



Northern Ireland
Assembly

**COMMITTEE FOR
AGRICULTURE AND
RURAL DEVELOPMENT**

OFFICIAL REPORT
(Hansard)

Forestry Bill

3 November 2009

NORTHERN IRELAND ASSEMBLY

COMMITTEE FOR AGRICULTURE AND
RURAL DEVELOPMENT

Forestry Bill

3 November 2009

Members present for all or part of the proceedings:

Mr Ian Paisley Jnr (Chairperson)
Mr Tom Elliott (Deputy Chairperson)
Mr Thomas Burns
Mr Willie Clarke
Mr Pat Doherty
Mr William Irwin
Dr William McCrea
Mr Jim Shannon

Witnesses:

Mr Patrick Cregg)	Woodland Trust
Mr Lee Bruce)	
Mr John Martin)	Royal Society for the Protection of Birds
Mr Mike Wood)	

The Chairperson (Mr Paisley Jnr):

I welcome Patrick Cregg, the director of the Woodland Trust; Lee Bruce, the government affairs officer for the Woodland Trust; John Martin, a policy officer for the Royal Society for the Protection of Birds (RSPB); and Mike Wood, the UK forestry adviser to the RSPB.

I take this opportunity to thank the RSPB publicly for recently taking me to see some of its project work, a visit that I found extremely informative and useful.

Gentlemen, you are here today to make a presentation on the Forestry Bill and to give us your views on it; the floor is yours.

Mr Patrick Cregg (Woodland Trust):

Thank you very much, Chairperson. I sincerely thank the Committee for affording us the opportunity to appear before it, and the Clerk for facilitating the arrangements for today. We are mindful that the Committee has a busy workload, so rather than appear as individual non-governmental organisations (NGOs), we felt that it would be prudent and more efficient for our two organisations, the Woodland Trust and the RSPB, to join forces, on a shared platform, to make a presentation today.

I will begin by outlining the central themes of the submission that the Woodland Trust prepared when the legislation was being considered in 2008, after which I will mention a couple of points of detail in the legislation. My colleague John Martin from the RSPB will do likewise. With your permission, Chairperson, we will each take 15 minutes to do so.

The Chairperson:

Yes, that is fine.

Mr P Cregg:

We welcome the fact that new legislation is to be introduced. The current legislation was introduced a month before I was born in 1953, so we are due new legislation.

The Chairperson:

That is not how we measure the need for legislation. *[Laughter.]*

Mr P Cregg:

We welcome the legislation, and we want to put on record our thanks to the Executive for placing it high on the agenda, because we feel that it will create lots of opportunities. However, we have concerns because the new legislation looks like more of the same; the same old legislation regurgitated without looking at the modern requirements and benefits of forestry in the twenty-first century.

We are concerned that the legislation simply looks at growing more Sitka spruce to cut down

for commercial purposes. I should say at the outset that we recognise that there is an industry in Northern Ireland and an opportunity for commercial forestry to provide much-needed jobs right across the Province. As I said, we hope that now that we are in the twenty-first century, any legislation will look at the wider opportunities in forestry and what it can offer us as a country and a people. I am thinking of the environmental and social benefits, and one concern is that the legislation makes no mention whatsoever of sustainable forest management.

In 2008, we were lucky enough to be asked to comment on the legislation when it was being drafted. We made a submission to Forest Service and the drafters of the Bill in which we outlined a number of key issues that we wish to see the legislation address. We asked that there be absolute protection for all ancient and long-establishment woodland. Such woodland is a finite resource that covers about 10,000 hectares across the Province. It is less than 1% of the land area of the Province, and it is probably regarded as being the richest as regards biodiversity and wildlife terrestrial habitat in Northern Ireland.

The Chairperson:

You emphasise that by saying that it is a mere 10,000 hectares.

Mr P Cregg:

It is less than 1% of the land area of Northern Ireland; it is 0.08%. In Great Britain, 2% of the land area is covered by ancient and long-established woodland. We are asking for absolute protection for ancient and long-established woodland, and that needs to be reflected in the Bill.

Recently, the Woodland Trust spent £1 million on creating an inventory of all the ancient woodland that exists in the Province, and Planning Service has taken on board a recognition that there will be a presumption against development on lands that are ancient woodland. We would like to see that reinforced in the forestry legislation.

The Executive and Forest Service have a commitment to forest expansion in Northern Ireland. We are also bottom of the pile in respect of woodland cover. We have 6% woodland cover. It was only the accession to the European Union of Malta, with 1% cover, that moved us one rung off the bottom of the ladder. The legislation should contain some mechanism to reflect that committees such as this must monitor how Forest Service is working to achieve its aspiration to double woodland cover across the Province.

Our ancient woodland inventory showed that one third of the 10,000 hectares of ancient woodland has been degraded through planting with non-native species. Since ancient woodland is a finite resource, the legislation should reflect that there will be a commitment to restoring the 3,000 hectares that have been degraded through planting. The legislation should also include a recognition that some other habitats have been degraded over the decades by the inappropriate planting of conifers.

In the twenty-first century, we need to think of our forests as a resource, not only for timber but for education, tourism and quiet, passive recreation. That should be reflected in the legislation.

Subsequent to the consultation, we were dismayed by the proposed draft legislation. We had a number of concerns, which I will talk about, and my colleague John Martin will talk to you about the RSPB's concerns.

First, if the definition of the general duty in clause 1 is not right, the legislation will be flawed. The definition of general duty in clause 1 is too narrow. It should reflect that forestry should contribute to climate-change mitigation, sustaining wildlife, outdoor learning and the creation of attractive places for people to live and work. Alongside that, the definition should reflect the commercial benefits that can be accrued from growing forestry for timber production.

The general duty should be rewritten to ensure that priority habitats, species and designated sites are conserved; that ancient and long-established woods are protected; and, crucially, that native woodland will be expanded in line with the commitment by Forest Service in its strategy to double woodland cover in the Province over the next 50 years. Not only should the Department be responsible for protecting the environment, but it must have a duty to enhance it. It is essential that the definition of general duty embraces the fact that the Department must protect what we have, restore what has been damaged and expand the resource by planting the right tree in the right place.

My second point is about felling licences. Since having the privilege of being director of the Woodland Trust in Northern Ireland for the past 13 years, I have campaigned for the reintroduction of a requirement for felling licences in the Province to bring us into line with not

only the rest of the UK, but the rest of Europe. Only through a system of controls can we protect what we have. Unfortunately, the clauses in the Bill are lacking.

My first impression is that the Bill could give unfair advantage to Government because the felling requirement will apply only to the private sector. In fact, 70% of Northern Ireland's woodlands will not be protected by the use of a felling licence. What is good for the goose must be good for the gander. If people in the private sector must apply for a licence to fell trees on their land, Forest Service and all owners of public land should have to abide by the same rules and regulations. Otherwise, Government will have an unfair commercial advantage over the private sector that could be to the detriment of forestry in that sector.

Like our colleagues in the Planning Service, we ask that there should be a presumption against granting a felling licence for all sites that are on the ancient woodland inventory. Moreover, people should not, as Forest Service is suggesting, be charged for applying for a felling licence. The Forestry Commission in Great Britain and the Forest Service in the Republic of Ireland do not charge. At the moment, the private sector would be charged for the right to apply for a felling licence.

We think that an anomaly exists. Forest Service is suggesting that if somebody in the private sector applies for a felling licence and it is refused, the Department will pay them compensation for, essentially, doing what is right. Some members of the Committee will remember the furore 20 years ago when the Planning Service placed tree preservation orders on trees and paid out vast amounts of money to people in the private sector because they had done so. The legislation had to be changed because the public purse could not endure that cost. It is nonsense that Forest Service is suggesting that it will compensate people for doing what is right.

There has been a requirement on Forest Service, although it has not been obligatory, to create an inventory of all woodland in the Province. That requirement dates back to the Executive's signing off of the Northern Ireland biodiversity strategy in 2001. Forest Service has been reluctant to create such an inventory. Given that we do not know what we are losing at the other end, the Committee is left in a position where it cannot monitor the Forest Service's progress on expanding woodlands in the Province. The legislation must place an obligation on Forest Service to, once and for all, get on with the commitment made by the Executive in 2001 and create an inventory of all woodlands in the Province so that organisations such as ours and, more

importantly, groups such as the Committee can monitor Forest Service's success in progressing woodland expansion across the country.

The Chairperson:

You said that the Woodland Trust has spent about £1 million on putting an inventory in place. You have that baseline.

Mr P Cregg:

We have the baseline for ancient woodland and long-established woodland. Forest Service has the baseline for its estate, which is about 70% of all woodland. We are simply saying that pulling that information together would be a desk exercise. Far be it from me to play devil's advocate, but I suspect that if such information was in place, elected representatives could monitor the success of efforts to reach the target of doubling woodland cover from 6% to 12% to bring us into line with the figure in Great Britain.

The Chairperson:

If it is not measured, it is not done.

Mr P Cregg:

I now hand over to John Martin of the RSPB, who will speak on other issues; I hope that I have not used up too much of his time.

Mr John Martin (Royal Society for the Protection of Birds):

As Patrick said, in 2008, the Woodland Trust and the RSPB individually submitted responses on the proposed provisions for a new Northern Ireland forestry Act to Forest Service. In that submission, we stated that we would welcome a new NI forestry Act to update the statutory role and duties of Forest Service to better reflect modern-day forestry and to make provision for a tree-felling licence and biodiversity conservation. We felt that the existing legislation did not take account of Northern Ireland's international commitments to sustainable forest management or its biodiversity commitments under the UN Convention on Biological Diversity and the EC habitats and birds directives.

In that submission, we stated that the new forestry Act should place a sustainability duty on Forest Service to further the conservation of biodiversity in NI woods, forests and associated

habitats and species. That duty would also ensure that all forestry and woodland management is carried out in accordance with the UK forestry standard for woodland and forestry management, which would be applied to all woodland and the Forest Service estate. We encouraged the introduction of a felling licence in line with the GB practice of issuing felling licences that comply with the requirements of the UK Forestry Standard. We stated that the Act should define forestry as including planning, design, management and operations of all state, public and private woodland.

We also stated that there was potential to increase the restoration of priority open-ground habitat that was not in conflict with restocking commitments or a felling licence. At that time, all our requests were made with a view to the promotion and regulation of sustainable multi-benefit forest management to the benefit of birds, wildlife and people. In the light of the new forestry legislation being brought forward, we will highlight a number of areas in which both organisations feel the Bill could be enhanced. Additional asks relate to incidental powers, research and a stakeholder advisory committee; I will deal with each of those in turn.

Clause 7 gives the Department power to do anything that appears to it to be conducive or incidental to its general duty under section 1(1). Unfortunately, the general duty does not include sustainable forestry management across all forests in all ownerships. That makes incidental powers even more wide-ranging because they are not defined or constrained in clause 1, which deals with the Department's general duty. Clause 7 essentially gives the Department power to override other clauses in the legislation. We feel, therefore, that the Department should be asked to clarify why it needs those powers. If no explanation is received, due consideration should be given to the removal of clause 7. If the clause remains, Forest Service must exercise any incidental powers under clause 7 in an environmentally sustainable manner.

We are concerned about any ill-defined powers that may result through the use of that clause. Concern has rightly been raised about the wide nature of these powers. Our concern is that Forest Service will be able to dispose of a site that, although no longer profitable, may deliver on social and environmental commitments. Forest Service should have the power to dispose of sites or alter their land use, but only in accordance with rigorous public-benefit tests. Therefore, we feel that clause 2 would benefit from any such Forest Service proposals being made subject to a public-benefit test before decisions are taken. That would enable greater stakeholder and public engagement in forestry management and would add to accountability.

Our second ask concerns research. Any research that Forest Service plans to carry out should be freely available to the public if public money will be spent. The research should improve and enhance the sustainable management of forests. The research should be over and beyond what the market can provide for forest research, and it should be consulted on publicly.

Finally, both organisations would encourage stakeholder advisory input. It is important that that is built into the Bill, because it does not exist currently. The RSPB and the Woodland Trust would welcome the establishment of an oversight body to advise on sustainable forestry issues such as felling licences, environmental impact assessments, research needs and policy recommendations. The body would be made up of various forestry stakeholders, including the managing authority and those with social, economic and environmental interests, both inside and outside of Government. The establishment of such a body would be consistent with forestry legislation in the greater UK.

The RSPB and the Woodland Trust welcome the proposal to bring forward new forestry legislation. However, if the Bill is passed in its current form, we will miss an historic opportunity to influence how important forestry and woodland resources are managed for people, wildlife and the wider environment. Changes will not be cumbersome; rather, they will advance the Bill to meet its full potential.

The Chairperson:

Thank you. How would a national forestry advisory committee of stakeholders differ from the Forest Service on a practical day-to-day basis?

Mr Mike Wood (Royal Society for the Protection of Birds):

It would bring in a range of issues and interests that Forest Service does not regularly access. I will give a practical example in a non-contentious area. An issue that will emerge on implementation of the Bill is sensible management of woodlands of all types, including small woodlands on farms. It would be useful for Forest Service to have an advisory group working hard on the Executive's behalf to come up with recommendations on good, sensible guidance on how to write a management plan, which could be an annotated map and management guidance. Such a group would draw on the experience of stakeholders and would not be just a hammer with which to bash Forest Service over the head: it would be supportive in giving good, sensible advice, which is not solely or completely contained in the Department.

I sit on the UK woodland assurance standard steering group, which is a partnership of social, environmental and economic interests, both governmental and non-governmental. It is the voluntary standard against which Forest Service is audited to meet international criteria. The steering group is a partnership that draws on a range of experiences in order to come up with a consensus. An advisory body could be used to carry out those types of tasks. The proposal to reintroduce felling licensing could be contentious and difficult, and the Department might find it helpful to take soundings from the forest industry and other stakeholders in order to come up with practical guidance on how to do that. Otherwise, Forest Service will run into trouble.

The Chairperson:

You are right about contentiousness: by and large, it is always best to take wider advice. However, where there is contention — such as when sustainability runs up against and is juxtaposed with the commercial needs of foresters — and Ministers, the Department or Forest Service did not take the advice of the advisory committee, that would create a conflict. The balance on that occasion could, hypothetically speaking, fall on the side of commercial forestry. What powers do you envisage an advisory body having, other than being just a consultee?

Mr Wood:

It would be just a consultee. Regional advisory committees have had similar cases in Great Britain. The RSPB has had cases when a regional advisory committee came to find out what it was doing about removing trees to restore heathland habitats. The committee wanted to find out how a non-governmental organisation was following the legislation on environmental impact assessments, and what practical steps the RSPB was taking to consult local communities. There is an aspect of fact-finding and of providing good practice guidance to the Department on how to resolve difficult issues. Advisory bodies could also be used to help to arbitrate in difficult cases, not in the sense of having powers, but by making recommendations.

Mr Martin:

The RSPB and the Woodland Trust work extensively with farmers, advising on matters such as agrienvironment and woodland planting schemes. We find it very useful to have continual engagement with the farming community to find out from the grass roots how they want to do things or how they think things could be done better. That has enhanced our work and their work. An advisory body would add to how forestry is delivered in Northern Ireland. There would, no doubt, be a top-down approach, because there is a need for that, but the advisory body would also

try to provide bottom-up advice, drawing on experiences elsewhere.

Mr P Cregg:

It is important to state that there is a wealth of knowledge and information in the NGO community, irrespective of whether the charities are environmental or social. The information that is available is being offered free of charge. We are sometimes regarded with suspicion when we tender an opinion. There should not be such suspicion. We are willing to give of our time to contribute our wealth of information and knowledge to the Government free of charge. People should hold out their hands and accept some of what we are offering. We do not mind if our advice is dismissed, because at least we have had the opportunity to provide it.

We are not in the business of creating a plethora of committees and groups. As NGOs, our resources are fairly lean. We do not want to have to traipse up to Dundonald House every month to attend a meeting.

Mr Elliott:

Thank you very much for your presentation, gentlemen. It was very interesting.

Patrick, you said that you are holding out the hand of friendship to Forest Service, the Department of Agriculture and Rural Development (DARD) and the Government, and asking them to take on board your expertise. Are they accepting that hand of friendship?

Mr P Cregg:

It has been accepted by certain Departments. We have a very close working relationship with the Northern Ireland Environment Agency (NIEA). I am happy to say that, since we published our ancient woodland inventory in 2007, we have had a very close working relationship with the Planning Service. We are in the early stages of building a relationship with DARD and Forest Service. Some of the old barriers and suspicions are beginning to fall away, and, hopefully, we can move forward.

We received a letter this week from the Minister, inviting us to meet her civil servants at Forest Service to consider the legislation again. I do not know how that fits in with what the Committee is doing, but we will be taking up the Minister's invitation.

Mr Elliott:

I have a question about the felling licence. I believe that your primary concern is that ancient woodlands be protected, yet that is not specified in the Bill. You said that Forest Service is not required to obtain a felling licence, and I welcome your having raised that issue. Do you feel that, overall, the legislation has not got it right, or nearly right, on the issue of the felling licence?

Mr Lee Bruce (Woodland Trust):

Our view is that ancient woodland could be protected simply by using the ancient woodland inventory. The legislation is not right at the moment, because it excludes at least 70% of the resource, and potentially more than that. We are not sure, but local government land might be exempted under the Bill, as might the entire Executive estate. The basic point to be made is that the legislation must cover everyone in order for it to be fair and proportionate and for there to be no commercial advantage.

Mr P Cregg:

To be honest, it is ridiculous to propose to introduce a requirement for felling licences from which all Departments, their agencies and local councils will be exempted. That is to say, “Sod you” to the owners of the 30% of woodland that is in private ownership who will have to apply for a felling licence, while at the same time saying, “We are all right, Jack.”

The Chairperson:

The Government would never do that, Patrick. *[Laughter.]*

Mr Wood:

There is the issue of the Government not applying the felling licence requirement to themselves, but another issue is what the felling licence offers. Forest management plans can be produced. However, it goes into the operational detail of what is planned for a particular day. One of the issues for us is disturbance to wildlife. A felling licence is an appropriate point for considering operationally what is to be done on site on a particular day; for example, a quick survey can be performed to check whether bats, birds or whatever are present. There are other legislative reasons for doing that anyway. Therefore, in a way, coming up with a system that enables landowners to do that helps to protect landowners.

Mr Elliott:

I have one final point, even though we could get into a whole range of issues.

Do you believe that the Bill is giving far too much overall control of Northern Ireland's forestry and woodland to Forest Service?

Mr P Cregg:

If I were suspicious, and I am suspicious, I would say that the Bill gives absolute power to Forest Service to go on to land, to clear it of any debris, to buy land whether landowners want to sell it or not, and to tell landowners whether or not they can cut down trees.

Mr Elliott:

Therefore, the answer to my question is yes.

Mr P Cregg:

The Bill gives Forest Service absolute power.

The Chairperson:

Is it fair to characterise the legislation as draconian?

Mr P Cregg:

“Draconian” is a word that I might use. The Woodland Trust supports the need for legislation to improve commercial forestry and the environmental benefits of forestry. The trust sees no conflict between those concerns. The Woodland Trust and the RSPB are of the same mind — both organisations want to get the legislation right. If I have to wait until my children have grandchildren before the next piece of legislation is introduced in another 56 years' time, at least we will have got it right this time and will have ensured that it is fit for purpose. The trust wants not to fight or argue with anyone but to help people and to move forward so that the legislation that is passed in the Assembly will be considered the gold standard for forestry, not just here but throughout Europe.

The Chairperson:

The Ulster Farmers' Union (UFU) has also described the Bill as draconian, so it is interesting to hear your view.

Mr Martin:

There is no doubt that Forest Service needs certain powers that will be provided for in the Bill. However, those powers must be appropriate and must be exercised in a manner that has multiple benefits, and not simply favour commercial, social or environmental interests alone. There must be an appropriate mix, and the powers in the Bill must be reasonable.

Mr Shannon:

It is good to see you, gentlemen, and you, Patrick, in particular. We have fought a few battles together on various issues.

Mr P Cregg:

We were on the same side, however.

Mr Shannon:

Yes, and we won most of those battles, by and large. In your presentation, you clearly outlined your concerns about the compulsory acquisition of land powers in the Bill, and you answered questions from the Chairperson and the Deputy Chairperson on those issues. However, I want to explore a different aspect. I was concerned to learn that only 0.08% of Northern Ireland land is woodland. That is quite worrying, so it is a question of incentives. I agree with you when you say that it is not just about Sitka spruce trees but about hardwood trees.

I should add that, having received a DARD grant for tree planting, I am duty-bound to declare an interest.

The Chairperson:

Thank you, Jim.

Mr Elliott:

I should have declared an interest, too.

The Chairperson:

Does anyone else want to squeal? Did you get a grant to cut down trees, Jim?

Mr Shannon:

The purpose of my having trees is probably different from everyone else's. I am looking forward to shooting pigeons in them. *[Laughter.]* If I am spared, my trees will grow and reach their full height long after I have passed on. Nevertheless, it is important to have greater incentives to plant hardwood trees. How should that happen? What would you like to see in the Bill that would encourage the planting of hardwood trees, and the creation of what might become ancient woodlands as a result?

Mr P Cregg:

The third point that I made was that there was a lack of an inventory of the location of woodlands across Northern Ireland. With such an inventory, grants could be targeted to obtain the benefits of creating new woodlands adjacent to existing native woodland, and to create new woodlands in urban areas in order to reap social and educational benefits. The Woodland Trust has gone a stage further and piloted a programme in Great Britain that gives people a top-up grant to the grant that they already receive from Forest Service. The trust wants to introduce something similar in Northern Ireland.

Therefore, if someone is really keen to create new native woodland, we will look at how we might give a grant on top of Forest Service's grant, in order to encourage landowners to plant trees. Farmers must have a financially viable business. It is all very well for me to stand on the edge of the road in my duffel coat and sandals saying, "Plant more trees."

Mr Shannon:

Wellies.

Mr P Cregg:

Yes, wellies are appropriate. Incentives are needed to encourage farmers and to show them that it is financially viable for them to plant trees, and we need to look at the wider benefits accruing to us as a people from farmers' actions. We have the countryside that we have only because of the husbandry of successive generations, in some cases from the same family, who have maintained the countryside on our behalf. We must look at how we reward that husbandry for the wider benefits that accrue to those of us who live in towns and visit the countryside to enjoy it.

(The Deputy Chairperson [Mr Elliott] in the Chair)

Mr Shannon:

In your presentation, you spoke about part 2 of the Bill, “Protection of forest trees from damage”. It includes clause 10, “Removal or destruction of vegetation on adjoining land”. This is a moot point, but the importance of managing dead wood on an ancient woodland site is sometimes lost on us. When a tree falls, what happens? Fellers hit the chainsaw and cut it up for firewood. We may need to be aware that there is more to it than that, and that is why I am glad that you referred to it. Can you clarify that matter for the benefit of the Committee?

Mr Bruce:

That is an example that I was going to use to illustrate how the powers in the Bill are not well defined, and where we need to reconsider how to ensure that if we are managing dead wood in an ancient woodland, Forest Service will not, for example, simply go in and clear it because it might be a potential threat to an adjacent site. As a result of the existing legislation, which is 56 years old, current Forest Service incumbents may say that they will never do that. However, what happens when their replacements arrive, and new policies are debated? It is therefore essential that the legislation be accurate and correct.

Mr Shannon:

John suggested establishing a stakeholder advisory committee, which is a suggestion that was made to the Committee in other submissions. Woodland can be used for various purposes, such as off-road driving, whether on quad bikes or in cars, fishing, deer shooting, and so on. Whom do you envisage being part of that stakeholder advisory committee, and what do you see its role as being? Would everyone who has the opportunity to use Forest Service land or woodland be eligible for membership, and, if so, is all such land included?

Mr Martin:

I totally agree that there are many different forest users, who use forests for different pursuits. I am a keen mountain biker, and I would like to see more mountain-bike provision for forestry land in the Bill, but that is besides the point.

Membership of the stakeholder advisory committee should be drawn from different interests. If such a committee were to be proposed in the Bill, it should represent the Northern Ireland Tourist Board, the economic and social interests of private woodland, and environmental

interests, with Forest Service and Departments acting in an advisory role.

That committee's role should remain advisory. That might result in the removal of power from it, but I can see no other way in which it would work unless it were given special powers. I am not sure how that would work in legislation, but such committees in the rest of the UK act in an advisory capacity.

The Deputy Chairperson:

I would, however, caution against setting up another talking shop.

Mr Wood:

It is quite possible to include a clause in the Bill that explains, in general terms, the membership of the stakeholder advisory committee. For example, such a clause could provide for representation to be carved in three equal ways among social, environmental and economic sectors, attributing a set number of members to each sector. It could also include what proportion of its members would come from government. There would be no need to list individual organisations, because those would change over time.

I agree that, given the committee's advisory role, it is in danger of becoming a talk shop. Unfortunately, it is the Department that will be empowered by the Act and not said advisory committee. That is the nature of these things.

In other places, where such an advisory committee exists, it can apply an almost statutory element to the requirement to have a felling licence. Therefore, the advisory committee could be included in the clause about referrals — I am sorry, I do not have chapter and verse on that — so that it would be formally consulted on difficult and contentious cases. That is not quite the same as advising on sentencing policy; however, involving the advisory committee in quite detailed cases, and in making policy recommendations and issuing good practice guidance from a particular case, means that it could be used in such a role. However, I do recognise that it could become a talking shop.

Mr Shannon:

Sometimes, advisory committees in the Province have been effective. They do not necessarily become talking shops, and, sometimes, they do play a role. Government bodies sit on those

advisory committees, too. That may be what an advisory committee really is. Forest Service or DARD must be included, but it must not be made up of them alone. Stakeholders are not only people who use forests and woodland but those who own the land.

Mr Wood:

I sit on the equivalent committee in Wales. At a meeting a couple of weeks ago, we discussed in some detail the national forestry strategy and implementation plan. Rather than just rely on a public consultation, the advisory committee can help with the more detailed drafting issues.

Mr W Clarke:

Thank you for your presentation.

I agree that there should be a stakeholder management group. That would be a useful mechanism for examining the priorities and stresses in forestry management, deciding what moneys are available, and allocating such moneys to areas in which pressures have been identified. For example, money could be put into timber production. Moreover, social and health benefits could be derived from building log cabins or providing mountain-biking facilities. Such a group could pool money and then decide on priorities. However, we are still a bit away from that happening, and it will take a brave bit of work to achieve that level playing field.

I agree with most of what Jim Shannon said. Climate change is a big issue for me, but it is not even mentioned in the Bill.

The Deputy Chairperson:

I do not think that Jim mentioned climate change.

Mr W Clarke:

He usually does.

Mr Shannon:

I am not aware that I did, but I agree with the Member's comments.

Mr W Clarke:

Environmental protection, quality of life, health, and energy provision are all important. For

example, we need to explore how far biomass can go to reducing carbon emissions, and to what extent it may provide a living for people in rural communities. Therefore, such provisions should be included in the Bill.

Climate change and carbon emissions are important issues for communities. There should be a greater onus on us to create forests closer to communities, and there are two main reasons for that. First, a reduction in carbon emissions would have are the health and social benefits. Secondly, we need to consider how communities can integrate with forests, instead of forests being 50 miles away from a community. Other climate change issues involved include timber production, and how that timber is harvested.

Hardwood forests and carbon sinks should be built beside urban communities, because cars, big businesses, and so on, emit carbon in towns and cities. To reduce carbon emissions, a levy should be placed on businesses, particularly the large multinational supermarkets, some of which probably work with you already.

The Deputy Chairperson:

I notice, Willie, that you will a number of amendments to the Bill to table. *[Laughter.]*

Mr W Clarke:

My point is that climate change is never mentioned. This is probably one of the most important Bills to go through the House. Climate change has a major impact on us, yet it is not even mentioned in the Bill.

There must be a greater focus on preventing flooding, which is linked to climate change, and on using forestry to reduce flooding in communities. You probably want me to ask a question now, Deputy Chairperson.

The Deputy Chairperson:

Yes.

Mr W Clarke:

Jim asked my question, which concerned how we, through the Forestry Bill, can ensure that more trees are planted. The Executive could include a health grant, on top of the forestry grant, in the

Bill. Greater emphasis must be placed on what forests can do for communities. Departments need to provide such a grant.

Mr P Cregg:

Forest Service's strategy clearly states that it will double woodland cover in Northern Ireland over the next 50 years. To do that, it is necessary to create 1,650 hectares — remember that figure — of new woodland each year for 50 years. However, in the Programme for Government, which the Executive agreed, the commitment is to create approximately 550 hectares each year. The two figures are out of sync. Which figure are we working towards? Are the Executive the ultimate authority or is it Forest Service?

Given the level of achievement of the Programme for Government figure to date and overall achievement since 1973, we have no hope of achieving the lesser figure of 550 hectares. Therefore, we suggest that if the Executive are agreeing targets, somebody must be held to account. It is not good enough for the Executive to make a commitment to the electorate on what acreage of woodland will be created each year for the next three years, or for the duration of the Programme for Government, if nobody bothers to monitor the target or check its progress. Grumpy old men such as me will be in the wings shouting and complaining. Departments must be accountable, either to the Committee or to their Minister. If the Executive say that 550 hectares of woodland must be created each year, somebody should ask at the end of the year how they got on.

The Deputy Chairperson:

To be fair, that question has been asked and answered. We need to determine how the Department and Forest Service will achieve their targets, because they are not hitting their own markers. They need to find a mechanism, in conjunction with this Committee, the Woodland Trust, the RSPB and the rest of the industry, to agree on way forward.

Mr Bruce:

The Bill contains two important aspects: the general duty to address the issue of creating new native woods on the right site with the right trees; and the establishment of a system to monitor the success of the inventory, and, once and for all, to collate, manage and perennially update it.

I trawled Assembly questions and found one on sustainable development targets, one of which is the same as the Executive's woodland creation target of 550 hectares a year. The question asked how much progress had been made on achieving that target and the reply stated that it could not be measured, because loss could not be measured. That Executive commitment is not being delivered, because they simply cannot measure the loss and, therefore, cannot measure afforestation.

Mr W Clarke:

Has an economic study been carried out that compares the value of hardwood with softwood to tourism, environmental habitats, and health and well-being?

Mr P Cregg:

Not so much has been done to measure the value of one against the other, but studies that have been undertaken by organisations such as health trusts in the West Midlands have measured how a green and treed environment assists patients' recovery rates. Such studies have enabled a figure to be calculated of savings made to the National Health Service by getting people out of wards and care homes more quickly. The West Midlands authority was being saved around £500,000 a year by having its patients in hospitals from which they could look out at treed areas.

Mr Martin:

Further to that, it is really important to have Northern Ireland-specific research. We often draw on findings from across the UK, but unless we have data that is specific to Northern Ireland, we will not be able to deliver on concrete, enduring policies.

Mr Wood:

A UK forestry research strategy is due for review. The Department for Environment, Food and Rural Affairs (DEFRA) organised that on behalf of the UK, and I mean not just GB but GB and Northern Ireland. Forest Service is involved in that, and it should be due for review, which is one reason that we suggested that an advisory body should advise on research priorities and programmes that relate to sustainable forest management in Northern Ireland.

Dr W McCrea:

Our role is to scrutinise — we are here to hear your views rather than your being here to hear ours. When you talk about the general duty of promoting forests, you make it abundantly clear

that forestry land does not simply include Forest Service land but takes in all Government land, local council land, and all the rest of it. Is it correct that that is a provision that you want included in the Bill, rather than, as it stands, have the general promotion of forestry linked to Forest Service?

Mr Wood:

Exactly.

Dr W McCrea:

However, you have no objection to compulsory powers per se, but are you saying that Forest Service should be subject to the rigours of public benefit tests when it comes to the power to dispose of sites or alter land use?

Mr Wood:

Exactly.

Dr W McCrea:

You consider the failure to state that clearly in the Bill to be a great weakness. A vital part of your submission states that ancient and long-established woodlands must have proper, absolute protection. Do you believe the protection that is afforded in the Bill as drafted not to be adequate? If it is not, how can it be achieved in the Bill?

Mr P Cregg:

The point of “absolute” protection is very important. The destruction of ancient woodland — a finite resource — must be a no-no. We are asking for the Bill to include a presumption against granting licences for people who wish to destroy ancient woodland.

Dr W McCrea:

Both of your presentations state that a third of that ancient woodland has already been degraded. That is not an acceptable position. Are the Woodland Trust and the RSPB asking for steps to be taken to restore that land?

Mr P Cregg:

Yes.

Dr W McCrea:

The felling licence requirement appears to be important to the trust and the society. Here we have Forest Service, which owns 70% of existing woodland, stating that everybody else but it must comply with the felling licence requirement.

You are making it abundantly clear that that is another totally unacceptable position.

You talked about the inventory of woodlands that are under your control and the knowledge that you have. Would it not have been sensible and natural for the Government to have already got that inventory? If they do have the inventory, is there some hesitation in the Government to give it to others so that everyone can have the overall information? If an advisory panel does not have the information, it cannot give the appropriate advice. If the Government do not have that inventory, why not? They must attain that information as a matter of urgency.

Mr P Cregg:

That is a very good point. The position is quite clear: how can you protect the environment if you do not know what is out there? Creating the inventory will not be a mammoth task. Lots of organisations, including the RSPB, the Woodland Trust, the National Trust, the Environment Agency and the Forest Service, have information and are willing to share it. Sharing the information would be a desk exercise; it would not be a major imposition on the public purse. We would know, once and for all, whether 6% of the country is covered in woodland, or 9% or something in between. We would know exactly what the task to double woodland cover would involve.

Dr W McCrea:

You talked about establishing a stakeholder advisory body. We certainly do not want to create another quango, because I assure you that the public will not accept more quangos. The public want the dismissal of a pile of quangos from the past, rather than the introduction of new ones. However, if I have picked it up correctly, you are not suggesting that; you are suggesting that an advisory body, rather than an official body, be set up. That would be advantageous in that, although the Department may dismiss what it says, the Committee would be able to scrutinise why the Department dismissed those comments. It would be another part of the gathering of information to be able to make judgement calls.

I am delighted that you received an invitation to meet the Department. To date, what in-depth discussions have you had with the Department on the Bill? Has the Department acknowledged your views by making relevant changes, or do you feel that it has been somewhat dismissive of your views?

Mr Wood:

To be fair to Forest Service, the RSPB was invited to a stakeholder meeting in July, once the Bill was in the public domain. A range of other organisations was there, and a constructive discussion took place that covered detailed issues, many of which have been raised today. We gave our opinion on various aspects of the Bill, including where we thought that it was deficient. We felt that it was not quite a new beginning for Forest Service, but we welcomed the positive engagement. That is the kind of engagement that we expect from an advisory body, which would work hard and include detailed thinking.

Dr W McCrea:

You said that that engagement process was constructive. The engagement should have been instructive as well as constructive. However, after that process, the Bill was produced, and all those aspects were not included. Therefore, how constructive was the engagement process in truth? It was a pleasant experience, but the Bill still contains the weaknesses that you mentioned. In many ways, the Bill is a regurgitation of old legislation.

Mr Wood:

The discussion took place after the Bill was in the public domain, not before. The only consultation that took place was when Forest Service wrote to us in 2008 with a general enquiry stating that the forestry strategy contains a broad commitment to introduce a new Bill and asking us what we thought should be in that Bill. There was no detailed proposal, so it was very difficult to try to work out what was being asked of us. We had to look at the 1953 legislation and work out how we thought that it should be improved. It was disappointing that there were no detailed proposals.

However, after the Bill was in the public domain, we had a discussion with Forest Service. It is really a matter of how detailed the discussion is from this point on. I would have preferred to have talked to Forest Service in more detail at an earlier stage, but that did not happen.

The Deputy Chairperson:

The proof of the pudding will be in the eating, and we will see how many changes the service is prepared to make.

Mr P Cregg:

Dr McCrea and I visited Dundonald House many years ago to raise those very issues with Forest Service in the run up to the introduction of the forestry strategy for Northern Ireland. We did not see much reflection of our discussions in that strategy, nor are we now seeing much —

The Deputy Chairperson:

So maybe it is not really a new Forest Service at all, Patrick.

Mr P Cregg:

It is in that Forest Service is willing to listen and to talk to us.

Mr Irwin:

Thank you for your presentation, which raised many valid points. I am a farmer myself, so I know fine well some of the difficulties that will arise. Farmers will not take very kindly to being told that Forest Service will have absolute power to do what it likes. You can tell a farmer that when you are trying to get him to plant trees.

An inventory of all woodland is the very first thing that should be created. That is common sense. However, I foresee difficulties. I have always said that I cannot see the woodland cover in Northern Ireland doubling unless a completely different approach is taken. As a farmer, I see no encouragement to plant trees. That is part of the problem.

Mr Cregg:

I agree entirely. That is why I said that we need to consider the incentives. The farming community are the custodians of the countryside that we town folk enjoy. We get on our bike, on a bus or in our cars and go out and enjoy the countryside and come back home in the evenings. There must be incentives, given the enjoyment that we get from the countryside. Those incentives need to go to the custodians, the farmers, who manage that land and try to make a living from it.

Mr Deputy Chairperson:

Thank you all for your presentations and your input. We know that you have the best interests of the industry at heart.