK forests meet criteria for legality and sustainability as required for:

- UK Government timber procurement requirements
- The proposed EU Timber Regulations
- Criteria for sustainable biomass

The UK Forestry Standard is currently being updated and publication of the new version is expected in late 2011. The UK Forestry Standard facilitates an approach of management either simply through Felling Licences, or through more comprehensive forest management plans.

Certification

As certification is a voluntary, market driven mechanism which provides assurance that wood products are sourced from sustainably managed forests it is technically outside the scope of this Task Force, but we received many comments about it. In the engagement questionnaire this issue came within the top 10 concerns when respondents were asked to rank their priorities for change. Mapping the types of organisation that expressed concern about certification indicates that a significant proportion of the industry believes certification to be an issue.

We therefore feel that we should at the very least address some of the concerns raised.

Certification Theme Reponse %

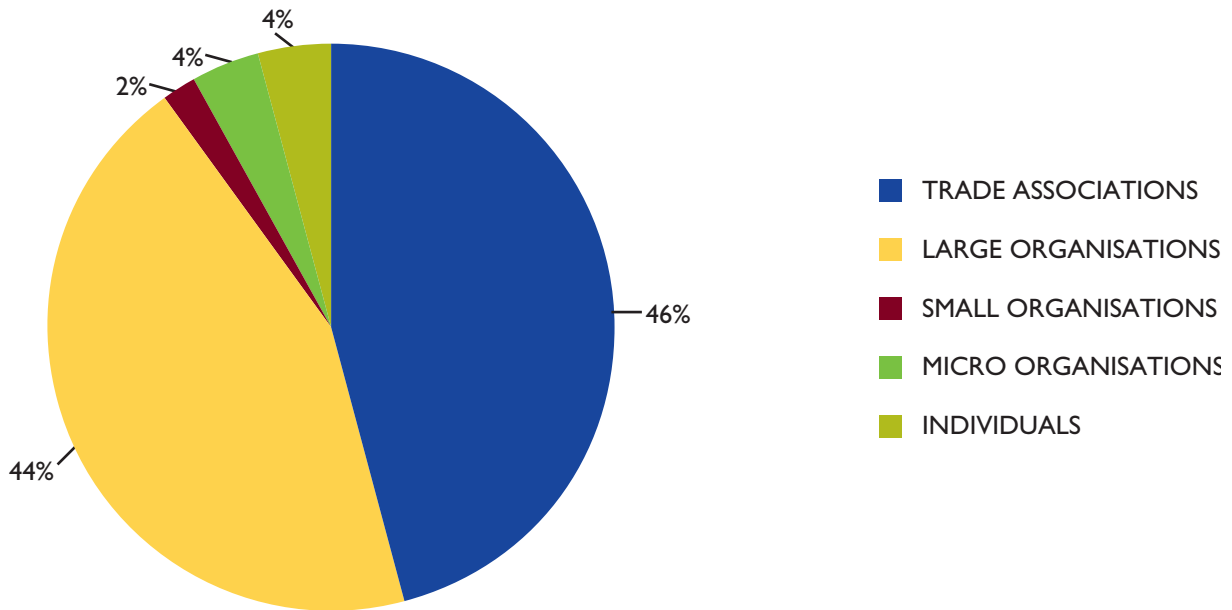


Figure 9: Responses mentioning Certification – by organisation type

In England there are 2 schemes both based on an audit against the UK Woodland Assurance Standard. Both were designed to protect forests world- wide from deforestation and to improve standards for sustainable forest management. Certification has become a procedure that in England certifies well-managed forests that have met the UK Woodland Assurance Standard as this is more easily audited against than the UK Forestry Standard.

For most small woodland owners it is the cost of audit and inspection which is prohibitive and many respondents to our call for evidence felt these were neither justified nor affordable. In the experience and expertise of the Forestry Regulation Task Force members, certification of woodland under 300 hectares does not represent sufficient return on investment. Indeed there is evidence that a number of owners are actively considering withdrawing from the process. This is likely to be more of a problem in England than in other devolved administrations as England’s woodlands are relatively small. Currently only 30% of privately owned woodlands in England are certified and indications are that this figure is in decline.

We are also concerned that the existence and perceived similarity between the UK Forestry Standard and UK Woodland Assurance Standard might deter or at least confuse new entrants into the sector, and act as an additional barrier to woodland management.

“Certification is still seen as a significant additional financial and bureaucratic burden on all woodland owners but especially on small to medium woods.”

Forestry Commission’s Applicants Focus Group

Chapter 5 – More Effective Regulation and Delivery by the Forestry Commission

Key Recommendation:

- 30) We urge all parties with a stake in the UK Forestry Standard and in the UK Woodland Assurance Standard to look at approaches that might harmonise the requirements of the two standards, looking particularly at the needs of smaller and less intensively managed woodlands.**

Recommendations:

- 31) In line with the Government's Code of Practice on Guidance on Regulation (2009), the Government should publish a 'Quick Start Guide' for the UK Forestry Standard. This 'Quick Start Guide' should be tailored to customers needs, ensuring it provides a concise guide for practitioners and the owners of small woodlands.**
- 32) We recommend that the UK Forestry Standard is the benchmark against which sustainable forest management is judged by the Government and should be used in the proposed approach to earned recognition through the production of long term forest management plans and associated support mechanisms.**

Chapter 6 – More Effective Regulation and Changes to Delivery by other Statutory Bodies/Agencies

I. Health and Safety at Work Act – Health and Safety Executive

The Task Force recognises that, while generally a low risk sector, the forestry industry is not currently performing well in the area of Health and Safety.

The requirements for reporting work-related injury and ill health are set out in the Reporting of Injuries, Diseases and Dangerous Occurrences 1995 (RIDDOR). On the basis of reported injury data, forestry has had and continues to have a poor safety record when compared with other industries.

In the 5 year period up to and including 2009/10 the average fatal accident incidence rate for forestry employees was 10.4 per 100,000 workers. This is one of the highest fatal accident incidence rates of any employment sector in the UK and is a cause for concern.

The most common kind of fatal and non-fatal incident in the Forestry Sector is 'Hit by a moving, flying or falling object'. This demonstrates the risks associated with being hit by a tree or part of a tree during a felling operation and reflects the relatively higher risk of chainsaw operations when compared to other forestry activity. This higher risk is also supported by the next most common kind of incident 'contact with moving machinery'.

The Health and Safety Executive (HSE) estimates that 25% of fatal accidents classified as 'forestry' occurred during operations more correctly attributed to arboriculture. More importantly, the majority of fatal accidents involve chainsaw felling operations.

HSE is aware of a perception in some parts of the industry that forestry accidents are primarily associated with occasional users of forestry equipment and/or those for whom tree work is not their primary occupation. This view is not supported by the evidence.

HSE has pursued a multi-strand approach to improving the performance of the Forestry Sector, focusing on the management issues with the harvesting and distribution of timber, seeking to clarify the roles and responsibilities of key duty and post holders and to provide practical guidance on how to meet the requirements of the Management of Health and Safety at Work Regulations 1999 in the forest context.

Recent initiatives and work with industry stakeholders directly supports the HSE strategy "The Health and Safety of Great Britain\ Be part of the solution" launched in June 2009.

HSE has also sought to promote the sensible risk management agenda by working closely with the key industry stakeholders, with individual organisations and with a range of industry representative bodies through the Arboriculture and Forestry Advisory Group (AFAG).

For the last five years, HSE's major frontline intervention in the forestry industry has been through the delivery of Forestry Safety and Health Awareness Days (SHADs). The aim of SHADs is to highlight key risk areas, provide guidance on safe working practices and promote good health and safety management of forestry operations.

However, the industry's performance remains poor.

Case Study

A self-employed chainsaw operator (D) had been engaged by a harvesting main contractor to harvest standing timber.

While felling an ash tree of medium size as part of the thinning operation, a dead tree fell and struck D on the head. D was found by his colleague and pronounced dead at the scene by the emergency services.

It is believed that, from the position of the body, markings on the stump and root buttress that D was still cutting as the ash tree started to fall, he was still bent over at its base and the hinge was completely severed. D had not retreated a safe distance into his safety zone and must have been in a cutting position as the tree was beginning to fall.

Good practice would be to leave a parallel hinge of no less than 25mm and retreat to the safety zone as the tree starts to fall.

D was qualified and had long experience having passed his chainsaw competence assessments 13 years previously. However, there is no record of any subsequent training.

The company conducted a skill assessment of all the chainsaw operators engaged by their main contractors. The results highlighted significant skill gaps and caused the company to instigate its own refresher training programme for those operatives.

In order to tackle the issue HSE plans to hold a forestry summit in 2012 involving senior managers (at the MD/CEO board level) from all the major forestry companies. This will be supported and attended by the HSE Board.

Ultimately the objective of the summit is that most senior management in the industry make a commitment to work together to reduce the unacceptable incidences of fatal and non-fatal injury and ill health. The aims of the summit will be to encourage the industry to take responsibility for its health and safety performance, to encourage visible leadership and strategic direction from senior managers and to promote effective health and safety management systems and cultures across the industry.

Key Recommendation:

33) The Health and Safety Executive (HSE) should work with the Forestry Sector to set up a 'safety summit' and to improve the sector's overall safety performance including an industry-led refresher training process for chainsaw operatives.

2. Gangmasters Licensing Act – Gangmasters Licensing Authority

The Task Force engagement process has unearthed widespread dissatisfaction from the Forestry Sector regarding the Gangmasters Licensing Act. However, the Task Force supports the role of the Gangmasters Licensing Authority (GLA) and recognises that theirs is an important function and any businesses exploiting workers should be subject to the full force of law.

Below the Task Force explains its belief that the Forestry Sector poses a very low risk of abuse and exploitation of its workers.

Since 2004 the Forestry Sector has been within the scope of the Gangmasters Licensing Act (The Act) and the Gangmasters Licensing Authority (GLA). Since being established in 2005, there have been no prosecutions of forestry operators in England (the geographic scope of this report) and two prosecutions in Scotland by the GLA of forestry operators for trading without a licence (with aggravating factors such as tax issues, minimum wage or non-compliance with standards). However, there have been no prosecutions of forestry operators for activities as a result of exploitation or abuse of workers. The lack of prosecutions for exploitation of workers indicates that forestry is low risk for abuse or exploitation of vulnerable workers.

“If the level of refusals, revocations and additional licence conditions for forestry cases is compared to the total number of forestry licences ever issued, the level of risk solely attributable to forestry labour providers is 25%. This compares to 49% for all other cases....The risk level, whilst noting the comparative sample size, is therefore considered to be low”⁶⁵

As at November 2010 GLA had received 2196 completed applications for licences. 102 were refused, of which only 1 was from a forestry applicant. Again in November 2010, 2094 licences had been issued by GLA of which 152 had been revoked, only 1 of these revocations related to forestry.

The Forestry Sector also asserts that it should be considered as low risk on the basis that its workforce is skilled as illustrated in Table 7 Comparative Qualification Levels for Forestry Sector.

Qualification Level	All Sectors UK	Trees and Timber sectors	Agriculture Sector
N/SVQ Level 4 SCQF Level 8/9 and above	36%	33%	20%
N/SVQ Level 3 SCQF Level 6/7	19%	20%	13%
N/SVQ Level 2 /SCQF Level 5	21%	21%	23%
N/SVQ Level 1 and entry level SCQF Level 4 and SCQF Levels	16%	20%	20%
No qualifications	7%	6%	24%

Table 7: Comparative Qualification levels for Forestry Sector⁶⁶

Further evidence reducing the level of risk posed by the Forestry Sector are figures from LANTRA indicating forestry is a skilled sector and that well over half (57.3%) of forestry businesses delivered training to their employees over and above that required by law. In addition just over a third (35.7%) of forestry businesses would have liked to do more training.

In addition LANTRA's⁶⁷ draft research into the labour market in the Forestry Sector indicates the sector employs only 9% migrant workers (in England). The overwhelming majority of employees in the Forestry Sector in England, 87%, are full-time employees. It is reasonable to deduce that these full-time employees have employment contracts dictating their terms and conditions for work and giving employees full recourse to employment protections through the legal and tribunal systems.

⁶⁵ GLA Board Report – Forestry Pilot 18 November 2010

⁶⁶ LANTRA Trees and Timber factsheet 2010/11

⁶⁷ Draft Report: Labour Market Intelligence Trees and Timber Industry August 2011

Chapter 6 – More Effective Regulation and Changes to Delivery by other Statutory Bodies/Agencies

Case Study

After becoming aware of the GLA and the fact that their remit includes forestry, a business owner last autumn made enquiries with the GLA to register as he quite understandably wanted to remain on the right side of the law. He employed eight full-time workers, all of whom are paid well in excess of the minimum wage, are happy with their working conditions and all are skilled and qualified to NVQ Level 2.

This business owner understood that when his 8 employees use machinery 100% of the time (for which they are trained) the GLA see his activities as exempt. However, when his 8 employees were not using machinery, he may have been in breach of the GLA regulations. Despite this business owner initiating contact with GLA, they mentioned enforcement action by issuing a warning letter to him.

So far he has had to pay £1,850 up front to register with the GLA. This fee is based on turnover up to £1m (the GLA's lowest category). His business turns over far less than £1m. In addition he is then committed to having to pay £400 per year to retain his licence. From his perspective as a businessman the £2,250 fee has simply resulted in added expense and red tape, just so that he can carry on his business as he used to before the GLA arrived.

Case Study

An individual involved in forest establishment and maintenance folded his business when the GLA was formed.

“The business planted more than 150,000 trees in the last 3 years which I'm very proud of... and planted well and professionally with a love for trees.”

However, the financial impact of GLA licensing was assessed by this individual as just too great for a business that undertook licensable work only seasonally and at low margins. The individual believed that this new legislation, with the associated information and inspection requirements added bureaucracy and administrative burden which made his business no longer viable.

“There is little evidence that there is a need to apply the Gangmaster Licensing legislation to forestry.”

Chair of Regional Advisory Committee

“Gangmaster licensing should not apply to forestry in England as there is no evidence to date of an existing problem. No evidence, no risk means no requirement for the regulation.”

Environmental non-governmental organisation

The general view of the Task Force and relevant consultees is that this Act is having serious consequences for law abiding businesses and activities within the Forestry Sector. Businesses in the sector find the exclusions complex and a poor fit for their activities.

The GLA accepts that there is a lack of understanding within parts of the Forestry Sector regarding how their licensing scheme applies and, in a drive to clarify requirements, on 12th August 2011 the GLA published further guidance (GLA Brief Issue 15 – August 2011: How Licensing Applies to Work in forestry and other woodland) to clarify who needs a licence and what work is covered.

Chapter 6 – More Effective Regulation and Changes to Delivery by other Statutory Bodies/Agencies

The voluntary sector is only now becoming aware that they too are within scope of the Gangmasters Licensing Act. The GLA is aware of this unintended consequence of the Act and is working on resolving this. The Task Force believes that the compliance process is time consuming, costly, adds no value but results in otherwise law abiding businesses making “technical” breaches of the Act.

Based on their evidence to date, the GLA view the Forestry Sector as low risk and on 8th August 2011 launched a pilot to provide a lighter touch process for forestry.

While the Task Force acknowledges that the GLA’s Forestry Pilot will make it easier and cheaper for businesses and others to apply for a licence, this is a temporary measure and the Task Force believes that the Act, when applied to the Forestry Sector, is an excessive burden given the risk. Removing the Forestry Sector from the scope of the Gangmasters Licensing Act would free up resources within the GLA which could then be directed at ensuring compliance within the highest risk sectors.

Key Recommendation:

34) Forestry should be excluded from the scope of the Gangmasters Licensing Act.

Recommendation:

35) In the short term forestry should be exempt from the cost and administrative burden of the requirement for licensing and inspection under the Gangmasters Licensing Act.

3. Wildlife Regulations – Natural England

When asked to rank the regulations which had the most significant impact on their business, respondents to the Task Force’s call for evidence cited Wildlife Regulations as imposing the highest level of burden.

We acknowledge that considerable effort has been devoted to working out pragmatic solutions to minimise the costs and delays associated with complying with the wildlife regulations. Defra, Natural England and the Forestry Commission have all worked hard to provide best practice guidance to support forestry activities in sensitive areas.

Quote from ConFor’s written submission to the Forestry Regulation Task Force:

“Wildlife – Currently, responsible owners and managers are penalised – they provide good habitat, valued species move in and the land (plus buffer zones) becomes sterilised. Some owners, who previously cherished habitat/wildlife, are deliberately removing standing dead trees, for example, for fear of attracting protected species. Revise all wildlife/woodland guidance on the basis that sustainable forest management provides valuable habitat for a wide range of species; lack of management reduces that value.”

Figure 10 below illustrates which organisations were concerned about this issue.

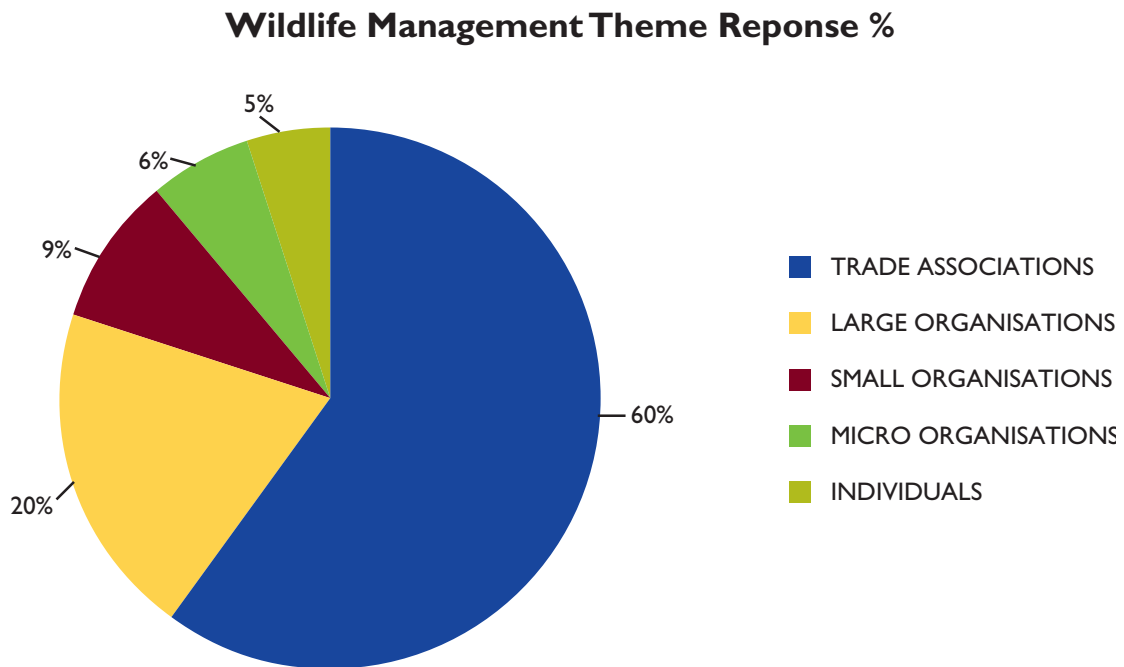


Figure 10: Responses mentioning Wildlife Management – by organisation type

Natural England gave evidence to the Forestry Regulation Task Force which confirms the positive impact on species populations which results from active woodland management.

“Trees and woodlands are critical to the delivery of Natural England’s objectives. They are rich in wildlife ... They play a major role in natural resource management of water, soil and air, and provide vital stepping stones for species movement across landscapes. Greater benefit to society can be secured through improved management of trees and woods, and through increased tree and woodland cover.”⁶⁸

Staff at Natural England also acknowledged that sometimes the perception of burden of these regulations can prevent individuals getting into woodland management which has the unintended consequence of not providing the optimum habitat for protected species.

The Institute of Chartered Foresters written submission to the Forestry Regulation Task Force suggests that:

“The introduction of the changes in 2007, following a case in the European Court, have created huge administrative and practical headaches for those trying to undertake woodland work. Uniformed police officers attending harvesting sites is, in certain parts of the country, becoming an alarming occurrence. Some contractors, agents and owners have had to report to police stations for questioning, even though they have a relevant and current tree Felling Licence. In some cases the conservation agencies are using the licensing arrangements to deny activities that are not actually related to the operation requiring a Licence. When the complexity of guidance combines with a marginal activity most owners, not just the uninitiated or the time-constrained, conclude that it is not worth the hassle”

However, in response to the Task Force’s engagement, a view was expressed that regulations which protect wildlife are being appropriately applied:

“The RSPB does not view the UK Forestry Standard, Felling Licensing, Forestry Environmental Impact Assessment, Appropriate Assessment, the EU Birds or Habitats Directives, or the Forestry Commission’s Public Register as ‘gold-plating’ regulation.”

Chapter 6 – More Effective Regulation and Changes to Delivery by other Statutory Bodies/Agencies

Case Study

We've watched this local wood change over the years. When I say change I mean improve – for wildlife and people. This is an ancient woodland site and we've been slowly but surely removing the pine trees planted in the 1970s by a previous owner. These fast growing conifers were nearly suffocating the original native broadleaves so opening these up was our priority.

The response from both the delicate carpet of ground flora and other wildlife has been immensely satisfying to observe.

So we were amazed to learn recently we are theoretically committing criminal offences with almost every conifer we remove! Not because our work doesn't have a Felling Licence – of course it does – but because we are unintentionally but probably disturbing a resting place for bats. We had not realised that because almost any tree "could" be a resting place then felling any tree "would" be an offence. It is their status as European Protected Species (EPS) which gives them and their resting places this added level of protection.

To think we have been possibly committing an offence every time we come to this lovely wood when all we're doing is to improve the habitat.

"EPS legislation needs to reflect risk of the operation and differentiate clearly between high risk (e.g. built developments involving destruction of habitat) and routine forestry operations done to improve the habitat."

Environmental non-governmental organisation

The Task Force holds the view that the Government should continually strive to remove individual species from the Annex to the Habitats regulations, and recognises the need to have a sound evidence base to successfully negotiate these changes in Europe.

Key Recommendations:

- 36) In light of comments received by the Task Force suggesting that the Habitats Regulations are deterring active woodland management, we recommend that more resources are devoted to establishing a sound evidence base for determining to what degree approved woodland management activities affect European Protected Species.**
- 37) Natural England should become actively involved with a Woodland Partnership in promoting the benefits of woodland management and, through the secondment of staff, support the aspirations for forestry set out in the England Biodiversity Strategy 2020.**

4. Rural Land Register – Rural Payments Agency

Evidence submitted to the Task Force highlighted issues with the Rural Payments Agency including a high level of bureaucracy associated with payments and the length of time taken to process applications. We accept that the Forestry Sector is very small in comparison to the demands of agriculture and that the Agency has had a number of internal problems which are now being addressed.

The Task Force has received comments from respondents that the registration process has in the past taken between 6 months and 2 years. This kind of time delay is clearly a barrier to woodland management.

Chapter 6 – More Effective Regulation and Changes to Delivery by other Statutory Bodies/Agencies

One member of the Forestry Commission's Applicant's Focus Group claimed that the turnaround times had been raised at the forum for some while. In the Forestry Sector there seems to be an issue that the Rural Payments Agency's maps are not used by the Forestry Commission, thus requiring an alignment process between the two systems, and that this creates opportunities for errors which take time to correct and an unnecessary duplication of effort.

"The grant system – EWGS was introduced partly to reduce administration, however the administration has been over-burdensome primarily with the need for a Single Business Identifier (SBI), Rural Land Registry (RLR) registration and the largely misunderstood role of agents in the industry by the RPA. This confusion gets magnified for clients that own forests across the national borders and require three completely different registration processes and annual returns to be completed."

Large forestry business

"There are major delays in registering woodland for the first time on the Rural Land Register due to bad administration set up and paperwork that is impossible to understand."

Trade association

Members of the Task Force met with the RPA and we were impressed by the senior leadership's desire to resolve the problem and work with the Forestry Commission on a streamlined approach designed from the outset with the needs of the sector in mind.

Key Recommendation:

38) The Rural Payments Agency should work with the Forestry Commission, Natural England and the private sector to produce a simplified land registration process aimed specifically at the needs and timescales of the forestry sector.

5. Tree Preservations Orders – Local Authorities

"Tree Preservation Orders need to be standardised. Woodland Tree Preservation Orders can stop the management of woods."

Trade Association

"In the context of a stronger framework of woodland/forestry Commission governance, the time of ICF members is wasted in talking to Planners who have poor records of woodland Tree Preservation Orders and who are not professionally competent to make reasoned judgements on woodland management proposals."

Woodland manager and forestry consultant, ICF member

Tree Preservation Orders are issued by the Local Planning Authority (LPA) under the rules laid down in the Town and Country Planning Act. A Tree Preservation Order protects trees for the public's enjoyment primarily based on the amenity of the tree or woodland, rather than the tree/s themselves.

The definition of a woodland Tree Preservation Order – all trees within the site boundary at whatever age, not just the ones on site when the order was made – can mean that forest management activity within the wood could be in breach of the legislation and this has prevented some owners of, in the main, small woodlands from undertaking any activities as the costs in terms of bureaucracy are seen as greater than the potential benefits.

Chapter 6 – More Effective Regulation and Changes to Delivery by other Statutory Bodies/Agencies

Both the involvement of Local Planning Authorities and working within a woodland covered by a Tree Preservation Order could potentially be simplified by the production of an agreed, long term woodland management plan, that meets the requirements of the UK Forestry Standard, which would then stand in force for the life of the plan.

A history of compliance with the management plan could form part of the risk assessment process and could demonstrate the absence of threat and therefore the potential for rescission of the Tree Preservation Order. It is possible to formally remove Tree Preservation Orders in consultation with the LPA where the applicant can demonstrate that the historic threat to the amenity of trees which initially led to the Tree Preservation Order is no longer present. A sensible way to demonstrate the lack of threat would be through a long term management plan.

The Task Force acknowledges that Tree Preservation Order guidance encourages single applications for programmes of work to promote woodland management and that the Department for Communities and Local Government have recently consulted on draft regulations which state:

“Where an application relates to an area of woodland, the authority shall grant consent so far as accords with the practice of good forestry, unless they are satisfied that the granting of consent would fail to secure the maintenance of the special character of the woodland or the woodland character of the area.”

The Task Force welcomes this proposed change and believes this stance should be applied when revoking a Woodland Tree Preservation order and urges the relevant Government Departments to work together to define and publicise ‘good forestry practice’ which, the Task Force believes, should be consistent with its recommendations on long term management plans.

6. Planning – Local Authorities

Forestry operations predominantly lie outside the scope of planning controls. However, the planning system is the principal means for regulating the rate at which land is transferred from woodlands to other rural and urban uses. Development is still the main cause of woodland loss (see table).

Land use change	Total identified woodland loss/ hectares
Residential building	116
Quarries	48
Golf Courses	46
Open Water	20
Recreational buildings	20
Industrial buildings	12
Car parks	4
Wind farms	0
Agriculture	0
Other	0
All Woodland loss	275

Table 8: Areas of permanent woodland loss observed in mapping differences between National Forest Inventory (2011) and National Inventory of Woods and Trees (1999) of greater than five hectares⁶⁹

Chapter 6 – More Effective Regulation and Changes to Delivery by other Statutory Bodies/Agencies

The long time frame for tree and woodland growth makes reparation for unauthorised development difficult and, in the case of ancient woodland, impossible. Emerging Government policy on the presumption in favour of sustainable development makes it yet more imperative that accurate analysis be made of any planning situation. One of the key issues the Forestry Regulation Task Force has already identified is the need for greater alignment of regulations with the risk posed.

Planning permission is granted to the land rather than the landowner, and as such anyone can apply for planning permission (provided they give notice to the land owner). The applicant's identity is not material and no weight can be given to their previous behaviour or reputation. This is a source of frustration for planning officers for whom an applicant's reputation for planning breaches and environmental degradation may precede them. Whilst this system does promote equality for all, it could favour developers who operate outside the law.

To ensure good protection and appropriate management Local Planning Authorities (LPA) should be able to consider an applicant's planning history. This would primarily promote good practice; it would also be cost effective in saving LPA's time and money in dealing with repetitive enforcement cases with the same offenders.

Quote from ConFor's response to the Forestry Regulation Task Force's call for evidence:

“Planning – make it easier to run small-scale wood-processing business in woodland, such as, producing fence posts. Currently, this is allowed unless any raw material is brought in from outside. This may become increasingly an issue for woodfuel. Other development proposals should be viewed with a proper understanding of the woodland and the economics of managing it. Input from Forestry Commission or other practical expertise should be applied.”

Case Study

In 2006 the National Grid decided that they needed to extend one of their substations in a Hampshire Wood. The wood was a prime example of an ancient semi-natural woodland and widely recognised to be of exceptional ecological value. There was much local opposition to the proposals: although there was only one footpath there had been permissive access to the wood for many years and a local environmental education centre was on site.

Any planning application would have been considered against national policy to protect ancient woodland with a full Environmental Impact Assessment and a chance for local views to be heard. The company, however, persuaded the local council that the extension could be carried out under permitted development rights. Result: no discussion of need for the development, no consideration of local views and loss of irreplaceable habitat.

The Task Force welcomes the direction of the draft National Planning Policy Framework which includes a statement on ancient woodland as follows:

“planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.”

Whilst it recognises it is commenting on policy, rather than regulation, the Task Force believes that the loss of ancient woodland is of national, as well as local, importance.

The Task Force would like its comments and recommendations in this arena to be deemed its response to the current consultation being conducted by the Department for Communities and Local Government on the Draft National Planning Policy Framework (NPPF) and makes its recommendations in the context of existing planning policy and that the NPPF has yet to be finalised.

Chapter 6 – More Effective Regulation and Changes to Delivery by other Statutory Bodies/Agencies

Recommendation:

39) Planning Policy should clearly state that the benefits of local developments must be assessed against the national value of ancient woodland

The Task Force acknowledges and welcomes the Government's work to strengthen the enforcement provisions of the Planning Act in the Localism Bill which could make it much more difficult for people to breach planning control or 'play the system'. The Task Force wishes to see these enforcement provisions universally adopted and consistently applied.

Process Recommendations:

- l) The Government should reaffirm with planning authorities the biodiversity value of Ancient and Semi-Natural Woodlands and Planted Ancient Woodland Sites.
- m) Forestry Commission and Natural England's standing advice for ancient woodland should be adopted and applied consistently by all English Local Planning Authorities.

7. Highways Act – Highways Agency and Local Authorities

Medium and large commercial forests planted in the 20th century are reaching their first harvest. In some cases the extraction routes for vehicles will create additional traffic and be seen as new vehicles on the road for local communities, potentially creating public concern and affecting the structure of the road.

Accessing these forests to harvest wood provides a range of significant benefits. Economically the harvested wood provides income to the landowner (both public and private) that helps pay for their continued management as well as providing a low/embedded-carbon material for construction, fencing, pallets or renewable energy that also supports local green jobs. The income to the forest also pays for the restructuring of the forest in accordance with modern standards for forest management. This process of restructuring makes the forest multi-functional, being more attractive in the landscape as well as providing a more diverse habitat that benefits flora and fauna.

Restricting the ability to access these forests will mean significant benefits are lost and the forest itself will become degraded.

There is concern in the sector that the movement of wood from these forests will be considered as "extraordinary traffic" (Section 59, Sub-section 1 of the Road Traffic Act 1998) by local councils and/or prompt opposition from local people. Recent experience in Scotland and Wales has shown that modest public support for a resource to identify potential problems and to work-up solutions for accessing this wood, involving all parties, significantly reduces conflict, helps 'unlock' these forests and thereby delivers a wide range of benefits. This approach also reduces the considerable amount of time spent by the public and private sectors in dealing with complaints and concerns around wood extraction.

"The Highways Act 1980 – and equivalent Roads (Scotland) Act 1984 provide the highways authorities with mechanisms to recover costs of damage resulting from 'extraordinary traffic'. The forest industries have always argued that forestry is an established rural land use and that over time the highway authorities should expect to have to alter the standard of the road to suit the traffic that is expected."

Public/private partnership forum

Key Recommendation:

40) Forestry traffic is not considered to be extraordinary traffic, aligning forestry traffic with farming traffic.

8. European Union

The Forestry Regulation Task Force has not received any evidence to suggest that EU regulations are being gold-plated in their transposition by the UK Government. However, there is a strong desire to see the UK Government raise and maintain the profile of forestry when influencing the design of regulations stemming from the EU.

Often it is the perception of burden and the lack of clear, consistent guidance in the application of regulations which can result in businesses 'over-complying'. This is consistent with our findings on the interpretation of Wildlife regulations.

The Task Force would like to see Government in future influencing the EU regulations by bringing the benefits of forestry and woodland creation and management to the fore.

"[There should be] more criticism of EU legislation and whether or not it fits local circumstances."

Landscape architect and woodland adviser

Key Recommendation:

41) When negotiating within the EU, the Government actively promotes the multiple benefits and ecosystems services that accrue to society and the economy from actively managed woodlands.

Case Study

An arable farm was purchased in 2008 by a conservation charity in order to establish a new native woodland. The intention was to change the land-use from intensive arable to landscape with people and wildlife benefits.

The change in land-use required the applicant, not unexpectedly, to undertake a full Environmental Impact Assessment (EIA) under the EIA Regulations of 1999.

The project received overwhelming support locally, due to the balanced mix of new woodland, an orchard and almost 80 hectares of sympathetically designed open space habitat to include wild flower meadows, paths, rides and open glades, all with free public access.

The direct and indirect cost of the EIA was high. Archaeology was the biggest issue to address for this particular site. Despite a helpful and pragmatic County Archaeologist, the excavation of no less than 96 "trial trenches" resulted in the applicant having to pay a five figure compensation sum to the farmer for loss of crop value. Excluding this, the archaeological report alone for this EIA cost a six figure sum. The final EIA comprises no less than four separate volumes, of which volume one alone extends to over 250 pages, excluding the 23 appendices! The whole process took over 12 months to complete and approximately 440 hours just to type up.

The Task Force believes that the EIA process has the potential to pose a major barrier to increasing the woodland cover in England, an increase that will ultimately deliver a wide range of public benefits, particularly where there is a change to a more diverse form of land use.

Process Recommendation:

n) To facilitate the aspiration for woodland creation in the Natural Environment White Paper, where Environmental Impact Assessment (EIA) determinations are called for by the Government, the scope and requirements of the reporting and EIA determination should be proportionate to the risk and scale of the application.

Appendix A – Forestry Regulation Task Force

Terms of Reference

Overall Purpose

The Task Force will identify ways to reduce the regulatory burden on those who seek to create and sustainably manage forests, helping to support a more competitive, profitable and commercially resilient sector which continues to play a part in economic recovery. In addition, achieving this aim will make a tangible contribution to ensuring that England's forests and woodlands continue to provide a range of goods and services of value to society. For example, storing carbon, producing timber and woodfuel, helping society and wildlife adapt to climate change, conserving biodiversity, and encouraging healthy physical activity and enjoyment of the natural environment.

The Task Force will carry out a review of relevant regulations and their implementation for both the management of existing forests and the establishment of new ones. It will also seek to understand the impact of regulation on businesses both up and down the wood supply chain.

Scope

The review will look at areas of regulation affecting forestry in England, but will advise where issues relevant to devolved administrations are identified.

The review will advise on how best to achieve a proportionate, risk-based and targeted approach to regulations relevant to forestry-related businesses to facilitate the development of the woodfuel and wood products sector and promote the principles of sustainable woodland/forest creation and management.

The review will take the opportunity to look at ways of reducing and simplifying the burden associated with the implementation of the regulations surrounding Rural Development Programme for England's grant funding for the Forestry Sector. More specifically, how can grants administration processes be simplified?

The review will also look at health and safety regulations but will exclude other cross-cutting regulations such as employment law. This review will complement the Review of Farming Regulations to ensure that other legislation, such as that relating to biodiversity conservation and a more integrated approach to land management, is covered in the most appropriate way.

Areas of focus

- Where can regulations affecting forestry be implemented in a more proportionate, risk-based, targeted and efficient way?
- What lessons can be learned from the approaches taken in other countries with well-developed forestry sectors and cultures?
- Where can inspections be reduced when risks are low?
- How can a more outcome-focused approach be taken: what is it that is trying to be achieved?
- How can the concept and practice of earned recognition be best applied to the sector?
- How can regulators work better together?
- Is UK 'gold-plating' any EU legislation/directives? Can these burdens be removed?
- What regulatory burdens are deterring sustainable forest management or threatening woodland owners and managers' profitability?
- How might changes to the regulatory framework attract new entrants to the sector and promote a greater interest in active and sustainable woodland management?

Appendix B – Forestry Regulation Task Force – Engagement via meetings

Organisation	Key concerns
Royal Institution of Chartered Surveyors (RICS)	<ul style="list-style-type: none"> • Gangmasters Licensing Authority (GLA) • Wildlife Regulations • More effective regulations and delivery by the Forestry Commission • UK Forestry Standard • Grants
Royal Forestry Society (RFS)	<ul style="list-style-type: none"> • More effective regulations and delivery by the Forestry Commission • Long term management plans and earned recognition • Grants • Rural Land Registry • Wildlife Regulations
Mersey Community Forest	<ul style="list-style-type: none"> • Grants • Felling Licences • More effective regulations and delivery by the Forestry Commission • Guiding Principles (i.e. better promotion of SFM)
Institute of Chartered Foresters	<ul style="list-style-type: none"> • Gangmasters Licensing Authority (GLA) • Wildlife Regulations • More effective regulations and delivery by the Forestry Commission • Earned recognition • Grants
UKWAS	<ul style="list-style-type: none"> • Long term management plans and earned recognition
Euroforest	<ul style="list-style-type: none"> • UKWAS (i.e. general burden of certification for small woodland owners) • Highways Act (i.e. transport regs relating to drivers)
UK Wood Panel Industries Federation (UKWPIF)	<ul style="list-style-type: none"> • Long term management plans and earned recognition • Guiding Principles (i.e. better promotion of SFM)
Regional Advisory Committee – Yorkshire and Humber	<ul style="list-style-type: none"> • Highways Act (Section 59, sub-section 1 of the Road Traffic Act – extraordinary traffic)
Small Woods Association	<ul style="list-style-type: none"> • More effective regulations and delivery by the Forestry Commission • Woodland Partnership (i.e. more money for woodland initiatives) • Wildlife regulations • Felling Licences

Appendix B – Forestry Regulation Task Force – engagement via meetings

Organisation	Key concerns
Royal Society for the Protection of Birds (RSPB)	<ul style="list-style-type: none"> • More effective regulations and delivery by the Forestry Commission Woodland Partnership • Felling Licences • Long term management plans and earne recognition • UKWAS
Forestry Commission Operational Staff	<ul style="list-style-type: none"> • GLA • More effective regulations (waste disposal in particular) • Guiding Principles (i.e. better promotion of SFM)
Cumbria Woodlands	<ul style="list-style-type: none"> • More effective regulations and delivery by the Forestry Commission • Mapping • EU • Woodland Partnership • Grants
UK Forest Products Association	<ul style="list-style-type: none"> • Felling Licences • GLA • More effective regulations
Sylva Foundation	<ul style="list-style-type: none"> • More effective regulations and delivery by the Forestry Commission • Long term management plans and earned recognition • Wildlife regulations
Coombe Forestry	<ul style="list-style-type: none"> • Wildlife regulations • Felling Licences • Grants
Programme for the Endorsement of Forest Certification (PEForestry Commission) UK	<ul style="list-style-type: none"> • Felling Licences
National Trust	<ul style="list-style-type: none"> • Long term management plans and earned recognition • Grants
Forest Stewardship Council (FSC) UK	<ul style="list-style-type: none"> • Long term management plans and earned recognition • More effective regulations and delivery by the Forestry Commission
Control Union	<ul style="list-style-type: none"> • More effective regulations and delivery by the Forestry Commission
Rainforest Alliance	<ul style="list-style-type: none"> • Long term management plans and earned recognition • Guiding Principles (i.e. better promotion of SFM) • More effective regulations
B&Q	<ul style="list-style-type: none"> • Certification • Guiding Principles (i.e. better promotion of SFM)
RAC Chairs	<ul style="list-style-type: none"> • Planning • Long term management plans • Earned recognition

Appendix B – Forestry Regulation Task Force – engagement via meetings

Soil Association	<ul style="list-style-type: none"> • Earned recognition • Guiding Principles (i.e. better promotion of SFM) • Felling Licences
National Forest Company Midlands	<ul style="list-style-type: none"> • RLR • Health and Safety • EU • Wildlife Regulations
Lake District National Park (LDNP) Farming and Forestry Task Force	<ul style="list-style-type: none"> • Bring more woods into management • Grants • More effective regulations and delivery by the Forestry Commission • Earned recognition
Wildlife Trusts	<ul style="list-style-type: none"> • Testing recommendations on: <ul style="list-style-type: none"> – Landscape scale management plans – Woodland Partnership

Appendix C – Call for Evidence Questionnaire

Name of respondent:

Name of organisation (if applicable):

Location of respondent/organisation (if applicable):

Organisation/business type (if applicable):

Size of organisation (if applicable):

micro (0-9 employees), small (10-50),
medium (51-250), or large (250+)

Number of members (if applicable):

Area of woodland managed (ha.):

Does the woodland meet the UKFS?

Yes No

Do you receive funding through the EWGS?

Yes No

Does the woodland meet the UKWAS?

Yes No

Do you want to keep your response confidential?

Yes No

Yes/No (delete as appropriate)

Questions

1. Do you think the current regulatory environment in England is fit-for-purpose? If not what changes would you suggest?
2. How might the existing regulations and support mechanisms be better implemented?
3. What are the main regulatory issues that affect your business/organisation/interests and what solutions do you propose?
4. Please list, in order of priority, up to 10 changes in the regulatory environment that would make a significant impact in achieving the aims of your business/organisation/woodland ownership.
5. How could the process of applying for grants be improved?
6. What changes to current GB forestry and related legislation applicable to England would you like to see?
7. What changes to current EU forestry and related legislation applicable to England would you like to see?
8. Is there a role for independent third parties, such as professional bodies or certification schemes, in helping to reduce or remove some elements of regulation? If so please explain further.
9. If you have experience of alternative models of Forestry Regulation from other countries or regions please explain their strengths and weaknesses and suggest how the model might be applied in England.
10. Please make any additional comments you may have.

Please email your completed questionnaire to: forestryregulation@forestry.gsi.gov.uk

Appendix D – Organisations responding to the Call for Evidence Questionnaire

AJ Charltons	PEForestry Commission UK Ltd.
Alba Trees	UK Rainforest Alliance
Ayers Forestry	Royal Forestry Society
B&Q Plc	Royal Institution of Chartered Surveyors
British Mountaineering Council	Roger Cartwright Landscape and Woodlands
Chilterns Woodlands Conference	Rural Payments Agency
Country Land and Business Association	Royal Society for the Protection of Birds
Community Forests	Small Woods Association
ConFor	Soil Association
Control Union	Sotterley Farms Partnership
Coombe Forestry	Sylva Foundation
Coryton Woodlands Estate	Timber Transport Forum
Cumbria Woodlands	UK Forestry Products Association
Environment Agency	UK Woodland Assurance Standard
East of England Local Authority	UPM Tilhill
Woodland Officers England and Wales Wildfire Group	Upper Wansbeck & Coquetdale Red Squirrel Group
English Woodlands Timber Ltd	Wildlife Trust for Lancashire, Manchester and North Merseyside
Euroforest	Wood Panel Industries Federation
Forest Carbon Ltd	Woodland Trust
The Forestry Commission	
Forestry Commission Regional Advisory Committees and Chairs	The Task Force received 72 written responses (some organisations sent more than one written submission).
Forest Stewardship Council UK	
Gangmasters Licensing Authority	4 written submissions were received from individuals and 9 were received from individuals/organisations who requested that the source of their views remained confidential.
Health and Safety Executive	
Independent Panel on Forestry Policy	
Institute of Chartered Foresters	The Task Force is extremely grateful for all the contributions and suggestions received.
John Clegg & Co	
LDNP Farming and Forestry Task Force	
Moor Trees	
National Trust	
Natural England	
National Farmers Union	
Oxford University (Wytham Woods)	

