

# Report by the Forestry Regulation Task Force

## Government Response

March 2012

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Government Response

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**Ministerial Forward**

The Red Tape challenge was launched in April 2011 to open up Government regulation to the scrutiny and challenge of the public, businesses and experts. This report is another way that we are delivering on that key commitment. This Government wants to be the first in modern history to leave office having reduced the overall burden of regulation, not increased it.

I would like to thank the Forestry Regulation Task Force for their commitment to tackling the issue of red tape in the forestry sector. I am very grateful to the Task Force members and Chair for the work they have put into their report, as well as to the many respondents to their questionnaire. In this response, we describe how Government will take forward their recommendations, as we introduce an even greater focus on a risk based approach to forestry regulation which has its basis in planning for long term sustainable forest management. This report and the advice of the Independent Panel on Forestry that we expect to receive in June 2012 make it an exciting time for forestry, and I look forward to working with the sector to deliver on the challenges set us by the Regulation Task Force.



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Lord Taylor of Holbeach CBE

Parliamentary under Secretary of State, Defra

## Introduction

In January 2011, a group of industry and stakeholder representatives started work on reviewing the full suite of regulations, grants and wider policy environment which impact on the forestry sector. Their task was to identify ways to reduce the regulatory burden on those who seek to create and sustainably manage forests, thereby making it easier to do more. In October 2011, they reported to Government. There was then a further piece of work to give more information about the concept of a 'Woodland Partnership' which was completed in December 2011.

The Government agrees with the Task Force on the significant value of forestry and the potential for unlocking even more. Forestry in England employs approximately 14,000 people and English grown timber and woodland management is associated with businesses estimated to contribute £2.1 billion<sup>1</sup> (at 2010 prices) to Gross Domestic Productivity. Woodlands are an essential part of our wellbeing and environment. The social and environmental benefits of woodlands in Great Britain were valued in 2002 at more than £1.2 billion<sup>2</sup> per annum. They provide a wealth of benefits including timber and water supply; rich habitats for biodiversity; recreational opportunities; and essential services such as flood management, carbon storage, and noise reduction as well as improving the quality of water, air and soil. In the Natural Environment White Paper we committed to providing more opportunities for planting productive and native woodlands and bringing a much larger proportion of existing woodlands into active management.

Unlocking more of the forestry sector's potential can be realised by removing unnecessary barriers and prioritising Government's interventions, including regulation, where they make the most difference. In making over 40 recommendations, the Task Force has laid down a challenge for Government. We generally welcome the Task Force's recommendations and will take the vast majority of these forward quickly wherever we can. Sometimes this means building on previous work with the sector to reduce unnecessary regulation and decrease the burden of necessary regulation's implementation. But where further and new change is needed, Government is committed to seeing this through. This means continuing to work in long term partnership with the sector to get the balance right and seize further opportunities for improvement over time.

In this response to the Forestry Regulation Taskforce, the Government sets out how it will do things differently for forestry regulation. It supports our ambition for a forestry sector whose full potential has been released. An ambition in which there is even greater focus on a risk based approach, particularly the concept of earned recognition, reflecting the largely low risk nature of the industry. This ambition has its foundation in planning for long term sustainable forest management. Grant regimes will be streamlined. All forestry related forms will be made available electronically. Wherever possible, long term management plans will attract joint permissions to ensure that woodland owners' and managers' interaction with Government is as straightforward as possible.

<sup>1</sup> England Forest Industries Partnership (2006) *Woodland and Forest Sector in England: A Mapping Study carried out by Jakko Poyry*.

<sup>2</sup> UK National Ecosystem Assessment

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All of this cannot be delivered by Government alone. We will need to build an even stronger partnership with an increasingly resilient and thriving sector to help unlock its full potential. A lot of our commitments will therefore be further developed and delivered through the Forestry Commission's Applicants Focus Group, which represents major stakeholders and can hold us to account for our progress. We will issue an update note one year after the publication of this response to inform all stakeholders how the commitments made in this document are being delivered.

There are a small number of recommendations which are concerned with the wider role of the Forestry Commission in the delivery of forestry policy. We respond to the principle of these in this report, but will consider the advice expected from the Independent Panel on Forestry on the wider role of the Forestry Commission before committing to investing in any restructuring to deliver those recommendations.

## **Guiding Principles**

The Forestry Regulation Task Force recommended that all Government Departments should recognise and actively promote the benefits and value of well managed woodlands and that this should be reflected in a presumption in favour of permission for creating, establishing, protecting and sustainably managing forests. They concluded that the Government should therefore acknowledge, when enforcing regulations, that the forestry sector is compact and its members demonstrate high levels of compliance with regulations. The Task Force also proposed that in light of the National Ecosystem Assessment, the Government should ensure that public policy is fully informed by the economic value of forestry.

### **Government Actions:**

- **Continue to promote the benefits of woods. The Natural Environment White Paper stated that we are aiming for a major increase in the area of woodland in England and for a much larger proportion of existing woodlands to be brought into active management.**
- **Consider ways to better enable landowners and land managers to choose woodland creation and woodland management where it helps them realise opportunities while increasing public benefits.**
- **Further develop a more focussed and risk based approach, particularly in response to the concept of earned recognition. This approach will be based on the forestry sector's generally high level of compliance.**
- **Continually update the available evidence to inform public policy.**

We want to see a major increase in woodland creation and a much larger proportion of England's woodland being actively managed. We will reflect this ambition for woodland creation and woodland management in the design of policy instruments which better enable landowners and land managers to opt for woodland creation and management. We will consider ways to better enable landowners and land managers choose woodland creation and woodland management where it helps them realise opportunities while increasing public benefits. This will be informed by the advice of the Independent Forestry Panel.

The Forestry Commission will continue to take a balanced, site by site approach to assessing the environmental impact of afforestation, deforestation, or other relevant forestry operations as required by the legislation and as the competent authority will remain impartial in its approach to decision making.

We acknowledge that the professional forestry sector is compact and that members demonstrate high levels of compliance with forestry regulations. Evidence around compliance with other regulations is not available but we will gather this as part of our work to deliver the concept of earned recognition. We will further develop a more focussed and risk based approach together with an appropriate compliance regime, particularly in response to the model of earned recognition, which is a key theme in the Task Force's recommendations.

HM Treasury's guidance on policy appraisal (HMT's Green Book) and impact assessments sets out clearly that all costs and benefits should be considered in policy appraisal. This includes any forestry market and non market impacts. Economic evidence for forestry is developed for policy appraisal by the Forestry Commission, Forest Research, Defra and other stakeholders. Evidence is continually updated to help improve policy development and we will work with partners to ensure this continues in future.

## **Long Term Management Plans**

The Forestry Regulation Task Force made a range of recommendations concerned with achieving long term management and planning for forestry, and highlighted the role of long term management plans within these. This included the principle recommendation that 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. Such plans should attract approval over its duration for a range of forest operations, and where long term plans are approved and implemented, the Government should further state that they meet the UK Forestry Standard and accept them as satisfying the requirements of the Woodland Carbon Code and EU Timber Regulations (2013). They also made a series of recommendations concerning the content and style of the plans.

### **Government Actions:**

- **The Forestry Commission will work with others, including Natural England, to develop joint permissions within long term management plans, wherever possible.**
- **The Forestry Commission will promote the use of the UK Forestry Standard in dealing with other codes and regulations that relate to forest management.**
- **The Forestry Commission will develop a series of UK Forestry Standard compliant management plan templates for a range of forest types.**

We recognise the benefits of long term management plans, which are to; serve the needs of the woodland manager; set management in the context of the nature and condition of the woodland itself; and, meet the needs of sustainable forest management practice. Through the English Woodland Grant Scheme, the Forestry Commission already operates a ten year approval process for agreed management plans. As well as providing the basis for any grant support, these plans also provide permissions for tree felling which otherwise would require a felling licence.

The need for landowners to gain further (and on occasion multiple) permissions can be a burden. The Forestry Commission is currently working with Natural England to reduce the burden on owners of woodland Sites of Special Scientific Interest or those entering into the Natural England Higher Level Scheme, where tree felling may be part of the work schedule (either woodland or hedge management). These changes should be implemented by 1<sup>st</sup> April 2012. The potential for further alignment of consent processes will be examined by the Forestry Commission, Natural England and the Environment Agency as part of their Arms Length Body collaboration work. Some regulatory regimes may require operational or site plans to be available in addition to a long term management plan.

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The UK Forestry Standard is the reference standard for sustainable forest management in the UK. It, supported by its series of Guidelines, outlines the context for forestry in the UK, sets out the approach of the Government to sustainable forest management, defines standards and requirements, and provides a basis for regulation and monitoring. We will seek to use this as the basis for other codes and regulations that relate to forest management. The Woodland Carbon Code requires applicants to meet specific provisions of the UK Forestry Standard. The EU Timber regulations are in preparation and we will seek to ensure that use is made of our existing regulatory framework in a cost effective way.

A sub group of the Applicants Focus group will be established in 2012 and will include people not on the Applicants Focus Group such as woodland officers and MyForest. The working group will report to the Applicants Focus Group and look at the development of woodland management planning templates and what needs to be included within these. It will look to have the templates in place before the new suite of rural development grants come into operation in 2014.

### **Earned Recognition**

The concept of earned recognition was one which respondents to the Task Force, especially large organisations, were particularly interested in. This means giving official recognition to woodland owners and managers who demonstrate compliance and achieve the desired outcomes. The Task Force makes a key recommendation that the Government, working with the private sector, should develop, pilot and implement a system of earned recognition for the forestry sector in order to provide a clear framework for a reduced burden of regulation for woodland managers and owners. It recommended that in developing this system, risk assessments should take account of a broad range of evidence.

#### **Government Actions:**

- **Develop a system of earned recognition as a high priority.**
- **The Forestry Commission will incorporate risk assessments into existing practice and ensure that they take into account a broad range of evidence and consider this when developing a system of earned recognition.**

The Government supports the idea of a system of earned recognition and will develop this as a high priority. The process of earned recognition will provide a clear framework for a reduced burden of regulation and inspection based upon long term management plans and an assessment of risk. The Forestry Commission will lead work on this, via the Applicants Focus Group, to identify areas where earned recognition should be applied and gather ideas for the new approach and include other Government regulators such as Natural England. The work will include the following steps:

1. scoping existing practice
2. learning from the ongoing Environment Agency pilot
3. designing a system to meet the circumstances of the forestry sector
4. dialogue and piloting with the forestry sector
5. implementation and launch of the system

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The Government will undertake scoping work and analysis of existing practice before designing a new system. It may be possible to complete steps 1-3 in the 2012/13 period and implementation and launch could be targeted for 2014 alongside similar changes for farming under the next Rural Development Regulation.

We welcome the suggestion that risk assessments should take full account of a broad range of evidence. The Forestry Commission will seek to incorporate them into existing practice and consider this when developing a system of earned recognition, while seeking to avoid any over-specification which might be onerous and expensive for the sector.

### **Woodland Partnership**

The Task Force made a number of recommendations concerning the development of a partnership approach to deliver improved outcomes for woodlands and forests in England. It gave further details in a Woodland Partnership concept note (published December 2011) which set out how it believes the Forestry Commission can re-focus the work of some technical staff to concentrate efforts on under-managed woodlands. It suggested that a newly created Woodland Partnership should harness collaboration across Government departments to enable the private sector to deliver many of the opportunities that actively managed woodlands offer. The Task Force also recommended that the Forestry Commission co-ordinate a survey that characterises and identifies the ownership of unmanaged woodlands and seeks to determine their aspirations.

#### **Government Actions:**

- **The Forestry Commission will further embed partnership working into its work with woodland owners and managers.**
- **The Forestry Commission will work with other Defra organisations to clarify and streamline processes where possible to ensure that customers' interaction with Government is as straightforward as possible.**
- **The Forestry Commission will develop an improved methodology to identify owners of unmanaged woodlands and to gain a better understanding of what would best enable them to manage their woodland.**

The Forestry Commission in the main, along with other agencies interested in woodlands such as Natural England, has actively engaged with local woodland owners and managers for many years through Regional Advisory Committees, local woodland forums and the establishment of Forestry Frameworks as well as through their day to day work with owners and managers on the ground. This is in addition to supporting various national networks and partnership forums. Significant improvements in bringing forestry to a wider audience have been achieved although we recognise that more can be done. Partnership working is a key commitment in the Forestry Commission's corporate plan. As such, the Forestry Commission has committed to re-focusing expert advice in its area teams across England, designed to enable partnership working. This also involves a broader role for Woodland Officers. The Forestry Commission will target expertise and other forms of support where it can make most difference, for example in enabling local interests to tackle flooding or rural economic development by improving woodland cover, or bringing benefits to urban areas through tree planting in ways that local people want to see delivered.

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The creation and leadership of a more formal Woodland Partnership will be considered later this year by the Government. It will need to be informed by any recommendations made by the Independent Panel on Forestry about the role of the Forestry Commission.

Forestry Commission, Natural England and other partners are currently reviewing their joint working arrangements with the aim of making the customer process as simple as possible. This includes work to scope the potential for an integrated land management grant scheme. This could provide a single point of contact although at this early stage it is difficult to confirm what it may produce. However we recognise that woodland owners may sometimes wish to work with different organisations and parts of Government and in some cases this may be more efficient.

In the past, many owners of unmanaged woodland have not responded to traditional levers such as grant aid. This has been for various reasons such as concern that felling trees has a negative impact on the environment. A better understanding of the aspirations and objectives of owners of unmanaged woodlands will enable Government to tailor future policy interventions and assistance towards bringing more unmanaged woodland into management. Over 30 small studies of UK owner motivations have been carried out in the last 20 years and in 2010 these were analysed in a major Forest Research report. We will consider how best to use this baseline to inform more comprehensive analysis of owners' motivations, including in order to guide the design of the next Rural Development Programme for England and other Government interventions.

### **More Effective Regulation and Delivery by the Forestry Commission**

Whilst recognising the current quality of work in many areas, the Task Force highlighted the need for the Forestry Commission to improve further its ability to be an effective regulator and delivery body by prioritising deployment of its resources to deliver its responsibilities. As such, it made recommendations that the Forestry Commission should explore the feasibility of using civil sanctions in its enforcement work, and to promote joint partnerships more widely at local and regional levels. The report also highlighted the importance of communication, recommending that the Forestry Commission website should better advertise the benefits of sustainable woodland management, and the available resources/support to help deliver this.

#### **Government Actions:**

- **The Forestry Commission will explore the feasibility of civil sanctions under the Regulatory Enforcement and Sanctions Act.**
- **The Forestry Commission will make changes to its website by July 2012.**
- **The Forestry Commission will refresh and streamline its partnership working to have greater impact and value for everyone involved.**

The use of civil sanctions by the Forestry Commission could provide a proportionate means of ensuring that any non-compliant woodland owners made good the damage caused by their actions without being subject to criminal penalties. Recent Forestry Commission experience using the provisions of the Regulatory Reform Order (2006) indicated that there may be some value to the selective use of civil sanctions. The Forestry Commission will follow the progress of

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Natural England's use of civil sanctions with a view to incorporating the concept as part of their response to illegal felling.

The Forestry Commission recognises the importance of its website being informative, easy to use and that forms are easy to navigate. It regularly reviews the effectiveness of its website and these recommendations will be incorporated during the next review which will be completed by Summer 2012.

The Forestry Commission is committed to partnership working and works with other delivery bodies and civil society groups to achieve its outcomes, many of which include or are led by Forestry Commission staff managing the Public Forest Estate. Examples of existing partnership working include a national Applicants Focus Group to consider grant and license developments, the England Woodland and Timber Partnership to enable cross-sector dialogue, and the England Woodland Biodiversity Group. At regional and local levels examples include county woodland forums, joint working agreements with National Parks and Areas of Outstanding Natural Beauty, and landscape-scale projects to assist wood fuel supply and woodland management. In line with the Forestry Commission's commitment to streamline its partnership working, it will avoid engagement at multiple layers on the same issue or in the same area.

## Grants

The Forestry Regulation Task Force made a number of recommendations around the design and delivery of forestry grants. These included that Government re-designs its forestry grants to integrate with the long term management plan approach, and that simpler forestry grant products are launched to coincide with the beginning of the next Rural Development Programme for England round in 2014. It sought to secure transitional arrangements to provide grants for forestry during the period when the current Rural Development Programme expires and a new programme is implemented. They also concluded that eligibility to claim Woodland Management Grant should not be dependent on certification. The Task Force recognised that there are other funding streams outside of the Rural Development Programme, and recommended that the Government should continue to secure other sources of funding.

The Task Force also made a number of recommendations relating to making the grant payment system easier for applicants. These included an end-to-end process review of grants with all forestry related forms being made available electronically, that grant payment activities in approved plans are provisionally allocated to future years, and that owners in long term plans should be required to confirm their intention to claim replanting grant by a given trigger point in the year.

### **Government Actions:**

- **The Forestry Commission will ensure that any forestry grant scheme is appropriate for the delivery of the next Rural Development Programme.**
- **The Forestry Commission will ensure that the applicant experience is considered in taking forward the re-design of grant schemes.**

- **The Forestry Commission will consider whether eligibility to claim Woodland Management Grant should be dependent on certification when developing the grant scheme under the next Rural Development Programme for 2014.**
- **The Forestry Commission will ensure all forestry related forms are made available electronically and will seek to introduce these from April 2012.**

The Rural Development Programme for England has paid over £72million to the forestry sector from its start in 2007 up to 31 March 2011, and plans to have spent over £186million for the 7 year programme period by the end of the Programme in 2013/14. Work on the preparation of the next Rural Development Programme for England is starting this year, making the Task Force's advice timely. The draft Rural Development Regulation 2014-20 indicates that any funding under the various forestry measures will need to be based on forest management plans. We will support this requirement. In our negotiations on the Rural Development Regulation, we will seek to ensure that there is no reduction in the breadth of eligible activity under the forestry measures. This will allow the flexibility to design an appropriate support system. These measures will then be translated into a streamlined package of support for the forestry sector.

In the development of a grant scheme to support the delivery of the next Rural Development Programme, the Forestry Commission will work with its Applicants Focus Group and the wider forestry sector, together with the Rural Payments Agency and Natural England. The existing work investigating the closer integration of Forestry Commission and Natural England land management schemes will inform the scheme development. Ensuring that the forestry grant system is appropriate for the delivery of the next Rural Development Programme may require some re-design of the existing scheme to take advantage of opportunities and accommodate changes in the EU regulation. This process has already started with early work scoping the options for integrating the English Woodland Grant Scheme and Higher Level Stewardship.

The Task Force raises a pertinent point in suggesting that the Government should secure transitional arrangements to provide grants for forestry during the period when the current Rural Development Regulation expires. There is a risk that there will be a gap between being able to make commitments under the rules of the current Programme after 2013 and the commencement of entering into commitments under the successor Programme. That risk applies across the whole of RDPE. We are therefore committed to learning lessons from previous transitions from one scheme to another. Defra has engaged with the Commission to share concerns over the transition from the current to the 2014-20 programme. The Commission will publish draft regulations to cover any such transition period, but have stated that they do not foresee a delay to the commencement of the new programme.

Government funding for forestry currently comes through a range of channels, including approximately £35million per annum through the Rural Development Programme for England, £4million through Natural England, £11million for research, and £4million for the Big Tree Plant campaign. There are a range of competing demands and pressures on Government's public expenditure at present and the SR10 settlement means a decreasing budget for future years. Future delivery priorities for forestry will be considered after the Independent Panel on Forestry has reported and will be considered alongside other spending priorities.

Currently the Forestry Commission will approve applications for funding for a maximum of 5 years ahead. This is because of the uncertainty of future Rural Development Programmes and exchequer budgets. Therefore, we are not minded to make financial commitments beyond this period, but will continue to support forest owners in making long term management plans.

Whilst we recognise the benefit of the Task Force's idea that forest owners with long term plans should be required to confirm their intention to claim replanting grant by a given trigger point in the year, we believe this may cause increased bureaucracy for woodland owners and the Forestry Commission. This is because the process would require many hundreds of owners to be alerted and for them to communicate their responses each year. However, this recommendation will be considered as part of the review of woodland grants. Similarly the threshold for the size of woodland that requires certification to receive a grant will be considered as part of the design of the next Rural Development Programme. The threshold has already risen from 30 hectares to 100 hectares for Woodland Management Grant.

### **Felling Licenses**

The Forestry Regulation Task Force Report highlighted the need to retain felling licences as a valued mechanism to manage woodlands, that long term management plans for woodlands should be used as a condition of restocking notices and that it should be made easier for members of the public to be able to monitor and comment on potential illegal felling in their local area. In particular, that a UK Forestry Standard compliant long term management plans should contain permission for thinning and felling for the full period of the plan, and that 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.

#### **Government Actions:**

- **The Forestry Commission will retain felling licences as a mechanism to manage woodlands outside of a long term management plan.**
- **The Forestry Commission will establish a web based reporting method for illegal felling by March 2013.**
- **The Forestry Commission will supplement the web based illegal felling reporting method with information on telephone and email contacts for Forestry Commission Area Offices.**

We agree that felling licences should be retained as a mechanism to manage woodlands outside of a long term management plan. There are a few situations where felling licences are particularly valuable. For example, in very small woodlands where the production of a long term management plan is unnecessary and for occasions where forest managers need the flexibility to fell trees at short notice without going to the effort of resubmitting a plan.

The Forestry Commission's 10 year management plans currently allow for felling permissions agreed in the plan to last for the period of the plan. However revisions to the plan or requests to fell changed areas will still need Forestry Commission permission due to the commitment to consult widely on felling proposals.

We support the idea that the reporting of suspected illegal fellings should be further encouraged. Currently a member of the public would have to find the details of their local Forestry Commission office to report a suspected illegal felling. A web based reporting method will be established which links users to a summary of existing permissions and offers guidance on what constitutes a likely illegal felling. This will be supplemented by information on telephone

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and email contacts for Forestry Commission Area Offices. This is likely to bring better informed cases to the attention of the Forestry Commission, which at present receives many enquiries relating to legal felling.

We understand that making a restocking notice a burden or 'charge' for the 15 or so cases a year that cause concern, as the Task Force suggested, would also mean making land charges on all conditional restocking licences (which amount to around 2000 a year). Therefore we believe this would be unduly onerous on woodland owners and Forestry Commission administration under present legislation. However, if an opportunity arises to further strengthen the case for restocking after illegal felling, using a land based condition, then we will consider it. The current legislation does not allow the Forestry Commission to insist on owners having a long term management plan, and therefore couldn't use this as a condition of a re-stocking notice as the Task Force suggested. However many owners do submit management plans as the result of first contact with Forestry Commission staff through application for a felling licence. Should there be a need to revise the Forestry Act (1967), the Forestry Commission will look again at whether it can be used to bring more woodland into management through encouraging management plans.

## **Mapping**

The Forestry Regulation Task Force advocated the need for landowners to have access to good quality maps as these are the basis for much activity in the land based sector. It recommended that the Government should work with the private sector to develop a simple, low-cost and effective mapping solution to meet the needs of the mainly smaller woodlands in England.

### **Government Actions:**

- **The Forestry Commission will promote the availability of the free electronic Ordnance survey map.**

A free Ordnance Survey base map in electronic form is available from the Forestry Commission for all owners wishing to make woodland plans and this has been very well received in recent years. The Forestry Commission will further promote that it provides free electronic Ordnance survey maps for landowners.

## **Biosecurity and Resilience**

The Forestry Regulation Task Force makes recommendations around the need to tackle the ever increasing threat to England's trees and woodlands from pests and diseases. It highlights the need for Government to retain adequate resources to protect woodlands from biosecurity threats, grey squirrels, deer and other mammals. It also notes that, due to the unpredictable nature of pests and diseases, plant health regulations should be given a lighter touch in respect to the 'One-in, One-out' regulatory requirement.

**Government Actions:**

- **Enhance capability by better co-ordinating our approach and increasing research spend through the Tree Health and Plant Biosecurity Action Plan**

The Government agrees strongly that maintaining capacity to deal with biosecurity threats is of the highest importance. A Tree Health and Plant Biosecurity Action Plan was published by Defra in October 2011. The Action Plan has 4 themes; import controls, practical actions, stakeholder engagement/communication and research. It sets out an agenda for actions to be taken now and in the future in order to:

- minimize the risk of new threats from entering the UK;
- enable us to understand more about the threats we face;
- work with society to make it more aware of threats and pathways;
- identify positive steps which professionals and other stakeholders can take to improve the resilience of trees, woodlands, and forests; and
- ensure an effective evidence base is developed and maintained to inform decisions.

The recommendations of this Action Plan will be used to steer future evidence and research priorities and activities. The Action Plan was developed by Defra, the Food and Environment Research Agency and the Forestry Commission, with vital help from a wide range of stakeholders from across the forestry and research sectors, including the Devolved Administrations. It involved a series of workshops to work up priorities and areas for action. Tree health is a growing concern. In the last decade at least eight important tree pests have been newly detected, or have become more damaging. The Forestry Commission and the Food and Environment Research Agency are delivering a Defra funded £23million, 5 year programme against two major plant diseases *Phytophthora ramorum* and *Phytophthora kernoviae* which threaten native trees and other plants. In addition, Defra is allocating £7million from existing resources for new research into tree health over the next 3 years. The Forestry Commission has also increased its investment in tree health research, from its existing resources, by some 30% over the next 3 to 4 years.

We also recognise the potential for damage to England's woodland resource and biodiversity by grey squirrels, deer, other mammals and pests. We believe woodland managers should adopt local or regional approaches to co-ordination and manage such pests in accordance with local/regional aims and circumstances. There is already a Deer Initiative Partnership supported by Defra, the Forestry Commission and Natural England, which facilitates local approaches to co-ordination and management of deer at a landscape scale. The Forestry Commission will support the Deer Initiative with £240,000 in 2012/13 and centralise their support to free up the Deer Initiative to work with the area teams and others in the Deer Initiative Partnership across England. Furthermore, the Red Squirrel North England Project, a government and non-government partnership, aims to enhance biodiversity through control of non-native grey squirrels in order to protect native red squirrels at priority sites.

The Government notes the Task Force's comments on the One-in, One-out rule. As the majority of the plant health legislation is EU derived it is currently out of scope for One-in, One-out, with the exception of policies that are being gold plated or where we have removed unnecessary gold plating that delivers a saving to business.

## **UK Forestry Standard and Compliance**

The Forestry Regulation Task Force recognises the value of the UK Forestry Standard in providing woodland owners with assurance that they are complying with international agreements and domestic policies on the sustainable management of forests. It urges all parties with a stake in the UK Forestry Standard and the UK Woodland Assurance Standard to look at ways to harmonise the two standards. It recommends that a UK Forestry Standard 'Quick Start Guide' is published and that the Standard is used as the benchmark against which sustainable forest management is judged.

### **Government Action:**

- **The Forestry Commission will produce a 'Quick Start Guide' for the UK Forestry Standard by 1<sup>st</sup> April 2012.**
- **The Forestry Commission will work with the UK Woodland Assurance Standard partnership to identify scope for harmonisation between the UK Forestry Standard and UK Woodland Assurance Standard.**
- **The Forestry Commission will promote the UK Forestry Standard across Government as the consistent benchmark for sustainability in forestry.**

The UK Forestry Standard is the reference standard for sustainable forest management in the UK. It sets out the approach of the UK Government to sustainable forest management, defines standards and requirements, and provides a basis for regulation and monitoring. It was developed by the Forestry Commission Great Britain and Forest Service (an agency within the Department of Agriculture and Rural Development in Northern Ireland) in collaboration with many other landowners, businesses, civil society organisations and other Government bodies. We will promote the standard across government as a cost effective way of establishing compliance with other relevant codes and standards that helps to reduce the burden on landowners and businesses. A fully revised UK Forestry Standard (third edition) and supporting documents were launched on 3rd November 2011.

The UK Woodland Assurance Standard is an independent certification standard for verifying sustainable woodland management in the UK. It was developed by the UK forestry sector and its multiple stakeholders. A first edition was published in 1999 and a re-draft in 2011.

As such, both of these standards have only very recently been revised and thus there is little scope in the immediate future to revisit them. Nonetheless, the Government supports the need to align the standards where possible and make them appropriate to woodlands at different scales. The Forestry Commission will work with the UK Woodland Assurance Standard partnership to identify the scope for further harmonisation during future revisions. However, it needs to be recognised that whilst the two standards inevitably cover similar ground, their purposes are not the same; the UK Forestry Standard defines the UK Government's approach to sustainable forestry and provides the benchmark for forestry regulation and the provision of incentives; whereas UK Woodland Assurance Standard is essentially an audit protocol for voluntary independent certification, geared to marketing timber, and which must articulate the requirements of the international certification schemes.

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Production of a 'Quick Start Guide' for the UK Forestry Standard is in progress. The revised UK Forestry Standard already has a number of features which are designed for ease of use by forestry practitioners': for example, the use of symbols to highlight the legal requirements. The Forestry Commission plans to produce official versions, which extract all the requirements and guidelines. These could be used as "checklists" for the main import of the UK Forestry Standard and Guidelines as far as practitioners are concerned. For ease of use, the Forestry Commission will produce these in an electronic publications format, which is readable on computers, laptops and other mobile devices such as smart phones. These versions, which will serve as a "quick start" guides, will be available during April 2012.

## **Health and Safety at Work Act – Health and Safety Executive**

The Forestry Regulation Task Force recognised that the forestry sector is not currently performing well in the area of occupational health and safety and a key recommendation was that the Health and Safety Executive should work with senior managers in the Forestry Sector through an 'industry safety summit'. The aim of the summit was to improve the sector's overall safety performance by tackling underlying behavioural and cultural attitudes and issues; and amongst other things develop an industry-led approach to refresher training process for chainsaw operatives.

### **Government Actions:**

- **The Health and Safety Executive have held a safety summit on 5<sup>th</sup> and 6<sup>th</sup> March 2012.**

We recognise that forestry work is a high risk activity with one of the highest fatal injury incidence rates of any of the traditional employment sectors in Great Britain. It is more than 3 times that of construction and approximately 15 times that for all industries. The Health and Safety Executive hosts a tree work website which contains up to date advice and guidance including case studies, video clips, research reports and leaflets. These resources cover numerous forestry related topics such as working with chainsaws, aerial tree work, felling and steep ground working. The website also advertises future Safety and Health Awareness Days which have been developed in conjunction with the sector to reflect the type of forestry work taking place and the situations that have led to serious and even fatal accidents. The Health and Safety Executive have held a forestry safety summit on 5<sup>th</sup> and 6<sup>th</sup> March 2012 at the Forestry Commission's GB offices at Silvan House in Edinburgh. The summit was attended by Managing Directors and Chief Executives of the major companies in the forestry industry.

## **Gangmasters Licensing Act – Gangmasters Licensing Authority**

While supporting the role of the Gangmasters Licensing Authority (GLA), and recognising that theirs is an important function, the Task Force concludes that the lack of prosecutions for exploitation of forestry workers demonstrates that the forestry sector is a low risk and should be removed from scope of the Gangmasters Licensing Act 2004. In support of this, the Task Force found that the forestry workforce is generally higher skilled with around 58% of businesses delivering training to their employees over and above that required by law. The Task Force

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acknowledges that the GLA's Forestry Pilot will make it easier and cheaper for businesses and others in the forestry sector to apply for a licence, but believes this is a temporary measure only.

### Government Actions:

- **As part of the Red Tape Challenge process, the Government will continue to look at what more the GLA needs to do to tackle non-compliant operators and any legal changes needed to support this.**
- **The Government supports the GLA's Forestry Pilot which is applying a light touch approach to regulating the forestry sector and establishing "earned recognition".**

The Government's Red Tape Challenge process has endorsed the need for the GLA to enforce protection for vulnerable workers in its sectors. However, the process has also suggested that more can be done to improve the operation of the GLA and ensure it focuses attention on high risk activities, while reducing burdens on those who are compliant. The ongoing Red Tape Challenge will look at these issues in more detail. The GLA will also be monitored under the Government's ongoing reviews of public bodies and enforcement agencies.

In respect of the GLA's Forestry Pilot, this has helped to:

- Remove financial barriers to those requiring a licence.
- Rely upon intelligence checks to determine whether an Application Inspection is needed.
- Significantly reduce the number of operators requiring inspection to only 5.2% (i.e. 3 out of 57 applications received since the commencement of the Pilot).
- Enable less stringent processes where there is a change of operator circumstances, for example a licence holder changing from sole trader to Ltd company.
- Issue improved guidance to the forestry industry on when a licence is, and is not, required.
- Publish an indicative list of qualifications and training that the GLA will consider as going toward demonstrating "earned recognition" by operators i.e. licence holders who employ those with such qualifications or offer training to them are more likely to be generally compliant in other areas of regulation, and therefore present a lower risk.

The GLA is now establishing how many license holders who only operate in forestry should be covered in the Pilot. It has issued a survey to establish the number of operators that should be currently subject to the lighter touch approach of the Forestry Pilot.

## Wildlife Regulations

Respondents to the Task Force's call for evidence cited wildlife regulations as having the highest level of burden on their business. As such, the Task Force recommended that more resources are devoted to establishing a sound evidence base for determining to what degree approved woodland management activities affect European Protected Species.

### Government Actions:

- **The Forestry Commission will work with the forestry sector, species experts and Natural England to improve the current Forestry Commission guidance on**

**managing woodland with protected species to underpin the UK Forestry Standard in England, ensuring that this work is consistent with any relevant decisions following Defra's Habitats Directive implementation Review**

- **Continue to fund research on the effect of woodland management on European Protected Species**

The Habitats Regulations are a major safeguard for the most important nature conservation sites and species which have been designated to reflect their European significance, and the Government remains strongly supportive of the aims of the Habitats Directive. The Government has recently undertaken a thorough review of the implementation in England of the Habitats and Wild Birds Directives, focussing in particular on those obligations that affect the authorisation process for proposed development, with a view to reducing burdens on business while maintaining the environmental benefits which the Directives provide. The Review report was published alongside the budget.

The Forestry Commission and Natural England have produced good practice guidance for the Habitats Regulations and developed simplified licensing processes. These have reduced substantially the number of licence applications required.

The Government currently supports research which will enhance our understanding of the effect of woodland management on European Protected Species. Defra is funding work on improving our understanding of elusive woodland bats. The Forestry Commission is conducting research into how to manage woodland in the presence of protected species and is co-funding survey work to better understand the distribution of other European Protected Species relevant to woodland.

We recognise that for some there is still a perception of burden regarding the Habitats Regulations and we are actively looking at ways of reducing undue burden and simplifying processes where possible. The UK Forestry Standard sets the standards of forestry consistent with, for example, habitats regulations. In light of the conclusions of the Habitats Directive Implementation Review, we will consider the need to update the current guidance on habitats regulations and forestry, involving the forestry sector, species experts and Natural England. This would focus on helping the forestry sector better understand the circumstances in which the Habitats Directive interacts with sustainable forest management in England.

## **Rural Land Register – Rural Payments Agency**

The Forestry Regulation Task Force report highlights a high level of bureaucracy associated with forestry payments and the length of time taken to process applications. It recommends that the Rural Payments Agency (RPA) should work with the Forestry Commission, Natural England and the private sector to produce a simplified land registration process aimed specifically at the forestry sector.

### **Government Action:**

- **The Rural Payments Agency will review the land registration process for forestry schemes under the Rural Development Programme for England.**

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We agree that the land registration process for applicants to forestry schemes under the Rural Development Programme for England, where the land is not being claimed under the Single Payment Scheme, should be reviewed. As part of RPA's Strategic Improvement Plan, the Agency is identifying how its processes, including those around land, can be improved and rationalized whilst maintaining compliance with EU legal requirements. It is likely that any improvements requiring systematic change will need to be considered in the context of the wider redevelopments of Rural Payments Agency's business process and system changes to support a reformed Common Agricultural Policy.

### **Planning – Local Authorities**

The Forestry Regulation Task Force recommended that planning policy should clearly state that the benefits of local developments must be assessed against the national value of Ancient Woodland. It also recommended that Government reaffirms with planning authorities the biodiversity value of Ancient and Semi-Natural Woodlands, and that Forestry Commission and Natural England's standing advice for Ancient Woodland should be adopted and applied consistently by all English Local Planning Authorities.

#### **Government Action:**

- **The new National Planning Policy Framework states that 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.**
- **The Department for Communities and Local Government will consider what guidance will be appropriate to accompany the new National Planning Policy Framework.**

The draft National Planning Policy Framework which was published for consultation in July 2011 included the then existing policy protection for ancient woodlands. This has not been amended in the final Framework, in which the strong level of protection is a continuation of the previous policy.

Local authorities already have the benefit of advice produced by the Forestry Commission, Natural England and other partners which affirms the biodiversity value of Ancient and Semi-Natural Woodlands and Planted Ancient Woodland Sites. Regarding local authorities' planning responsibilities, we are considering what guidance will be appropriate to accompany the new National Planning Policy Framework and will take into account what other guidance is available from different sources.

We do not consider it would be appropriate to place any new regulatory burdens on local planning authorities in regard to following particular advice on ancient woodland. It will be for local authorities to take account of advice provided by the Forestry Commission and Natural England where this is relevant to their planning decisions.

## **Highways Act – Highways Agency and Local Authorities**

The Task Force recommended that forestry traffic is not considered to be extraordinary traffic, aligning forestry traffic with farming traffic.

### **Government Action:**

- **The Forestry Commission will work with the forestry sector, via the Timber Transport forum, to continue to disseminate the guidance on resolving timber transport issues and support local discussions about this.**

We note the Task Force's concern about this important issue. Both forestry and farming traffic can be considered, under Section 59 of the Highways Act to be extraordinary traffic. The management of local roads is the responsibility of local highway authorities which have a duty under section 41 of the Highways act 1980 to maintain the highways network in their area. We believe this is an issue which is best considered at the local level and where there is already a regional network of Transport Forums to debate issues just like this. There is already relevant guidance: the Timber Transport Forum has issued guidance on fostering these local partnerships, and has recently issued a Best Practice Guide which provides advice on resolving timber transport issues between local highways authorities, hauliers and the timber sector. The Guide recommends working in partnership to find solutions that meet the needs of the sector whilst limiting the impact on the road network and on local communities. The Forestry Commission, via their representation on the Timber Transport GB Forum will raise this issue and continue to encourage the forest industry to work in partnership with local highway authorities to maintain effective relationships so that the needs of both parties are accommodated.

## **European Union**

The Forestry Regulation Task Force would like to see the Government influencing European Union regulations by highlighting the benefits of forestry and woodland. It recommends that when negotiating with the European Union, Government actively promotes the multiple benefits and ecosystems services that accrue to society and the economy from actively managed woodlands. It also suggests that the scope and requirements of any Environmental Impact Assessment reporting should be proportionate to the risk and scale of the application .

### **Government Action:**

- **When negotiating within the European Union, actively promote the multiple benefits actively managed forests can provide.**

We agree that when negotiating with the European Union, the Government should actively promote the multiple benefits managed forests can provide. We are confident that the European Union is aware of the benefits forests can provide, including their role in rural development, and is fully committed to the concept of sustainable forest management. This is evidenced, for example, by the very positive statements on forestry in the draft regulation on rural development, the continued expansion of areas of support to forestry provided under that

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regulation (within the limits of its competency), the very clear analysis of forest functions in the Green Paper on Forest Protection published in 2010, and the current review of the European Union Forestry Strategy.

The Government agrees that the screening process required before an Environmental Impact Assessment is called for should be proportionate to the risk and scale of the application. The Forestry Commission has gained considerable experience in the application of this EU legislation over the last 10 years and is careful to ensure that it does not become a burden on those planning forestry operations, notably new planting. In the last year only 2 Environmental Impact Assessments have been required. However, as the designated 'Competent Authority' for forestry applications, the Forestry Commission does of course need to remain impartial in carrying out its duties.