

Proposed Legislation to Replace the Forestry Act (NI) 1953

Comments by

Northern Ireland Environment Link

26 June 2008

Northern Ireland Environment Link is the networking and forum body for non-statutory organisations concerned with the environment of Northern Ireland. Its 51 Full Members represent over 85,000 individuals, 262 subsidiary groups, have an annual turnover of £100 million and manage over 314,000 acres of land. Members are involved in environmental issues of all types and at all levels from the local community to the global environment.

These comments are agreed by Members, but some members may be providing independent comments as well. If you would like to discuss these comments we would be delighted to do so.

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Introduction

Northern Ireland Environment Link (NIEL) welcomes the progression of proposed legislation to replace the 1953 Forestry Act. We agree that the Forestry Act is outdated and that work on its replacement should continue expeditiously. However, this should not continue at the expense of proper consultation with all relevant stakeholders. Limiting the circulation of the proposals to only some of those organisations that responded to the 'Options for Forestry' is not appropriate and a two week consultation period is inadequate.

Although NIEL responded to the original document it did not receive notice of this consultation. While the Forest Service may argue that the 'Options for Forestry' consultation was robust and that the new draft Forestry Bill may also 'go out to consultation' NIEL believes that involvement of stakeholders at each stage of the policy development process will help ensure improved policy outcomes. The original consultation occurred three years ago and "A Strategy for Sustainability and Growth" was not uniformly welcomed, therefore, it is only appropriate that further consultation be undertaken. The Cabinet Office has issued a *Code of Practice on Consultation* which recommends that 12 weeks is the minimum appropriate period for consultation and that:

"Where a consultation period is less than 12 weeks this must be highlighted in the consultation document, which should explain the Minister's reasons for this, and the extra efforts taken to ensure that the consultation is as effective as possible."

NIEL looks forward to participating in an appropriate consultation exercise on the publication of the draft Forestry Bill. The details that the draft Forestry Bill should contain will also allow more detailed comments in response.

Proposed Provisions of the new Forestry Act

Purpose

The widening of the Department's purpose beyond responsibility "for promoting interests of forestry" to reflect the "economic, social and environmental context of modern forestry" is welcome (this would better reflect how forestry is approached across the UK and EU) but this proposal needs amplification and explanation. The Department must move from being responsible for timber production towards encouraging sustainable **woodland management**: viewing the Forestry Service's primary role as timber production is outdated and does not reflect the need for Government to mitigate and adapt to climate change, to halt biodiversity loss and to increase public warning, nor does it reflect the public's desire for these public goods.

A clearly defined purpose should be developed to include aims: to deliver woodland management and to provide timber and other forestry products, deliver ecosystem services and help Northern Ireland adapt to climate change (for example, carbon sinks and flood alleviation), to restore and enhance biodiversity (this may become a statutory requirement with the introduction of a revised Wildlife Order), to provide opportunities for recreation, to be used as an educational resource, and to protect the heritage represented in our ancient woodlands.

Proposals to extend the Department's practical powers so that they can be used to achieve goals beyond timber production and to achieve sustainable woodland management would be welcome. There will be instances when the Department may not be able to provide all these desired goods concurrently; however, management prescriptions should aim to achieve integration when possible and balance when necessary.

Obtaining Value for the Public Estate

Northern Ireland Environment Link supports placing a statutory duty on all public bodies, including Forest Service, to further the conservation of biodiversity through the restoration and enhancement of species' populations and habitats. This duty should be considered when analysing options designed to obtain better value for the public estate. While NIEL wishes to promote renewable energy, the imperative for developing renewable energy projects must not be used to justify bad schemes or those in inappropriate areas. The overall impact of wind farm developments must be carefully assessed. Any proposed wind farm must not significantly impact on either designated sites or any ancient long-established woodland. Similarly, the provision of tourist facilities should be developed in an integrated way, with special consideration given to protecting the integrity of ancient woodland and semi-natural sites. Recreational facilities and renewable energy projects can provide added value if sited appropriately (for example, upland conifer forests may be appropriate sites for wind farms) but this must be carefully managed within the overall aim of achieving sustainable woodland management.

Conversion of land from forestry to other purposes, through disposal or without sale, must be considered carefully and only allowed after full and detailed environmental impact assessments, sustainability assessments and appropriate consultation demonstrate that it is in the public interest.

Disposal of Land

The Department owns large amounts of land which might be of great value for development, and hence provide a valuable asset which could be seen as a way to finance other aspects of its work. The value of these areas for wildlife, public recreation, landscape and ecosystem services must be taken into account and such areas should only be disposed of after full and detailed environmental impact assessments, sustainability assessments and appropriate consultation. NIEL would only envisage the sale of land in exceptional circumstances.

We note that the aim in 'A Strategy for Sustainability and Growth', was to double the area of forest in Northern Ireland in 50 years. This was not noted in the proposals, and any revision to the Forestry Act should ensure that Forest Service has as a primary function the delivery of woodland creation in Northern Ireland. NIEL also believes that a more ambitious and prescriptive (re)afforestation target is needed to include, the targeted planting of native species.

Felling Licenses

The proposal to reintroduce felling licences is welcomed in principle. It is important that the felling license legislation is carefully drafted and that stakeholders are given an opportunity to consider the detail of the provisions. Adequate support must be available to assess whether felling is appropriate (the protection of ancient and/or semi-natural woodland must be a priority), to develop management plans, to advise land owners on the most suitable time for felling to reduce negative impacts on biodiversity and to recommend the most appropriate planting regime. There must also be co-ordination with Planning Service to ensure Tree Preservation Orders are respected as necessary.

Given that we have such a limited amount of ancient woodland and, the lowest woodland cover in Europe, NIEL believes that our most important trees and woodlands should receive full protection. Any site on the **Ancient Woodland Inventory** must be afforded absolute legislative protection.

Compulsory Purchase

The power to compulsorily purchase woodland should also be taken to improve the resilience of native species woodlands and their associated biodiversity. This should facilitate the creation of a network of habitats linked by woodland 'landscape' corridors. There is also a real need to rebuild woodland cover, with native broadleaf species, by buffering and extending woodland habitats. Northern Ireland has the lowest woodland cover of any European country: only 6 percent compared to a European average of 44 percent.

Powers to Cull

Northern Ireland Environment Link supports the inclusion of the Irish Hare in Schedule 5 of the Wildlife Order if it can be shown to be a distinct species. Furthermore, we believe that the provision to allow any woodland owner to destroy Schedule 5 species should only be conducted under license and that any animal should only be destroyed after alternative management solutions have proved unsuccessful.