

27 April 2015

UKFS REVIEW**FC England's preference for the future of the UK Forestry Standard (UKFS)****Purpose.**

To make a decision on FC England's preference for the future of the UK Forestry Standard.

Background.

Please see the paper from Richard Howe (Annex A). Forest Services Board decided their preference at its meeting on 21 April which is reflected in the recommendation below.

Recommendation to Forestry Commission England

That we support the recommendation to issue a further edition of the UKFS along the lines of the current version having undertaken a general up-dating and light touch review during 2016 (Richard Howe's Option G), provided:

- This is agreed to by Defra Ministers; and
- The assumption that UK nations' forestry policies remain sufficiently aligned to make a UK level standard possible remains valid; and

There are the following general aims adopted in the review in addition to those set out in Option G below:

- We focus on making it more concise and simpler where possible, so the "general updating" is also a general editing for brevity and simplicity; and
- As well as achieving the objectives set out in Richard Howe's paragraph 5, the review results in a document that works better as a communications tool. We believe this means that it sets out a shared ambition for sustainable forest management that is more easily understood and used¹ by practitioners, regulators, and other types of stakeholder to² manage more woods more sustainably in the UK.

Next steps.

Subject to your decisions, Dom Driver would respond accordingly to Richard Howe setting out FC England's preference.

Dom Driver
21 April 2015.

¹ Note that there is a lot in "easily understood and used" that would need to be worked through, e.g.: does it mean outcomes focussed, impact orientated or output focussed, audit orientated?

² And there is a lot in "to" as well. FS is scoping out a 3 year programme on "being brilliant at regulation" which will unpack this.

The future of the UK Forestry Standard (UKFS)

Purpose

1 The purpose of this paper is to secure agreement from the policy teams in the 4 countries on the future of the UK Forestry Standard and Guidelines.

2 A decision on the future role and structure of the UKFS is needed in the coming months if the next revision is to be in place by November 2016. The period in question is 2016 – 2021. By 2016, the current edition will have been in place for 5 years and will be out of date. The decision will hinge on whether the current approach is to be extended, and if so, how extensive a review is proposed. Various options are outlined in para 11, below.

Background to the UKFS and its importance

3 The UK Forestry Standard (UKFS) was first introduced in 1998 as the reference standard for forestry in the UK. Supported by its series of Guidelines, the UKFS outlines the context for forestry in the UK, sets out the approach of the UK governments to sustainable forest management, defines standards and requirements, and provides a basis for regulation and monitoring – including national and international reporting.

4 The UKFS defines the government approach and derives its status from both the UK's international obligations and the consensus it has achieved on the range of issues affecting forestry. Drawing on expertise and policy directives from the 4 countries, it is rooted in applied science and commissioned research. It also draws on the pre-eminent practical experience of the FC, NRW, and NIFS staff directly responsible for managing their public forest estates.

5 The principal reasons for having the UKFS are summarised below.

- To deliver the UK's international commitments to sustainable forest management. This requires that the UK meets a range of legal, quasi-legal and policy obligations to deliver an appropriate balance between the economic, environmental and social aspects of forestry. The UK demonstrates this by reporting on criteria and indicators.
- To make it straightforward for UK woodland owners to meet the EU Timber Regulation; because of the UKFS this can be done through existing mechanisms.
- To retain the assessment of the UK as a "low risk" country in relation to illegal logging and allow UK timber to enter certified supply chains.
- To provide an agreed framework for forest policy and forestry practice. It thus acts as a common basis for regulation and as a condition for the payment of incentives.

- To draw on a disparate range of legislation, requirements and sources of advice from various bodies and act as a one-stop-shop in terms of what is practically required in managing a forest.
- To ensure that other policies that may have a bearing on forest management, (such as sustainable energy policies), are aligned. This means, for example, that the UKFS can be used by UK growers to demonstrate their forest products are sustainable.
- To provide a common standard across the UK - so that managers and practitioners do not have to change practice across borders.
- To ensure forestry practice is informed by evidence and supported by the UK's programme of scientific research.
- To provide a statement of domestic practice as a basis for voluntary independent forest certification, through the UK Woodland Assurance Standard (UKWAS).

The current (third) edition

6 The third edition was published in November 2011. This marked considerable change in the way the UKFS was structured, specifically to make it more explicit and straightforward by introducing two categories of requirements, legal and good practice. The approach is not regulation in its own right, but an exposition of disparate legal requirements as they affect forestry, combined with the principles and practicalities of sustainable forestry practice in the UK context. The Guidelines provide further detail and these were similarly revised and rationalised and the whole set was fully integrated with the UKFS.

7 The revision process was an extensive exercise led and co-ordinated by FC GB. It involved forestry staff and expertise from England, Scotland, Wales and Northern Ireland as well as contributions from other parts of government, the forest sector, other parties interested in forestry and the NGOs. (Annex 1). As forestry is devolved, the UK Government and the devolved administrations jointly endorsed the current publications.

How has the UKFS met its objectives?

8 For each of the functions set out above the UKFS has been used as the principal reference. The last revision was timely, as a number of developments and challenges have meant it has been invaluable to have a clear statement of domestic practice as a basis for policy. These include the EU Timber Regulation, requirements to demonstrate that timber is sustainably sourced for the UK and country-level timber procurement policies, and for evidence of sustainability for wood used as a source of renewable energy. The UKFS has also been used as the basis for Grown-in-Britain, which helps promote the use of domestic timber; in this context the value of the UKFS as the basis for proportionate regulation was commended by the Secretary of State.

9 Since 2011, the UKFS has been tested in the field. In both England and Scotland, UKFS implementation studies have been carried out. These have

essentially shown the UKFS is meeting its functions at country-level, however they have also have identified areas where it could perhaps be clarified or improved.

10 The UKFS achieves an agreed way forward on forestry practice where there are sometimes opposing views. Several brief statements from interested parties have been included at Annex 2 in relation to the functions of the UKFS.

Future options

11 For the period 2016 to 2021, several options are set out and discussed briefly below:

A Do Nothing – this would mean the UKFS would become increasingly out of date and lose credibility. Legislative, institutional and policy changes are occurring all the time, for example, the current version does not take into account changes in EU Natura 2000 guidance or the forestry changes in Wales. However, unless the UKFS were actively and explicitly withdrawn, its status would become progressively unclear and it would not be helpful to have an outdated statement of forest policy and practice. It would, *de facto*, lead to option B below.

B Discontinue the UKFS – this would mean that we had no single co-ordinated basis for fulfilling our international and policy commitments. For example, the UK's implementation of the EU Water Framework Directive as it affects forestry would be opened up for differing interpretations. It could also result in making regulation and the payment of incentives problematic, not least through a lack of consistency. Moreover without a robust national standard, the alternative might be that all forest managers would be obliged to meet the additional requirements and costs of independent certification in order to gain market access and fulfil sustainability requirements. (See Annex 3) Without a UKFS, a range of mechanisms, processes and documents would be required to meet some or all of the functions at both UK and country-level outlined in para 2. This might be done in a number of ways, all of which would be quite involved, resource intensive, and require a radical reassessment of how sustainable forestry is delivered.

C Have (government) country-level standards for England, Scotland, Wales and Northern Ireland – This would fully reflect the devolved nature of forestry. However, it is likely to resource-intensive and there would be a great deal of overlap between these standards and duplication of effort in drawing them up. This is because forest conditions and best practice are broadly similar across the UK, much of the legislation is common, and all countries are bound by EU legislation and the UK's wider international commitments. For UK practitioners, there would be a cost to their business if they had to operate to differing standards across borders; moreover it would be unhelpful to have diverging interpretations of common legislation and the practical implications of forestry research.

D Replace the UKFS with a non-government standard – the essential drawback with this is that the UK state is legally responsible to implement various commitments; obviously the Forestry Acts, but also EU derived

legislation such as the Environmental Impact Assessments and Birds Directives. The UKFS is central to the practical implementation of these requirements and helps to demonstrate a responsible approach. It would complicate things to pass interpretation to a non-government body. Superficially, it may seem that using UKWAS would be the obvious choice, and because UKWAS draws on the UKFS there are similarities. Using UKWAS, or a derivative of it, could perhaps simplify matters by merging the requirements of certification and regulation. However there are also important differences, UKWAS is essentially a certification-audit-protocol geared to the certification schemes requirements. Using UKWAS as the basis of regulation, incentives and the delivery of international commitments would make ministers accountable for the delivery of policy and practice determined by others and certification auditors responsible for determining how legislation is applied. (See Annex 3).

If UKFS is to continue in roughly its present form , how might it be revised and restructured?

E Undertake a radical review and restructure the set – this was done for the 2011 revision and, although there are undoubtedly improvements that might be made, the current format has bedded-in and practitioners are becoming accustomed to it; to change it radically would be disruptive and there does not seem to be a compelling rationale for doing so. However, modest adjustments to the current structure may result from the review.

F Adopt a bare minimum to meeting the UK Government requirements – a de-minimis approach could concentrate on what is required to meet legal and international commitments. Any guidance and explanation would be discontinued, leaving practitioners to their own interpretation of what might be acceptable practice. This may be seen as reducing regulation, complexity and impediments to business. In practice however, the current UKFS and its supporting guidance are well supported as useful, practical and a consistent interpretation of both what is required and how best to do it. Moreover the interpretations represents a hard-won consensus on many issues, such as the relationship between forestry and acidification, or forestry and archaeology. Stripped of supporting guidance, the UKFS would be difficult to implement as the essentials of what the various requirements mean in practice would be missing and would likely generate dissent. The link to scientific based evidence, communicated through a cascade of publications would also be lost, as would the ability to steer practice to meet policy goals. (See Annex 5 for further discussion). For certification in the UK, without the UKFS guidance that underpins it, a great deal of additional interpretation would have to be developed by others to inform acceptable practice. (See Annex 3).

G Issue a further edition on the basis of a general up-dating and light touch review. – this could maintain the currency of the UKFS and ensure it continued to fulfil the functions set out above. A continuation would be a proportionate and cost-effective approach and less disruptive than radical change. Since the last edition, there have been a number of changes, such how forestry in Wales is handled, and 5 years seems a reasonable period over which to capture these. To meet a 5-year revision cycle, an updated version would need to be in place by November 2016.

Discussion

12 Option G appears to offer the most practical and expedient way forward to fulfil the functions set out in paragraph 5 over the coming period. It would amount to capitalising on the current consensus by extending the life of the approach and it would deliver the most straightforward solution. In the medium term, i.e. beyond 2021, forestry is likely to be further devolved and that would provide an opportunity to re-think the approach. By then, phase three of the review of cross border functions, (The Woodland Policy Enabling Programme (WPEP)) will have been implemented for England and Scotland. However in the meantime, it seems opportune to straddle the changes by extending the life of the current UKFS approach with a light touch review. Doing so would be cost-effective and have the advantage of providing continuity for UK forestry through a common practice standard.

13 It is perhaps worth emphasising that the current UKFS is of particular value to smaller woodland owners as they are much less likely to be independently certified. The UKFS helps them maintain access to markets by providing the necessary evidence of sustainability. This is increasingly important in the context of new markets for woody biomass.

Recommendation

<p>14 Option G - Issue a further edition of the UKFS along the lines of the current version having undertaken a general updating and light touch review.</p>

15 Next Steps

- I. This paper is used to secure the agreement of the 4 policy teams to the above recommendation. Should the review go ahead, support, co-operation and the contribution of expertise would be required of the countries in the production of the next edition.
- II. The necessary processes of formal endorsement take place. These will vary from country to country. For the Westminster Government, FCBG (CFS) would be probably be best placed to work with FCE and England and produce a submission to the Minister.

Richard Howe: Forestry Commission, CFS, Edinburgh. 1 April 2015

ANNEX 1

1 UK and country-level development

Given the links to international agreements and the commonality of issues involved, the development of standards for forest management has so far been done at a UK level. This has worked well in the past and has ensured there are good links between international issues and a common approach to domestic implementation. The last revision of the UKFS and Guidelines was led by the Forestry Commission GB, in partnership with the Forest Service of Northern Ireland, working with policy advisors and specialist staff from all 4 countries. Other officials have had the opportunity to comment on the consultation documents. Consultation was conducted at UK level, having secured the support of forestry ministers in the devolved assemblies. To guide the process, a reference group was set up with individuals from Confor, UKWAS, RSPB, ICF, Woodland Trust etc.

2 The relationship with independent forest certification

Independent forest certification provides additional assurances of legality and sustainability. This is a market-led mechanism and is generally adopted as an appropriate route for large forests. Approximately 80% of timber production in the UK is currently independently certified. The UKFS & Guidelines play a vital supporting function by defining sustainable forestry practice and this finds expression the audit protocol used – the UK Woodland Assurance Standard. Any revision of the UKFS would continue to inform how certification is practiced in the UK.

However, certification involves extra cost for woodland owners. It is therefore important that market access is maintained through the regulatory process for woodlands that are not certified. If this market access were not maintained, independent certification would become a *de facto* requirement for forest owners, and could act as a barrier to management, particularly for small woodlands, the vast majority of which are not certified.

ANNEX 2 : Statements in relation to the functions of the UKFS

UKWAS - Certification

"The UK Woodland Assurance Standard, (UKWAS), provides an independent certification standard for the verification of sustainable woodland management. UKWAS relies on a clear statement of forestry practice and a common approach across the UK. This is provided by UK Forestry Standard (UKFS), which sets out the regulatory and good practice requirements integrated with a range of practical guidance. This facilitates the production of a single national certification standard that meets the requirements of both the Forest Stewardship Council (FSC) and the Programme for Endorsement of Forest Certification schemes (PEFC). Having a common standard allows owners to be certified to either scheme, or indeed to both, at minimal additional cost. "

Peter Wilson: Exec Chair of the UK Woodland Assurance Standard

Confor

"CONFOR – welcomes the proposal for a light touch revision, and believes it is vital that:

- 1 – UKFS, remains UK wide, to this end it should remain focussed at a high level and therefore universally applicable, and not become overly prescriptive
- 2 – UKFS avoids "forestry by numbers" but provides adequate guidance within an overarching framework
- 3 – UKFS remains as the core documents in UK forestry, and continues to be referenced as industry guidance and best practice.
- 4 – UKFS meets the needs of other regulators & Government agencies, in benchmarking sustainable forest management."

Andrew Heald. Technical Director - Confederation of Forest Industries

Institute of Chartered Foresters (ICF)

"The UKFS and its supporting guidelines provide a well written and succinct one stop reference for forest managers across the UK, incorporating legislative and scientific changes as they occur. It also sets out what a manager should be aiming to include within a good management plan.

There is the need though for further training in how to use the standard and how the sector can make the most of it. This approach would lead to improved management plans which feedback from government forestry staff is where a significant amount of time is lost by FC staff in dealing with poorly written and laid out plans that require significant revision.

To move to three different worded standards would lead to additional red tape and in the Institutes view would hinder rather than help improve current woodland management plans. FC England has just invested considerable time in producing a new electronic management template that ties into UKFS and should help more woodlands achieve UKFS compliance and see more woodland brought back into good management."

Shireen Chambers FICFor. Executive Director

Woodland Trust (to follow)

Grown in Britain

"UKFS is a vital foundation to Grown in Britain as it is the Forest Management standard that our own standard and licence is based upon. We like that is the UK Government's standard as that plays out very well with the public, the demand side and other partners.

We like that the UKFS does not stray into too many areas unrelated to forest environments and doesn't 'double up' excessively on other existing legislation.

However, we would like to see it simplified where possible, focus on the forest and never duplicate other UK legislation.

We have always been perplexed by the lack of focus on timber and wood products in the UKFS as fundamentally that's what makes forests tick. This needs addressing perhaps with a new chapter. Our view is that forests should not fully meet the UKFS if crops are not well managed, thinned and yield harvested into products.

Any revision to the UKFS has to reflect the basic tenet of silviculture and maximising yield at its core as under-management is diminishing wildlife, access and other values and means we import more timber at a cost to the country and the planet"

Dougal Driver, CEO Grown in Britain

ANNEX 3

Forestry, good practice and technical guidance, Defra's "Smarter Guidance" initiative.

The Forestry Commission publishes good practice guidance on sustainable forest management in support of the UK Forestry Standard, which defines legal and good practice requirements. These requirements are driven by UK legislation, by international commitments and by the need for producers to provide evidence of sustainability.

Guidance is UK/GB in scope, supports the UKFS, and has the backing of the devolved administrations. The aim is to encourage action through guidance and incentives rather than mandating it through legislation.

Work on guidance is undertaken collaboratively, both across and outside government. Appropriate 'leads' are agreed and a consensus is reached on the best approach to forestry matters. (For example, in the case of the UKFS Water Guidelines.) The resultant guidance is much in demand by the wider forestry sector and other interested parties.

Supporting guidance is published online in a single catalogue available at: www.forestry.gov.uk/publications

This is structured as follows:



ANNEX 4. The UK Forestry Standard (UKFS) and the UK Woodland Assurance Standard (UKWAS)

The UK Government and Devolved Authorities are accountable for their own forestry policies and not those of the independent certification schemes. If the UK were to use UKWAS the independence and voluntary nature of certification could be undermined - moreover there would be a immediate conflict between the levels of scrutiny required in certification and those required and affordable by the government.

- There are some important differences between the requirements of the certification schemes and those of the UK or devolved governments; for example the certification schemes have their own policies on the use of pesticides which are more restrictive, and on the use of genetically modified organisms.
- The Forestry Authorities have their own inspection regimes based on their regulatory powers and proportional to the risks of non compliance whereas certification requires a regular auditing visits.
- The UKWAS standard tends to be geared to the production of timber so that this can be labelled, whereas the UKFS applies to all aspects of forest management and establishment.
- The essence of certification is that it is voluntary and independent of government and this could be compromised if the Forestry Authorities conflated it with forest regulation.

ANNEX 5. Further discussion on “Adopt a bare minimum to meeting the UK Government requirements”

A wide range of legislation, quasi-legislation and policy commitments are brought together into the UKFS and their implications explained in terms of practical forestry. They can be divided into:

Global level; The UN Forum on Forests, UN Framework on Climate Change, UN Convention on Biological Diversity (and the ecosystem approach).

Regional level; the Forest Europe ministerial commitments to sustainable forest management, a national forest programme, reporting on criteria and indicators of SFM.

The European Union; the implementation of a wide range of legislation as it affects forestry such as; the EU Timber Regulation, the Habitats and Birds Directives, the Water Framework Directive, EIA (Afforestation) Regulations, Forest Reproductive Material Directive.

UK; as well as the main Forestry Acts (and NI Acts), many areas of legislation have implications for forestry such as the Occupiers Liability Acts, and the Equality Act.

Country Level; since devolution a range of legislation has been passed at country level, however many of the principles are common across the UK and as they affect forestry.

Taking a minimalist approach would necessitate drawing a line between legislation that affected forestry directly, such as the Forestry Acts or EIA Regulations and “other” legislation such as the Equality Acts or the Water Framework Directive. A decision would also be required on whether to include the various policy commitments, such as national forestry programmes under Forest Europe, and the implementation of good forestry practice such the Forest Europe commitments, such as deadwood in forests. If these were not included, the UK would either have to withdraw from the various processes or find other ways of implementing the commitments.

For some legislation, the UKFS gives practical meaning to its intent; the Water Framework is a good example where UKFS Water Guidelines define acceptable practice. Having a clear statement of practice helps the UK demonstrate that it is committed to their implementation. Divergence from the practice standard would probably be germane in proving an offence. Without such guidance, the various water authorities across the 4 countries would need to develop their own approaches.

The UKFS is a practice standard. Devoid of practical detail and interpretation it would be little more than a list of legislation and international agreements on sustainable forest management. It would be difficult to see what value this would add to the source documents what purpose(s) it would serve. Certainly such an approach would fail to fulfil the various functions set out in paragraph 5.