



Northern Ireland
Assembly

**COMMITTEE FOR
AGRICULTURE AND
RURAL DEVELOPMENT**

OFFICIAL REPORT
(Hansard)

Forestry Bill

21 January 2010

NORTHERN IRELAND ASSEMBLY

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RURAL DEVELOPMENT**

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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

Witnesses:

Professor Sue Christie) Northern Ireland Environment Link
Mr Geoff Nuttall)

Mr Brendan Friel)
Mr Stuart Goodall) Confederation of Forest Industries
Lord Hamilton)

Mr Wesley Aston) Ulster Farmers' Union
Mr Gregg Shannon)

Dr Caro-lynn Ferris)
Mr Brian Murphy) Countryside Access and Activities Network
Mr Dawson Stelfox)

The Chairperson (Mr Paisley Jnr):

I welcome the witnesses and thank them for attending this meeting at Castlewellan Forest Park. I apologise for the slight delay in starting; some Committee members had considerable distances to travel. I thank you for your patience. I ask people to turn off any mobile phones or electronic devices that they have, because they interfere with the recording equipment, and Hansard staff want to take an accurate record of today's meeting. Members also know that they should declare all interests, where appropriate.

I invite the representatives from the Northern Ireland Environment Link (NIEL) to make a presentation on the Forestry Bill. You are very welcome. As you know, we have been taking evidence from a number of organisations about that important piece of legislation; it is good to get out and about and take evidence from experts who work in the field — in the forest, I should say — and who understand the complexities, not only of what is currently going on, but of what is necessary to improve things for the future. I welcome Professor Sue Christie, the director, and Mr Geoff Nuttall. You are both very welcome to today's meeting. I would like you to make a presentation and give us your views, and then I and my fellow Committee members will ask you some questions.

Professor Sue Christie (Northern Ireland Environment Link):

Thank you very much. I will make a short introduction. Northern Ireland Environment Link is a network and forum body for voluntary environmental organisations in Northern Ireland. We represent 55 full member organisations, which are interested in all aspects of the environment, and their members, amounting to around 100,000 people in Northern Ireland. Geoff will give a brief introduction to the multiple benefits of woodland and the scope for using the Forestry Bill to achieve those benefits, and then I will speak about some specifics of the Bill.

Mr Geoff Nuttall (Northern Ireland Environment Link):

I am here in my capacity as a member of the executive committee of Northern Ireland Environment Link. Seamus Gallagher, the policy officer, had previously planned to be here. I will outline what our organisation sees as some of the key benefits of woodland, with the particular aim of highlighting why we think the Forestry Bill represents an important opportunity to maximise those benefits and why we feel that we are not necessarily maximising all the benefits of forestry and woodland that we could. I am conscious that the Committee has already taken evidence from quite a number of organisations, so apologies if I say anything that you have

heard before.

Woodland is a relatively scarce resource here, certainly when compared with woodland cover internationally. An often-quoted fact is that, at 6%, our percentage of woodland cover is the lowest of any country in Europe, with the exception of Iceland. The EU average is much higher. Actually, the majority of our woodland is not native but is state-owned coniferous plantation. There is only a very small amount left of the very rich resource that it is our natural woodland; that is particularly true of our ancient woodland, which is woodland that has existed continuously since 1600. In the past 50 years, we have lost 273 of our ancient woodlands.

Against that background, I would like to highlight the benefits of woodland beyond timber production.

The Chairperson:

Sorry to interrupt, but I have a question on that last point, which was passed over in a way that was almost blasé. Some 273 of our ancient woodlands were felled in the past 50 years. How many are actually left?

Mr Nuttall:

What we know, particularly from the work that the Woodland Trust has done, is that the mapped ancient woodland in Northern Ireland represents 0.08% of the land area, so it is a very small area. I cannot put a figure on how many woodlands there are, but those that remain are normally very small fragments of woodland. They tend to remain in river valleys that are inaccessible for other activities, and they tend to be in small clumps. Part of the issue, from a conservation point of view, is that those very small clumps of ancient woodlands would have even more biodiversity value if they could be linked and brought together. Those tiny fragments are left and, particularly in areas that were previously ancient woodland, there is potential to regenerate those areas, even over decades. Those tiny fragments are dotted around the country.

I will highlight the benefits of woodland, particularly those beyond forestry as an industry, which it clearly is in Northern Ireland. There are many other aspects to forestry, and we are keen that the Bill does its best to promote them. Woodland has recreation and leisure benefits, which are valued at over £400 million a year in Great Britain. However, woodland has other functions that will become even more important in the future, particularly those that affect

climate change and the projected changes in weather patterns. Not only can forestation reduce greenhouse gas emissions, it can help to deal with natural flood management and the kind of weather patterns that are occurring more frequently, such as sudden heavy downpours. Woodland has a role to play in regulating those aspects of the climate.

I mentioned the biodiversity value of woodland. The richness of woodland, particularly ancient woodland, as a biodiversity resource is not as widely understood as it could be. It is irreplaceable; once we lose it, we cannot restore it through newer forestation. Moreover, woodland has a high amenity value, and research suggests that house values can be substantially influenced by the presence of trees and woodland. Beyond those benefits, woodland has a positive effect on ecosystem services. That concept is increasingly coming to the fore, and the services that we take for granted from woodland are becoming more and more important.

From the point of view of the supply of resources such as fuel, our local industry is at the forefront of using wood as fuel, and Balcas will make a presentation today. Woodland is a valuable regulator of air quality, helps to purify water and can, potentially, treat sewage. Moreover, it can reduce noise substantially; when woodland disappears, the increase in noise is noticeable. Over and above that, woodland has a range of social benefits and a cultural value. Moreover, the availability of woodland spaces that people can use has a health value. Woodland can act as an outdoor classroom and an education resource. It is a rich resource that could be exploited even more.

I will highlight three particular areas where there is more scope to unlock those benefits. First, the recreational benefits of woodland and the associated economic benefits appear to be underplayed in the Bill, which tends to focus on forestry as a commercial timber activity. Secondly, the biodiversity benefits could be emphasised to ensure protection of the rich biodiversity in our oldest woodlands. Moreover, we should think about new woodland creation in a way that helps us to sustain and restore biodiversity. Thirdly, woodland has a natural flood-management role. For instance, my organisation, the World Wildlife Fund, has been keen to highlight the value of using the special environmental projects element of the countryside management scheme to help natural flood-management projects. My colleagues in Scotland have done a lot of work in that area, and I understand that £17 million is unspent in the special environmental projects strand. That resource could be used to unlock that benefit.

Before I hand over to Sue, I will outline why we feel that the current policy and legislation has not been sufficient to unlock those benefits. If we look at the current strategy and policy of the Forest Service, progress on the target to increase woodland cover by 12% in 50 years is not on track. In fact, we have seen a fall in the amount of new woodland creation over the past five years. We also had a commitment in the biodiversity strategy to develop a new woodland inventory. However, that strategy is nearly 10 years old, and we have not seen any move towards developing the inventory.

The key message that I want to put across to the Committee is that we have a golden opportunity to update the legislation. It is a long time since our last forestry legislation, and we have a choice now. We could take a cue from the old GB legislation, but we need to remember that it is 40 years old. Do we want to get the best that we can from the Bill to modernise our returns from forestry and woodland? Those are the key points that I wanted to make.

Professor Christie:

I want to stress that forestry is far more than just timber production and that there are opportunities in the Bill to optimise those additional public benefits. Forestry is a very important public resource, and it should be recognised and funded as such for the wider public benefit. Although important, the direct economic benefit of timber production is not the only benefit.

I will make a few comments about specific aspects of the Bill. First, the Bill's definition of forestry needs some amplification and should include greater detail on the other benefits of forestry and allow for some differentiation between its varied aspects. One aspect is commercial forestry, which largely involves softwood, and it has great benefits for timber production. It may be of less benefit to other areas, but it does have some biodiversity and recreational benefits.

Ancient woodland is, obviously, our most valuable and most restricted area of woodland. It is the most valuable for providing ecosystem services and wider public benefits for education and recreation. Therefore, it needs special protection.

Finally, short-rotation coppice and other crops are grown for energy production. The growth of such crops brings some benefits in that the land is used for forestry production, but it can also have additional biodiversity benefits. Short-rotation coppice is a crop that grows relatively rapidly, and, in contrast to long-term forestry, farmers can get in and out of that type of

production over a relatively short period. It can also provide benefits, such as flood management. However, it is a slightly different animal to normal timber production, and it is notably different to the creation of ancient woodland. Therefore, a differentiation between those three types of woodland would benefit the definition of woodland in the Bill.

The statutory purpose is slightly narrow. We believe that it should encourage and resource sustainable woodland through restoration, creation and management, and it should include some additional caveats on the benefits. The statutory purpose should apply to all woodland, both public and private. There should be a presumption against the felling of ancient and long-established woodland, and we need a requirement to produce an up-to-date woodland inventory. We have been planning to do that for nearly 10 years; it was originally mooted in the biodiversity strategy in 2000. We desperately need an up-to-date woodland inventory, because, if we are to have targets and monitor progress against them, we need to know what resources we have.

We have targets for woodland creation, which were talked about. There are targets in the Forest Service strategy and the Programme for Government. However, there are no targets in the Bill, and we recommend that it contains a target for the retention and creation of native woodland. The problem is that we are not on course to meet our existing targets, much less any new ones. We need to ensure that all woodland creation respects priority natural habitats and integrates all woodland functions to deliver maximum benefits. That does not mean that every bit of woodland creation has to deliver all benefits; it simply means that, overall, the programme should deliver all of the benefits that we are looking at.

We feel that the powers of the Department are a little bit too broad. There are no checks and balances on what the Department is allowed to do. For example, clause 4(1) states that:

“The Department may use or develop forestry land for a purpose other than forestry.”

That is meant to enable the development of facilities such as this one, the Grange in Castlewellan Forest Park. Unfortunately, it could also be used to enable the development of a housing estate or a commercial enterprise, so some specification is needed in that clause.

The incidental powers are also extremely broad, and they would seem to allow anything. As a form of check and balance on the Department’s powers, we propose that there should be some sort of forestry advisory committee to advise the Minister on how the powers are being used. I know that some of our members who have testified before the Committee in the past have made

similar proposals. Unlimited powers can lead to problems, and we feel that an external audit and external input would be most useful.

The advisory committee could also have a role in the protection of trees. The Bill allows the Department to protect tree growing by killing animals or entering into neighbouring properties to conduct forestry control. Presumably, that forestry control means dealing with diseased or invasive alien plants that might be endangering trees. All those powers are fine. The problem is that the powers are written so broadly that they could enable people to do absolutely anything. We worry that endangered plants or animals could be damaged, because the Bill enables the Department to act if it “reasonably suspects” that trees are likely to be damaged. That seems far too broad a power, and there needs to be some sort of check so that people can appeal.

We have wanted felling licences to be reintroduced to Northern Ireland for many years. We strongly welcome their reintroduction, because it is absolutely necessary. However, we request that the provision apply to the Government and the Forest Service as well as to everyone else. That would level the playing field and ensure that the same conditions apply to all. It is important that there are conditions to reduce the amount of pollution caused during and after felling and to ensure prompt reinstatement to prevent erosion and damage to the environment, both within the felled site and adjacent to it.

We stress the need for an ancient woodland inventory to ensure that no ancient woodland is felled by accident because no one knew that it was ancient woodland when the felling licence was applied for. A public register of significant applications and a consultation period would also be highly desirable. That would not apply to every person who wants to fell a small tree in their garden. However, there should be a public notice of a proposal to fell a significant area, because organisations such as the Woodland Trust may want to comment on that.

Ancient woodland and venerable trees have been mentioned several times. There needs to be a presumption against the felling of any ancient woodland. However, that, too, requires an inventory. Otherwise, we would not know where the venerable tree is, how old it is, and how to identify it if a felling licence were proposed. The inventory should also extend to conservation areas and trees that are subject to tree preservation orders.

The Bill enables a felling licence to be granted for planned permitted development. However,

that system seems almost back to front, because the Planning Service is not the expert on what woodland is suitable for felling, especially in the absence of an inventory. One would think that a felling licence, which will have been assessed by tree experts, would be required before planning permission is granted rather than afterwards. I can see the point of the measure, but it needs to be clarified.

Regarding compensation and fees, full cost recovery is admirable, and it is absolutely essential that the polluter pays. However, the proposal to allow compensation for a denied felling licence seems to open the Department up to great expense. Also, if it is felt that a compensation claim is possible, a licence may be granted to save public money. We have seen that in the past in certain areas in County Down.

Likewise, fees are very important, and we have no problem with fees for licences. However, they should not be used to generate income and, therefore, inappropriate felling. It is highly unlikely that that would happen, but it is something that should be covered in the Bill.

I have two additional minor points. We welcome strongly the general right of access to the public. We also propose that, under the clause entitled 'Interpretation', there should be a definition of ancient and long-established woodland. It could be a circular definition in that once we have a register, it will be listed on it, too.

The Chairperson:

Thank you for your helpful presentation. You both mentioned the current targets in the Programme for Government. What should those targets really be? You said that we are not on track to meet them anyway, but what is your idea of a rigorous target?

Mr Nuttall:

The existing target of doubling woodland cover is substantial, but will it be met? That would bring us up to 12% woodland cover, which would be more in keeping with other countries, but the European average is now over 40%. There should be a minimum of 12%, but it would be desirable to think beyond that target. There is a lack of confidence in setting higher targets until we feel that forestation is, for various reasons, more of a priority.

The Chairperson:

Would you agree with a financial incentive to plant?

Mr Nuttall:

Do you mean whether there should be one?

The Chairperson:

Yes.

Mr Nuttall:

Yes. There are some incentives through the woodland grant scheme and other such schemes, and there are also the special projects under the countryside management scheme. There is probably scope to look at other incentives and to increase incentives to bring us up from our low base and to maximise the value of woodland.

The Chairperson:

You seem to be suggesting that the incentives are too low to spur people on. Are you suggesting that, if they were set at a higher level and were more attractive, we would be on track to meet and, perhaps, exceed the target?

Mr Nuttall:

Increasing the incentives would certainly help. However, that should be backed up with an approach that would promote the range of activities that can be done in woodlands. The recreational element should be looked at. The Bill seems quite narrow. If promoting forestry involved a lot of other things as well as direct incentives to plant, it would enhance the situation.

The Chairperson:

Would you be able to guesstimate how far off the current target we are?

Mr Nuttall:

I do not have a figure.

Professor Christie:

No, I do not think that we have.

The Chairperson:

Would we be halfway there?

Mr Nuttall:

I do not have a specific figure.

The Chairperson:

One of the problems that we have encountered is the lack of an inventory, and Sue mentioned that. You are in the business, and you know the players. Why is there a resistance to drawing up a detailed inventory so that we can discuss the issue with some sort of evidence-based knowledge of forests?

Professor Christie:

It is probably not high enough up the Department's priority list. I do not think that anybody is saying that we should not have an inventory; it is just that the Department is saying that it is terribly sorry but it does not have it on its work programme this year.

The Chairperson:

Would it be that difficult to do it?

Professor Christie:

No, it would not. The Woodland Trust has already prepared an inventory of ancient woodland. We should have records of all the woodland that has been planted through forestry grants and so on. A lot of it could be done through a desk exercise that incorporates the information available from the geographical information system (GIS). I do not think that it would be difficult, and it should not be that expensive. There may be complications that I do not know about, and there would certainly have to be site visits to determine the type of woodland.

The Forest Service strategy target of 12% is grand. My problem is more with the time frame of 50 years — that is a long time. If the 12% is to include things like short-rotation coppice in our woodland inventory, we should be looking at a much shorter timescale for such a target. I do not know whether we need go beyond a 100% increase in the next 20 years: we would have to consider in detail by how much specific amounts of different types of woodland could be increased. However, at this point, the 50-year timescale must be addressed, not the 12%.

The Chairperson:

Is incentivising the marketplace the best way to address that?

Professor Christie:

Incentivising the marketplace and, as Geoff said, encouraging people to see the multitude of benefits that they might get, apart from the timber and grant benefits, by looking at grants to support woodland creation, flood alleviation, and climate change adaptation. In other words, look at a broader way to promote this to the landowner instead of looking at it as traditional timber outputs.

The Chairperson:

If a national forestry advisory committee were created to advise the Minister and provide external input, who would be on it?

Professor Christie:

Such a committee should contain a mixture of external experts and public representatives. We will have to come back to you with detailed proposals, but the committee would be external to the Department and would act as a check and balance on it. I am sure that such a committee would not want to comment on every proposal, but the Department must be subject to some sort of check on how it exercises the broad powers that it is given in the Act.

The Chairperson:

Would it be a large body with a committee-type structure, or would it be more like an ombudsman's office?

Professor Christie:

It could probably be done either way. I had not thought about using an ombudsman, but I do not see why there would be any problem with that, as long as he or she were accepted as being totally independent and not somebody who would say yes to anything proposed by the Department. I envision a small committee of 10 people as opposed to a huge committee.

Mr Nuttall:

The committee would need to reflect the broader purpose that we have argued is not in the Bill at

the moment. If we are going to promote recreation and access, it would be sensible to have expertise on how best to do so. The situation would be similar for woodland for energy production or flood mitigation. It is important that the committee is broad enough to maximise the different purposes of woodland.

Professor Christie:

Definitely.

The Chairperson:

You mentioned offering free recreational opportunities: would that be a sustainable way of developing more forest and woodland for recreational purposes?

Mr Nuttall:

I hope that I am reflecting the position of Northern Ireland Environment Link correctly. A balance has to be struck between doing more to promote access to woodland and encouraging more people into woodland. We do not want charging to be a disincentive to that, so the norm should be not to charge for access to woodland. However, there would probably be circumstances in which charges would be made for facilities and services in woodlands.

Professor Christie:

The differentiation is between the specific services that are available or the maintenance that is required. For example, there is a lot of path maintenance required in Castlewella Forest Park in contrast to charging for access to woodlands that have no paths or public access facilities, and so on.

The Chairperson:

Who should take up the slack in cost — the private sector or the government?

Professor Christie:

Does “private sector” mean landowner?

The Chairperson:

Yes, because whatever happens must be commercially viable. I have great sympathy for people who want to plant woodland to produce timber to sell as a raw material. That is a perfectly

sustainable way of making a living. However, the use of woodland must be sustainable and someone has to pay. At the moment, the ability of government to pay for more and more is becoming less and less, if you catch my drift. In making proposals, we must very clearly identify who will ultimately be responsible for the cost.

Professor Christie:

Many benefits are definitely public benefits: they do not accrue to any individual. The benefits will be to the public purse, which people pay into through, for instance, their rates. I do not see any problem with individuals paying for access to forest parks that have facilities from which they can benefit.

Mr Nuttall:

Some public money that might go towards promoting recreation or places for larger events that might take place in woodland could be an investment that levers in money to the economy through tourism. Scotland has been good at attracting events, for example mountain biking events, and the Countryside Access Activities Network (CAAN) has done much work in looking at those benefits. There is a public benefit, and, therefore, a case for public money to be spent. It must also be remembered that investment can bring in further money.

Mr Elliott:

Thank you for the presentation. I declare an interest. There is something that is not in the Bill, but it is something that you may have an interest in. Traditionally, in Northern Ireland, forests, particularly commercial forests, were planted on land that was of little agricultural value, such as hill land, mountain land and bog land. What is your view on the replanting of such land when the trees are cut down for commercial purposes? There is now a clear policy not to plant on such areas because most of them are protected to some degree.

Professor Christie:

There is a strong difference between replanting and initial planting. Most of that land is peat bog, which is a major carbon sink that should not be damaged. No new planting should be done on such areas. However, replanting is slightly different, because the land has already been damaged.

Mr Nuttall:

An inventory would really help us to understand the history of the land, particularly in the case of

land that was older woodland. Planted ancient woodland sites need to be prioritised for woodland restoration. The task of doing so is handicapped by not having the full picture of the history of those areas.

Professor Christie:

It is a case of horses for courses. Some sites will require intervention, and some will require something different. Each site must be assessed on what it was before, its current state and its potential. Some sites have high biodiversity value or high water storage value and so on, while others do not. Some areas may have been planted temporarily with soft woods but could return to hard woods, and that might be an excellent use for them. Each site needs to be considered individually when plans are made to cut down and replant. Sometimes, it is desirable to replant before the majority of the crop is cut down.

Mr Elliott:

It is a huge task to do that for each individual site.

Professor Christie:

Yes, but, when planning to cut a site, that work should be undertaken.

Mr Elliott:

In that case, I am concerned about the issue of farmers having a felling license and needing a management plan. Again, and I hope that you do mind me saying this; it is one of those environmental curses that we can sometimes do without. I do not mean to demean the need for it, but it may inhibit development, even from an environmental perspective, because people may decide that, instead of removing woodland and putting something better in its place, they will leave things as they are.

I want the ancient woodland to be protected, and I have sympathy and support for your issue with respect to the definition of established woodland. I fully support the introduction of a definite inventory. However, I am concerned that people may allow things to go on as they have done, rather than undertaking a significant management plan that could cost them a great deal of money.

Professor Christie:

I hope that management plans would not cost a great deal of money.

Mr Elliott:

OK.

Professor Christie:

The management plan need only be a quick assessment of things to think about, such as where the land came from and what it is used for. Small areas would probably not need to be examined in that way. I initially thought that you were talking about vast swathes of uplands that were planted by Forest Service, which should definitely consider the way the land was used.

Mr Elliott:

I was thinking about those as well.

In your presentation, you stated that 0.1% of ancient woodland remains. That figure is very small and would mean that if there was 10,000 acres of ancient woodland at one stage, there are only 10 acres left. How did you make that calculation?

Mr Nuttall:

Let me clarify that. As I alluded to earlier, the remaining ancient woodland covers 0.08% of the land areas. The wording used in the presentation is probably misleading, and I know what you are getting at. Really, we are saying that ancient woodland, which is woodland that predates 1600, makes up 0.1% of the land areas.

Mr Elliott:

You also stated that 273 ancient woodlands have been felled in the last 50 years.

Professor Christie:

That figure comes from data that we collected from the Woodland Trust.

Mr Nuttall:

I suppose your question is how the Woodland Trust has worked out that figure.

Mr Elliott:

That was one of my questions. My other question is how significant is it? Does the figure of 273 refer to ancient woodlands of an average size of 20 hectares or is it perhaps only 1 hectare?

Mr Nuttall:

It depends on how you are valuing the woodland, and from a biodiversity point of view, even a very small ancient woodland can have huge value, as it contains threatened species. However, the figure is calculated by assessing the best available historical records and identifying the locations of ancient woodlands on maps from pre-1600 and on those from 1830 onwards. If the woodlands that have been felled are on those maps then it is clear that they were ancient woodlands.

Mr Elliott:

I am aware of a number of portions of land that the Department has for sale at the moment. What is your view of the Department selling off substantial portions of land as opposed to planting woodland on it? Should the Department be selling that land for commercial purposes or utilising it for woodland or foresting?

Mr Nuttall:

Are you referring to land owned by the Forest Service?

Mr Elliott:

No. I am referring to land owned by the Department. However, as an agent of the Department, it would be quite easy for the Forest Service to utilise that land.

Mr Nuttall:

That goes back to the issue of whether we are maximising the value of land and woodland. If we are not meeting our reforestation targets, surely we must think about whether at least some land would be valuable for that purpose. I do not know whether we should take the view that the Department should not sell any land for commercial purposes, but in order to meet its targets on reforestation it should seriously think about using its land in that way.

Professor Christie:

It is horses for courses. I do not think that we are going to sell off Dundonald House — I mean I

think that we want to sell it off — *[Laughter.]*

The Chairperson:

That is a good idea. Perhaps we should make that a proposal.

Professor Christie:

The land that Dundonald House sits on is highly valuable for commercial purposes, whereas if we were considering a site on a hill, that might be more appropriate for forestry. It depends what the land is and what it could be used for.

Mr Nuttall:

It goes back to the issue of how judging the value of the land will depend on how broadly you are thinking of using it. If you are considering using it for timber production you can assign a certain value to it, but if you are thinking more broadly about recreation, biodiversity and other uses then you must think differently about the value of that land.

Mr W Clarke:

I thank the witnesses for their presentation.

One of the biggest gaps that I can see in the Bill relates to climate change, which should be included in the general duty on the Department that is dealt with in clause 1 of the Bill. The Bill is going to be with us for a considerable period of time, and I think that that duty should be built into the legislation.

The Department and Forest Service will have to consider the issues you have outlined — greater use of construction, biomass, club management, carbon sinks around towns, pests and changes of climate and environment. The issue of climate change is fundamental, and must be included in the Bill. Perhaps you would like to speak about that first.

Professor Christie:

Absolutely. I could not agree more.

Mr W Clarke:

Should priority be given to broadleaf forestry and habitats in and around towns, to act as carbon

sinks as well as to have a recreational and tourism purpose, and also for health and well-being?

Professor Christie:

Yes; native broadleaf. That will be done with a mind to thinking about what the climate is going to be in the future and what species are likely to be able to continue to grow here, some of which may be at the edge of their tolerance already. We need to think about what species we want to plant in relation to their benefits throughout the spectrum and their ability to survive in the future. A tree that is planted now will only be maturing in around 100 years: the environment will be very different then.

Mr W Clarke:

At the moment, I do not believe that tree preservation orders are working. There could be a situation in which a developer cuts down 100 protected trees and, most of the time, faces no prosecution whatsoever. Should the Bill make provisions for the Forest Service to take control of tree preservation orders from the DOE? The system is not working at the moment.

Professor Christie:

It is certainly not working at the moment, and the idea that someone could “accidentally” back a bulldozer over a protected tree is appalling. We will have to go back and look in detail at proposals for a balance between Planning Service and the new powers for felling licenses. They certainly need to be fairly closely interrelated. I do not know how that can be done, because Planning Service has the traditional role of managing tree preservation orders. I agree that it has not done that effectively. It has been a source of much frustration for us for several years that all we have had are tree preservation orders and they have not been effective. There has been a lack of felling licences, which is why we are so happy that they are being introduced. However, I do not know whether just transferring the control of tree preservation orders to the DOE is the most effective way of doing it.

Mr Nuttall:

I know that there was previously an attempt, through the revision of the Planning Order, to try to strengthen tree preservation orders and increase the fines, because £5,000, as it was, was not a substantial disincentive to the developer. Probably even more significant is the fact that the limited amount of enforcement meant that there was no real feeling of threat. The DOE, certainly in the areas of enforcement and resourcing of tree officers, did not have enough people to be on

the ground identifying where tree preservation orders might need to be made and to stop notices pending a tree preservation order being made. The other key issue is that if there is a delay of any sort, the tree is already gone before a tree preservation order is made.

A proposal that has been made in the past is that woodland preservation orders should be introduced as opposed to tree preservation orders. Tree preservation orders focus on one individual tree, whereas woodlands are more than just the sum of their trees. They are habitats; the habitat between the trees and the undergrowth is of high value as well. There is a case for that. How it will be enforced, and whether the incentives and disincentives are strong enough, is more important than whether it is managed by DOE. Felling licences are the other side of the coin, through which DARD would at least have another weapon in the armoury to try to prevent those sorts of losses.

Professor Christie:

Whether it is the same Department doing both or there is just very strong integration between the two, a co-ordinated approach is an absolute requirement, because things could easily fall through the gaps if there is no co-ordination. It is all about being taken seriously. That is what was lacking in the past; there was no enforcement, no allocation of officers or application of tree preservation orders. Developers did not take things seriously because it did not cost them enough.

Mr W Clarke:

Is the Bill strong enough on recreation and working in partnership with councils and community groups to develop play facilities such as adventure playgrounds for children and teenagers, and educational nature projects? Is there potential for health and well-being — that instead of people getting prescriptions for mental health issues, they could have a year's subscription for car parking and access to forest parks?

Professor Christie:

That is a brilliant idea; it promotes the benefits of woodland to health and well-being. Access to the countryside is just as important for physical well-being, because you can get out and walk and help your heart. We are very keen to broaden the Bill and bring out those other benefits explicitly. Overall, that will enhance the way in which the woodland is viewed. Therefore, we need to make the Bill as strong as possible. We need to lead the UK in having a strong,

proactive, forward-thinking Forestry Bill, as opposed to catching up with its counterpart in Britain, which is already 30 years or 40 years out of date. We would welcome a stronger Bill.

Mr Burns:

The lack of forests here is disappointing. How do you encourage more people to plant broad leaf or create forests in which all those ideas about recreation and well-being could be put in place? We need legislation to protect forests, but we also need more commercial enterprise to encourage more people to plant forests. We should have had our ancient woodland. Where I come from, near Lough Neagh, would have been a tremendous environment for forests 100 years ago, but no one replaced the woodland that was cut down, which is one of the big problems that has to be overcome.

Professor Christie:

That is absolutely right: there needs to be a combined approach using fiscal incentives and raising awareness of the importance that woodland can have for recreation and other uses. Woodland can be planted by landowners now as recreational material for the future. However, the problem is that this is a long-term benefit. The woodland that is required for educational and recreational outputs has to be more mature than that for timber output. If a person is to invest now but not see a return for five years or 10 years, we need to front-load the fiscal incentives so that the benefits to the public are recognised in the grants schemes that are available for people to plant woodland.

Mr Nuttall:

It might help to allow the countryside management scheme to tie landowners into longer-term agreements for 10 years or 15 years. There should be incentives to grow hardwoods that mature more slowly. Perhaps we could maximise, through the countryside management scheme and, when the next rural development programme comes on stream, which might provide stronger incentives for landowners to develop land management that will pay in the longer term.

Professor Christie:

If that is tied in with the climate change benefit, it can be another very strong argument for why more woodland is needed.

Mr Burns:

Northern Ireland farms are relatively small. Farmers here do not have country estates or thousands of acres and cannot decide to plant one hundred acres or more. Our problem is that our people operate on a much smaller scale. The situation requires big businesses or people with a long-term view of a commercial return to plant thousands of acres to make a real significant difference now and in 25 years' time.

Professor Christie:

It will have to be government-led. If a farmer who has 10,000 acres of land wants to allocate 2% of it to woodland; that is great. If they only have 10 acres, they will not be able to produce anything, so that cannot really be done. If thousands of acres are to be planted in single swathes, government will have to co-ordinate that and fund it. Otherwise, we will end up with tiny areas of land being planted, with a quarter hectare here and half a hectare there. We need to address that.

Mr Burns:

It is neither here nor there in the countryside. There needs to be real swathes of planting, which would then develop forestry, forest parks, recreation and so on. That cannot be done with a very small area; for example, with half a hectare. I agree that the scheme should be Government led, but some serious planting really has to be undertaken.

The Chairperson:

Professor Christie and Mr Nuttall, thank you very much for your time and presentation, and for taking those questions.

We now move to an oral presentation on the Forestry Bill by the Confederation of Forest Industries (ConFor). Brendan Friel, Stuart Goodall and Lord Hamilton, you are all very welcome to today's meeting of our Agriculture Committee. The floor is yours. We are eager to hear your presentation, after which we will go through the rigmarole of asking questions.

Mr Stuart Goodall (Confederation of Forest Industries):

Thank you, Chairman. I will give a general introduction and a recap of the paper that we sent as evidence to the Committee. I hope that there will be plenty of time afterwards for members to ask questions of the three of us.

I am chief executive of the Confederation of Forest Industries (ConFor), which represents businesses across the forest industry and the wood-using supply chain. In practice, we are delivering the sustainability, which you talked about earlier, through the mills that provide income to the public and private sector woodland owners, management companies and experts. We provide services to woodland owners, which helps to deliver the sustainable forest management of the woodlands across Northern Ireland.

In recent decades, we have seen the development of a modern, competitive forestry and wood sector in Northern Ireland that delivers green jobs and business growth, as well as tackling carbon through the planting of trees, as we already heard, through providing timber for renewable energy and providing wood for construction, for example. That is the use of wood in its solid form, where carbon is locked up for long periods. However, it is a product that has a very carbon-lean profile and, therefore, can reduce carbon emissions from the production of steel, concrete, plastics and so on. That is beneficial to the development of a low-carbon economy, and we would welcome recognition of that in the Bill.

There seems to be opportunity for further growth in the sector, and the Bill should recognise the opportunity to deliver a low-carbon economy. The Forest Service has played an important role in that area over the decades, and it should work with the private sector to continue the growth of forestry businesses. Moreover, we hope that the Bill will reference a desire to increase the area of woodland. Doubling the amount of woodland is a very ambitious target, but it is good to set an ambitious target on which to focus our minds and efforts. The Bill should include recognition of the importance of maintaining and, hopefully, increasing the supply of wood. Forestry is a long-term business, and businesses in that sector require long-term confidence and security, which, if it is in place, will support the significant investment that has taken place.

The Bill should reflect the importance of recognising the biodiversity and recreational value of all types of woodland. As previous witnesses have said, ancient woodland is very important. At the same time, the biodiversity and recreational benefits of softwoods have never been properly recognised in public policy. We should not consider softwoods to be the forests that we planted in the 1970s, the 1960s or earlier. At that time, the intention was to put as many trees in the ground as quickly as possible, without any real thought for landscape, the environment, people or wildlife. That is no longer the case. Modern forestry standards, which are agreed by all stakeholders, environmental organisations and social and business organisations, ensure that we

manage our forests in a much more modern way and provide opportunities for access and much increased biodiversity and mixtures of species. Commercial forestry is good for a low-carbon economy and for biodiversity and access.

Another key element of the Bill is felling licensing. As a sector, we never welcome new regulation. However, we recognise that felling licensing has a role. Due diligence legislation that is being considered by the EU and is likely to be approved in the short term is causing pressure and will require people to be able to demonstrate where they buy timber from. A felling licence may be the way to tackle such issues. Our key concern is the wish to charge for felling licensing. That does not happen in the Republic or in Great Britain. We want to point out very strongly that the Bill's objective is to deliver sustainable forest management and to encourage people to manage their woods sustainably and to recognise that it involves the production of wood. It should encourage people to plant new woodlands. If we introduce a measure that is seen as a disincentive, it will be harder to achieve the Bill's overall aims. We support the removal of any proposal to charge for felling licences.

Moreover, the concern that has arisen from experience in Great Britain is the way in which the mechanism of felling licensing will be applied. Will it be done with a light or heavy touch? A heavy touch will act as a disincentive for people to manage their woods, because that will become such an onerous, difficult and drawn-out experience. The vast majority those long, drawn-out cases do not result in any significant change to the process; it is merely an issue of capacity and of people wanting to ask questions. We recommend that the administration be carried out with a light touch.

I will touch on some other aspects of the Bill. As we have highlighted previously, the clauses relating to compulsory acquisition are written very broadly and would benefit from proper definition. We recognise that there are issues around access and development in certain cases and that the ability to acquire land compulsorily will, therefore, be beneficial to the Department. However, we wish to ensure that that power is not drawn too broadly and that it is exercised only as a last resort. The Department must try to find ways around access issues rather than simply jump straight to compulsory acquisition. Given that the private sector sometimes suffers from similar access issues, we wondered whether there was an opportunity for Forest Service to operate an access policy and to work with the private sector to solve problems there too.

We recognise that deer can be a problem. However, it is important that Forest Service acts only where there is a problem, rather than simply trying to do everything itself. Whether Forest Service has the capacity to take such action is an important issue, but there are benefits of working in concert with the private sector to address that. Deer do not just stay in one place. Therefore, if one wants to control them, one cannot expect that they will be adjacent to Forest Service woodland next week, for instance, because they move around. If there is a need to control the deer population, it is better that that is done through a co-ordinated policy with the private sector.

Finally, people are pushing for access to woodlands, and the number of requests seems to be increasing everywhere. Such access needs to be introduced in a way that is sensitive to the other uses of forests, so that it does not undermine the wider sustainability of the activities involved in managing forests, whether those are in the public or private sector. That was just a quick run-through of the issues. We are happy to answer members' questions.

The Chairperson:

Thank you for your presentation and for the briefing paper that you forwarded to the Committee. That was very helpful because it covered all the relevant issues. It is important that the Committee and, indeed, the public grasp the extent of business that goes on in Forest Service.

Your submission states:

“It is estimated that wood processing businesses alone provide £9.2m of wages, in addition to the £33.5m of estimated expenditure on goods and services.”

That is a significant and encouraging identification of what forestry businesses provide to Northern Ireland.

I am of the view that legislation and government should be there to help rather than to hinder or restrict opportunities. What can the Bill do to help to grow that wage base and investment in the economy? What could be added to the Bill to benefit the industry, so that in 10 or 15 years' time, the industry will provide double the amount of wages as a result of Forest Service?

Mr Goodall:

I will give you a few quick ideas, and then my colleagues can jump in with their answers. This comes back to the key points in our submission. Wood-processing is a long-term business, and people need to have confidence in it. People need to be reassured that, if the Government invest

in a mill or in upgrading a mill, such as Balcas, there will be continued timber supplies in future. Therefore, Forest Service, as the principle supplier of timber, must provide reassurance through statements about its production and about what it intends to do for the future, and the Government, who are responsible for managing the public estate on behalf of people in Northern Ireland, must say that they will recognise and support that.

The area of new planting should be increased. At the moment, we are processing far more wood in Northern Ireland than we are producing, because we are pulling in supplies from elsewhere. That demonstrates how competitive the sector is. It also means that the sector has the opportunity to expand, if we can get more wood in the ground.

There is also an opportunity to look at different types of forestry. Short-rotation coppice was mentioned earlier. It has been quite difficult for that to take off because it is competing with high-value agriculture cereal crops. However, short-rotation forestry is an attractive mechanism, because it takes between 16 and 19 years and sits between conventional 40-year rotation forestry and short-rotation coppice, which takes between five and eight years. Encouraging planting and providing security of supply will help the industry, as will recognising the benefit of using wood as a product in renewable energy, which has already been highlighted, and in construction. Achieving greater recognition of the value that carbon-based products can add in areas such as construction, where they help us to tackle climate change, would help mills to be successful and to plan for the future. The Government should take a lead in promoting that idea and, perhaps, deliver things through other policy areas, such as —

The Chairperson:

Would such a programme have to be incentivised, and, if so, what should the incentives be?

Mr Goodall:

You would have to give the matter some thought, but there are various mechanisms that you could look at. You could label products to ensure that people understand that there is carbon in them. Indeed, a BSI standard already exists for embedded-carbon products, so, if a wooden product is competing with one made from another material, anyone thinking of buying the product to utilise it in construction would immediately realise that the wooden option would result in a significantly better carbon benefit. Equally, by recognising and encouraging the use of wood, through the use of British standards, Building Control would be helping to build the

market for wood products. Those things are soft measures, which do not require finance. We realise that public finances will be, to put it mildly, stretched in the coming year.

The Chairperson:

There are already incentives for certain types of planting. You will probably take the view that they are either targeted at the wrong sectors or they could go further in targeting the sort of things that you have just identified. Is that right?

Mr Goodall:

The recent increase in the grant that is available for planting will help, but there is also a hearts-and-minds aspect. People need to understand how forestry can fit in with their landownership and that it is a positive thing. They need to see planting trees as something that they want to do. Forcing a farmer to plant trees is not the way to achieve new planting objectives. However, if, as part of landholding or estate holding, planting trees is seen as an attractive thing to do, and people recognise that there is value to the product that comes from faster growing measures, such as short-rotation forestry, they will be encouraged to go down that route. Such measures require promotion and engagement.

The Chairperson:

If, in your dream scenario, the Department were to give you a blank sheet of paper and ask you to write down one thing that you would like to see in the Bill and that would make a significant difference, could you come up with anything?

Mr Goodall:

It would involve securing a clear promise that wood supplies would increase for the existing processing industry and for the growing wood-fuel industry. Such a commitment would send a strong message to everybody involved that sustainable forest management is a route to go down. We are not looking to go back to mid-twentieth-century policies — planting trees for the sake of it. Modern forestry is about delivering a variety of objectives.

The Chairperson:

I want to put on record what you said, because, importantly, the latest investment figures estimate that the forest products sector will be worth approximately £13 million a year, including the material that will go to the first combined heat and power (CHP) plant in Northern Ireland. The

wood supply sector is responsible for tens of millions of pounds of investment. It is important, therefore, that people grasp the potential of forestry and recognise the commitment that already exists in the private sector to develop it.

Mr Brendan Friel (Confederation of Forest Industries):

We would not have invested — and firms other than Balcas have invested in new processing equipment — without a joint approach by the Department. Otherwise, there was no way that we would have got the funding to go ahead with an investment of £25 million in a CHP plant and a new sawmill.

My dream is to achieve a 50% increase in forest, which is desperately important as we go forward, because, as you said, in Northern Ireland, the processing sector utilises approximately 800,000 tons of wood. The Forest Service produces 400,000 tons, so we are importing a lot of wood from other places. It would be good to get the raw material here.

The Chairperson:

That is a good point. I want to turn to the issue of felling licences. Again, you identified the kernel of that issue when you said that there is no charge for such licences in GB or in the Republic of Ireland. In your written submission you state:

“A charge could well act as a disincentive to plant new woods or manage existing woodlands.”

You go on to make a strong point that:

“This would have the perverse effect of undermining the central purpose of the Bill.”

Again, it is important that the Committee understands what felling licence charges would mean to your industry. How much would felling licences cost your members in a year, if those charges were to be enacted?

Lord Hamilton (Confederation of Forest Industries):

We have not had any indication of what they would cost. One indication is that the Forest Service would like to bring in charges in the future rather than immediately. From a grower’s point of view — that is my profession — it would act as a total disincentive. It would be just a further burden of bureaucracy and cost that we could really do without. At the moment, the business is marginal at best. We want to find better ways to reduce costs in our business and expand income. A further charge will be just a choke around the neck of our business and will

make us less competitive with growers in Scotland and the Irish Republic.

The Chairperson:

Essentially, given what Mr Goodall and Mr Friel and our previous witnesses said about the desire for planting and for more raw materials, a felling licence would take away the incentive to even go down that road.

Lord Hamilton:

Felling licences are a slightly different issue for us. First, EU regulations are coming in that will make it better to have a felling licence. Our problem and the reality will be that, if there is a charge for that felling licence, it will act as a financial penalty for people in this business in the commercial sector. That is totally wrong.

As it is, we are working towards having long-term management plans for our forest, which absorbs a huge amount of time and huge costs, but that is part and parcel of doing the business in a professional manner, and we accept that that is the methodology with which we have to work. To have a further penalty as part of that will not wash, and it will not attract new people to forestry, which is the name of the game. The Forest Service's ambition is that the private sector will create an additional 150,000 hectares of woodland in the next 40 years. That works out at roughly 3,745 hectares a year of new additional planting by us. How are we going to do it, and why do we want to do it? We do not want to do it if people are going to impose more regulations and the costs associated with those regulations.

The Chairperson:

If this Committee were to make a recommendation that there should be no charge for that licence, would you agree with that?

Lord Hamilton:

Very much so.

The Chairperson:

We will note that.

Mr Elliott:

Thank you very much for your presentation. I note that, in your presentation, you said that there was an average of 44% woodland cover in Europe. In other submissions that figure varies considerably. Environment Link told us that it was 37%. We have had indications that the percentage in the European Union is somewhere between 28% and 44%. That represents quite a difference, and we need to have a reasonably accurate figure.

The Chairperson:

We have seen throughout this exercise that there is no proper research base from which we can start to investigate.

Mr Elliott:

It was just a comment, Chairperson.

I will return to felling licensing; my initial thought was to oppose it altogether. I accept the need to protect ancient woodland, but I am concerned not only about the cost of a felling licence but the cost of a bureaucratic management plan. That concerns me more, because they can build anything into that if they so wish. I thought that a management licence would be needed once an inventory of ancient woodland was completed, but that licensing for commercial forests would involve a simple application process. Would that be a reasonable approach?

Mr Friel:

I must point out that we cannot sell any wood unless it is certified. To be certified, we have to make sure that the wood has come from a legal source, which means that all our suppliers, including the Forest Service and private enterprises, must already have a management plan certified by the Forest Stewardship Council (FSC). That certification sets rigorous standards. Therefore, the owner must certify the wood before we can take it. That process is costly; it involves auditors, it takes a long time and the owner must provide a plan. A felling licence on top of that would be an added burden. I am saying that there already has to be a management plan that proves sustainability.

Mr Elliott:

So, something is already in place.

Mr Friel:

Yes.

Mr Elliott:

OK. Provided that the legislation could run alongside that, would most people be reasonably happy?

Mr Friel:

Yes, very much so.

Lord Hamilton:

It is now the accepted norm in Europe that anyone involved in commercial forestry is certified.

Mr Elliott:

What are your thoughts about the Department requiring a felling licence, if commercial operators need one?

Mr Friel:

The Department must have FSC certification, or we could not take its wood. The Department must already provide that management plan. The same applies to the Republic of Ireland and Scotland, from which we buy quite a lot of wood. Wood cannot be traded unless it is certified.

The Chairperson:

That is useful to know. Like Tom Elliott, I thought that the Department had a free hand.

Mr Friel:

For some reason, forestry is way ahead of what is happening in the certification of food products. It started because of the destruction of the rain forests in Brazil and other places, but certification is now worldwide. Nowadays, all wood is certified. If someone or some Government body wants to start using wood pellets for, for example, heating, the first thing that they must do is prove the sustainability of the wood that is used, and that is done through the FSC.

Mr Elliott:

OK. That leads me to the relationship between the Forest Service as a commercial operator and

the private commercial forest operators. At present, does the Forest Service enjoy an advantage over private operators that the legislation fails to address? As a Government agency, I assume that the Forest Service need not return the same degree of profit as a commercial operator. Does the Forest Service dictate the market price?

Mr Goodall:

We have looked at that, not so much as regards price, but in respect of profitability and activity in Northern Ireland and the rest of GB. It is about what one aims to deliver from woodland and whether that can be made a sustainable activity. For example, if a Forest Service is expected to deliver more visitor and associated facilities, the only way that it can do so is by clearly identifying and managing that commercial activity and producing timber around it. The private sector would strip out all those other overheads. I am not aware that we have that level of information; we have struggled to get hold of it.

Lord Hamilton:

It could be a lot worse. In certain other parts of GB, the relationship between the private and public sector is pretty abysmal. Our relationship with the Northern Ireland Forest Service is very good. The service is professional and does a good job. It showed a lot of leadership in underpinning investment and allowing it to occur in Northern Ireland, such as the development of the combined heat and power (CHP) plant at Balcas and other initiatives. The service has delivered many benefits, and should be congratulated for showing a lot of foresight.

Like all things, the Forest Service is not perfect. We are not perfect. If the new stocking of woodland continues and gathers momentum, we expect that, by 2050, the balance between the hectareage that the public estate holds and that which is held by the private sector will be slightly different. In time, that will even out. I do not think that any adverse price manipulation occurs in the market, certainly not from a grower's point of view.

Mr Elliott:

That is interesting. How much of the wood that goes into commercial activity comes from Forest Service?

Mr Friel:

The processing sector uses 800,000 cu m, 400,000 cu m, or around 50%, of which is produced in

Northern Ireland.

The Chairperson:

Where else is wood taken from, once the Northern Ireland supply is exhausted?

Mr Friel:

It is taken principally from the Republic of Ireland, and around 100,000 cu m comes from Scotland.

Mr Elliott:

I assume that not all of that 400,000 cu m is produced by Forest Service.

Mr Friel:

Forest Service produces 400,000 cu m, and the private sector in Northern Ireland probably produces around 30,000 cu m.

Mr Elliott:

The Forest Service is really dominant; it has 90% of the Northern Ireland market.

Lord Hamilton:

Our organisation beseeches government to create a level playing field between the private sector and the public sector in any commercial matter. If felling licences are to be introduced, what is good for us should be good for the public sector.

Mr Elliott:

I assume that you hold the same view on compulsory acquisition.

Lord Hamilton:

That issue is perhaps a little trickier.

Mr Goodall:

The principle is the same. Rather than putting costs on Forest Service, we would rather that costs were not put onto the private sector. That is how a balanced relationship can be maintained. If the ability is given to resolve a problem in the public sector, a commitment should be made to help resolve similar problems in the private sector.

Mr Elliott:

From that I detect that you would not be opposed to compulsory acquisition with limited purpose but that it should be available for the private sector as well as the public sector.

Mr Goodall:

We do not want the private sector to have compulsory purchase rights.

Mr Elliott:

Let us call a spade a spade.

Mr Goodall:

Measures can be taken to help the private sector to gain access. Forest Service has a role in supporting sustainable forest management, and it has been supporting that successful sector. If accessing hard-to-get-to timber is part of that, we want the Forest Service to help, but we will not ask it to acquire land compulsorily on our behalf.

Mr W Clarke:

You said that the Bill proposes that a management plan will be needed for a felling licence. Is a management plan already needed to obtain a grant from the Department?

Lord Hamilton:

Invariably, that is the case. It depends on the scale of the operation. FSC certification is required to sell wood to the market.

Mr W Clarke:

The management plan could be duplicated for the purpose of obtaining a felling licence.

Lord Hamilton:

Yes, the fact that an organisation is certified by the FSC should be good enough.

Mr W Clarke:

The management plan and FSC certification could dovetail.

Lord Hamilton:

They could dovetail easily, or a felling licence could be granted automatically as a result of being certified by the FSC.

Mr W Clarke:

That is the way forward.

Lord Hamilton:

It should save money, because it would not require more people to do the paperwork.

Mr W Clarke:

What incentives could be put in place beyond those that currently exist? Perhaps you think that the current incentives are sufficient? I am not a farmer, and I find it hard to believe that some farmers would not go into forestry, because I think that it is a viable business opportunity, particularly for older farmers, for whom I see it as a pension scheme.

In any case, an EU directive will be introduced for farmers, because they will have to offset their emissions from agriculture. They will have to either get rid of their cows or offset emissions. The Department must encourage farmers to think about that need to offset methane emissions from agricultural production. That would help, but farmers must be proactive on that. What are your thoughts on that?

At present, what percentages of softwood and hardwood are used in the industry in Ireland?

Mr Friel:

The use of hardwood is at almost 0%. I do not believe that there is any hardwood industry left in Ireland. Some people might use it for hobby work, although that would be all.

Mr W Clarke:

Does that mean that all the wood that is used in Ireland is softwood?

Mr Friel:

All of it is softwood. On the island of Ireland, the industry uses around 2.2 million cubic metres per annum.

Mr W Clarke:

That gives an idea of the scale. I believe that there is a balance to be struck with the use of softwoods in recreational pursuits. That applies particularly to activity tourism, such as mountain biking, pony trekking and the use of log cabins in holiday destinations. That is all compatible. The point is to achieve that mix, and hopefully the Bill will do so.

Can you outline the potential for biomass? What weaknesses do you see in central government's promotion of biomass?

Mr Goodall:

I will comment quickly on some of your earlier remarks. You mentioned centralisation and Europe. I agree with you. The EU is looking away from direct support for production to more land-based support. As we mentioned before, if there were a level playing field with agriculture and forestry — as in land-based support that includes forestry as part of someone's holding — that would make a big difference in encouraging farmers to plant trees.

The carbon element is important. If we look at projections for the reduction of carbon emissions, the level that we will reach by 2050 will still include a significant amount of agricultural emissions, which is because they are difficult to reduce. They are a big part of the total amount of emissions. It could be seen as an encouraging incentive if people could consider how to introduce forestry on to their land holding with the aim of reducing the overall carbon footprint of their farm or estate.

It is a matter of great regret that we do not have a competitive hardwood industry. That is not just the situation in Northern Ireland; it is similar in GB. Unfortunately, our neighbours in France, Belgium and other parts of the continent grow hardwoods much more quickly and effectively than we do. They have a historical industry in place. Therefore, although we would like to see the hardwood industry springing up and supporting the sustainable management of hardwood forestry, that would not be practical. That is an important point.

The Chairperson:

I assume that climate is the reason for that.

Mr Goodall:

The reason is partly climate and partly having the right trees. Growing trees is about selection over hundreds of years. You identify trees that grow well, fast and straight and that, therefore, give you high-value timber. Those countries have been doing that for centuries. We have lost that tradition over many hundreds of years. It would, therefore, take us hundreds of years to get it back. However, it is a nice ambition.

The Chairperson:

Is there nothing that we can do to leapfrog that process?

Mr Goodall:

No; it is difficult.

Lord Hamilton:

A great deal of genetic engineering goes on, certainly in America and elsewhere in Europe, and it will be years upon years before we know the outcome of that research.

Mr Goodall:

Bringing back hardwoods will still require an owner to say that he or she will take woodland and manage it for 100-odd years.

Mr Friel:

That is a hell of a long-term investment.

Mr Goodall:

We do not have any hang-ups about different types of trees. We like all trees. However, if you look at it in business terms, in reality, ours is a softwood industry.

Mr W Clarke:

Is there potential to have a short-term work plan for recreational pursuits, including activities and tours, in a broadleaf, hardwood forest while also having the longer-term goal of harvesting sections and having mixed forest? I think that that should be considered.

Mr Goodall:

If you embark on any forestry, you must think long term. The intention of a great deal of forestry in GB, particularly in England, is just to get trees into the ground. That is the objective. After that, owners walk away, and ground support disappears after 15 or 20 years. What is left is just scrubby woodland that, because it is not being supported, does not have much benefit and does not deliver what people wanted from the land. You have to take people with you and tell them that you want them to manage the woods in the long term. It would then be possible to create self-sustaining forestry, which is very attractive for access and biodiversity, that has a mixture of species, including hardwoods. That then produces very high-value wood on a sustainable basis, which helps to pay for the management of the forestry, meaning that there is no need for the public purse or someone else to continually fund support for it. That sort of element is part of a lot of the public policy thinking.

At the beginning of this session, I said that I would try to answer a whole bunch of questions about renewable energies in one go. Clearly, Northern Ireland is importing a lot of energy, and wood is an effective way of delivering energy, particularly at a local level. The wood sector is not going to provide the solution to renewable energy in Northern Ireland, or to energy generally, but it can play a useful role, and we could be getting more from the existing woodland resource. It is good to see government providing the right sort of policy framework and incentive mechanisms to encourage people to manage woods sustainability. That policy framework includes the felling licensing bureaucracy, because it is seen as a beneficial mechanism to get wood out in a sustainable way as part of a certified activity. That will help.

It is not just about taking wood straight from the forest. For example, wood is taken into a mill, where around 50% is used as solid timber, and the other 50% can be used for other things.

Mr Friel:

We are way ahead of Great Britain in that we are almost in balance. Most of our residues are being used to produce electricity and pellets, and it will be very difficult to take another step without doing something else with the Forest Service. We are doing as much work as we can to see whether we can utilise the forest brash as an alternative. However, a lot is needed to make a viable project. We are looking at everything. Every saw man in Northern Ireland is looking at ways in which they can utilise the residue better to generate electricity or to make pellets.

Lord Hamilton:

There is not a huge amount of supply to spare in the island of Ireland for the biomass market. I will sound a word of caution about the willow that is used for short-rotation coppice. The Government seem to love it, or they have loved it for a period of time, but if you talk to people in the industry, they will tell you that they will not touch it. There is a need for caution when applying it.

The Chairperson:

That is interesting, because there has been a kind of love affair with the willow.

Lord Hamilton:

On paper it makes total sense, but the actual practicalities and realities that are involved in the process are very different. It would be a total disaster if too many people saw willow as an alternative land-use methodology and then found out that it does not really add up to what it is sold as. Having said that, in certain specific ways the use of willow is absolutely fine, but one needs to proceed with a degree of caution about it. That is why the halfway house that Stuart alluded to earlier exists; that is, short-rotation forestry, which has the ability to flex the product into the biomass market and also into alternative hardwood or soft hardwood markets. It gives the farmer access to two potential markets.

Mr W Clarke:

Is that because willow has a low calorific value? Why is the industry not —

Lord Hamilton:

Willow grows naturally in wet, boggy areas, and producing biomass energy involves burning something, so the logic does not immediately add up. Willow absorbs a huge amount of moisture. When it is chipped, it is a very bulky product, so it requires a lot more space than woodchips. It is a far more intricate industry in itself and is not easy to jump into. There are not many willow harvesters in the island of Ireland; indeed, I think that there may be only one or two. Practical issues are involved.

Mr W Clarke:

Does that mean that there is a cost to drying it?

Lord Hamilton:

Yes. Our climate is very humid, so consideration must be given to ways of drying the willow. The most economic method is air drying. Using energy to dry woodchips defeats the purpose slightly. There are a lot of different things to think about, so you have to be very cautious about saying that the use of willow will mitigate a huge issue for us while trying to get us to hit our targets of planting 3,000-odd hectares each year.

Mr Burns:

With our natural environment and weather, what sort of trees would grow better, quicker and be more profitable here in Northern Ireland? You talked about countries in Europe being more into hardwood than softwood trees and having more experience of the exact type of trees that suit their areas. With our climate and great natural resource, people would think that we could easily grow trees naturally. Is that the case?

Lord Hamilton:

Yes; we grow softwood trees very well, and some of our growth rates for them are astronomic compared with the rates in other European countries. Our favoured species to grow is the Sikta spruce, because it is very well suited to our climate and grows 10% to 20% faster here than it would in France, for example.

Mr Burns:

Why is that?

Lord Hamilton:

We have the ideal conditions for it to grow in; that is, high precipitation and a very mild climate. That could change, and depending on how the climate changes, we may have to look for a totally different species to grow. We may need to look at species from the pine varieties.

Mr Burns:

As a grower, you have experience and know what species will grow in particular areas, what species will grow quickly and what woodland crop is the most efficient that could be grown here.

Lord Hamilton:

Yes, but we will have to start to adapt our methodology, and we do not quite know where we are

going. Everyone in the agriculture sector is unclear about the effects of climate change.

Mr Burns:

The previous witnesses to speak talked about willow and said that we have a natural environment for growing it quickly. However, people in other places that we visited advised us that you need to have a market for the willow before you start growing it. There is not much point in growing willow if the market is flooded with it. The beauty of timber is that there will always be a market for good quality timber.

Lord Hamilton:

Farmers and forestry growers have the benefit of having a market. The big problem with the biomass industry is that although it is well and good having a product to burn, you have to find people who want to burn it, and you have to work out how to get it to them. Hauling wood is very expensive, because a lot of it has very high water content. Therefore, with willow, you want to grow it in an area and utilise it within a short distance of that area.

Mr Burns:

Could you not sell the pellets to somebody who will transport and sell them?

Mr Friel:

We had hoped to do that at the beginning, but we ended up having to do the marketing ourselves, because, in effect, a new product was created. Therefore, we deliver directly to the customer. We sell bag pellets. We deliver the pellets in 3-ton lots, using our seven or eight farm-food blowers. At that stage, the water is all gone; the moisture content is down to 12% moisture from 55% moisture at the beginning of the process, so there is a big difference.

The Chairperson:

Thank you very much for your helpful presentation, Mr Friel, Mr Goodall and Lord Hamilton. We will try to take on board your points.

I reiterate that all witnesses, including you, are invited to join us for lunch after the final evidence session. Moreover, I want to make the public aware that the Committee will plant a tree as a small symbol to contribute towards enhancing forest cover in Northern Ireland.

I invite the witnesses from the Ulster Farmers' Union (UFU), Wesley Aston and Gregg Shannon. The floor is yours to make an oral presentation on the Forestry Bill. You are very welcome, gentlemen.

Mr Wesley Aston (Ulster Farmers' Union):

I apologise on behalf of our president, Graham Furey. He rescheduled a meeting for this afternoon, but he discovered that the rescheduled meeting was to be held this morning. He would have liked to have been here to show how seriously the UFU takes the Forestry Bill. I want to put that on record.

The Chairperson:

Please pass on our apologies to the president for inconveniencing him and tell him that we appreciate the points that will be made.

Mr Aston:

I am the policy director of the Ulster Farmers' Union. I am accompanied by Gregg Shannon, who is the chairman of our legislation committee, which has been dealing specifically with the Forestry Bill.

Mr Gregg Shannon (Ulster Farmers' Union):

I thank the Committee for asking us to present oral evidence. We have already submitted written evidence; I am sure that copies of that are available to members.

I will outline the basic points as briefly as possible. Since we delivered our written evidence, we have met with the Forest Service. I am sure that the Committee will hear evidence from it next week, when it will outline its views of what we said to it.

The Chairperson:

You did not mince your words; you told the officials that the Bill is "draconian". Has your view changed since you met them?

Mr G Shannon:

I do not think that there is a mincer big enough.

We understand the reasoning for having a new Bill. In my experience, it is always tidier to create a new Bill than to amend legislation continually and finish up with a row of Acts across the desk. A professional would be required to put all the words together before we know where we stood. A new Bill must last probably another 50 years. Many people would acknowledge that the current legislation is more or less past its sell-by date, and it seems silly to try to make it last another 50 years by amending it. We told the Forest Service that a new Bill would be better.

We used the word “draconian” because we feel that the Bill will not achieve its objectives. The power that the Forest Service wants to have over private land is draconian, and by “private land” I mean more than private forests. Moreover, we doubt whether anybody will willingly invest in forestry under the rules that the Forest Service has proposed. The previous witnesses to speak made a valid point. Although everything that the Forest Service wants to do is in the Bill, our committee could not see any vital new measures. I confess that I was not fully aware of the forestry management requirements. However, that convinces me more that nothing further is needed.

Our specific area of concern is the compulsory acquisition of land. The UFU comes at the matter from the private point of view, but if someone buys land, they will want access to it, and they should not buy it if there is no access to it. The Forest Service’s wanting more land for forestry is a slightly different issue to access, and the service may come up with some better ideas about that.

On the issue of protecting forest trees from damage, the views of the UFU can be explained very simply through the following statement: farmers do what they need to do within the confines of their own boundaries, and they do not go outside of those boundaries. The UFU has considerable worries about other people tramping over farmers’ land, not because it wants to refuse access or to stop them enjoying themselves, but because the issue of public liability has never been properly sorted out. Indeed, the Republic of Ireland tried to sort out that issue recently, but it was no more successful than us.

The UFU is concerned about the matter for reasons of safety and animal health. I would not trust a Forest Service employee any more than I would trust anyone else who is wandering on my land with a gun in their hands to kill a deer or some other animal. Indeed, if he were using a fairly powerful gun, it is likely that he will reach the next townland quite easily after killing the

animal. The safety issue is paramount, and there will be other ways dealing with the matter.

Animal health is another issue of concern for farmers. I would not suggest that a Forest Service employee is unhealthy, but before coming on to my land, he could have been somewhere else and carried diseases such as foot-and-mouth disease, brucellosis and TB with him. The Department and the farmer have to carry the cost of such diseases. The less access that others have to farmers' land, the better.

Reducing risk to farmers is becoming more important, particularly in England where the Government is pushing for the industry to carry more of the costs of disease control. There should also be less risk for the Department, but that issue has been ignored for a long time on the basis that TB would be eradicated in 20 to 30 years. However, if a further 50 years were added, we would still have the problem.

The UFU has similar feelings about the control of vegetation, and it would question why an individual landowner should carry the cost of creating a buffer zone on his own land. After all, he is trying to make a profit in much the same way that the Forest Service is trying to operate. It would be better if they were allowed to do that as well as they could using their own land. Some kind of payment would have to be made to farmers to allow them to do so, but that would only increase the risk of the Forest Service's own operations becoming uneconomic.

For several reasons, the UFU agrees with the previous set of witnesses that felling licences are not required. First, the bureaucracy that would be involved is huge. Secondly, the Forest Service would require more employees to process the licences. Finally, when people are producing a plan and applying for a licence, it is clear from the draft Bill that it would be very difficult to get a request through that did not involve the replanting of trees. That could stop many people who are entering the industry dead in their tracks. No one will commit themselves to something for 15, 20, 30 or perhaps 100 years that they might be able to cut down but will never be able to get rid of.

There seems to be at least three issues. One is the amenity, which requires fairly large forests and attention to detail, because the growing of the trees is unlikely to provide the economic input for it. Secondly, there is the question of time. It is already acknowledged that forests are a tax-free asset; they become taxable only when they are cut down. That could be in 15, 20, 30 or 40

years, and for hardwoods, it could be 100 years. That is probably right, because nobody has the money to pay an impost on that production in the meantime. However, the people who invest have to think carefully, because they are not investing for themselves or for their sons or daughters; they are probably investing for the third or fourth generation down the track. That means that they forego income in the meantime.

It is difficult to see on a broad scale, although it could be possible on a national scale, how forestry could become a realistic and viable option for farmers and landowners. However, people will have land in certain areas on which planting is always the best thing, but they need the encouragement to do so. That has to be pinpointed on an individual owner basis; it cannot be done through a national plan.

The Chairperson:

Thank you very much for that presentation. I will go straight to a couple of points. The opposition to the felling licence seems to be not so much to the licence; it is opposition to the charge and, as you put your finger on, the bureaucracy for which people are then charged. There is a very important yet subtle distinction in that that we picked up from the previous contributors. I do not know whether you agree that it is recognised that there is a regulatory aspect for quality, standard and making sure that the wood comes from a legitimate source and that, therefore, there is a licensing point to be made. However, the issue is opposition. It was said that it would be perverse, which is a very strong and powerful word, to have a charge because it would turn the industry around in the wrong direction. I picked up that point from our previous set of witnesses. Do you agree that the charge is the issue?

Mr G Shannon:

Yes. Quite apart from the management system that has to be in place for wood to be traded at all, the other point is that we have existing forests that have been run without felling licences. We do not see why they would contribute, except control, which we do not want. Without a lot of questions being asked, we could remove the option to replant after forests are cut down.

It should not be forgotten that if the Bill achieves the aim of more or less doubling the forestry in Northern Ireland — I will come back to that in a second — the need for felling licences under the system would not arise for 30, 40 or 50 years. If that is the case, why is it being talked about now?

Mr Aston:

From a farmer's point of view, we do not like bureaucracy — full stop. You know that we have gone through the red tape review.

The Chairperson:

A suggestion that was made before you came in was that we replace Dundonald House with forests. I am being facetious.

Mr Aston:

Yes, you are. *[Laughter.]* It was interesting to hear the ConFor representatives talk about this earlier, and we do not know the full detail, but if felling licences are required under FSC certification, we understand that that has to be done. However, if it is already in the system, why do we need additional bureaucracy? If management plans are also part of the requirement, using what has been used for forestry certification is better than having to do something additional. Certainly, the cost is the whole issue.

The Chairperson:

It is the usual story of gilding the lily.

Mr Aston:

Yes, exactly. Certainly, there is an issue about cost. It is not charged for elsewhere, so why should we be charged for it here?

The Chairperson:

That is the point. Neither GB nor the Republic of Ireland charges, so we should not have to set ourselves up with another licence charge.

We have talked to all the groups this morning about encouragement to plant. That is, essentially, an incentive to a person to plant. What should that look like in pounds, shillings and pence?

Mr Aston:

We obviously want landowners to have the opportunity to plant trees, but it is not the sort of thing

that everyone will go out and do. As my colleague Mr Shannon said, everyone probably has a bit of land on which they could plant trees. The biggest problem here is not the level of the forestry grants; at the end of the day, that has to compete with what can be got from agriculture on that piece of land. It is probably the small scale of our farms; the value of land here, which is the highest in Europe; and the extremely long-term nature of forestry.

Farmers in Northern Ireland are not used to forestry; we pull trees out so that we can grow crops and keep livestock. The combination of the size of farms, the price of land and the long-term nature means that forestry is not something that everyone will want to take up. Even if grant levels were raised, there are tax and planning issues to consider. We do not see wholesale forestry occurring across Northern Ireland farms; it is just not going to happen. We want the system to be there for those who do want the opportunity, but we do not see it happening even if forestry grants are increased. I understand that there is an EU maximum on what can be paid in grants anyway, but it is all relative to what can be got from agriculture, the value of land in Northern Ireland and the attachment to that land.

Mr Elliott:

Thank you for your presentation. Wesley's last comment was very interesting. I agree with him; I do not see farmers carrying out widespread tree planting on their land. Small plantations are no good; planting four or five acres will be of no real interest to the industries, especially if it is hard to access and remove.

Compulsory acquisition is one of the most controversial aspects of the Bill for farmers. I am interested in your suggestion about land lease, which may be a way of getting over the issue. The Forest Service tells us that it wants to make compulsory acquisitions only in exceptional circumstances, particularly for access. If that is all that it really wants, land lease is a good idea. I assume that it could work on the basis that there could be a compulsory land lease for a short term. Is that what you are talking about?

Mr G Shannon:

Yes; that sort of thing. It should be done on a commercial basis. If I have land locked by yours, I tell you that my trees have to come out in a couple of years' time, and I am willing to pay you a fee and make good any depredations to get the timber out. I will then not need to go onto your land for another 30 years.

Mr Elliott:

Would you have any difficulty with that being compulsory? Quite often, farmers would not allow access, but, if the land was subject to compulsory lease as opposed to compulsory acquisition, at least it would only be used for the six weeks or eight weeks — whatever the timetable — that was required to take the timber out and replant it. After that it would revert to the farmer. Would you accept that? It is something that has interested me; it is a big issue. I have had a number of representations from farmers who have land adjacent to forestry land and are not too keen that the Forest Service could just come in and take it over if it so wished, for access or any other purpose. Leasing may be a way of getting round that.

Mr G Shannon:

We would consider that, but the Committee should probably ask the Forest Service how many land-locked pieces of forest there are. If the answer is half a dozen or a dozen, a Bill seems a silly way to deal with the issue.

Mr Aston:

Evidence of the need for compulsory acquisition is an issue. That issue aside, we would much prefer that there was co-operation and communication between the landowner and the Forest Service when it requires access to land.

Mr Elliott:

But we all would, Wesley. The point is that you will not always —

Mr Aston:

That should be the first approach. However, if there were an awkward landowner, I understand that some sort of temporary arrangement would be more preferable to having a compulsory, permanent arrangement. There are examples of that in Scotland.

Mr Elliott:

If it were framed in that way, would you be satisfied?

Mr Aston:

Yes; it would be much more acceptable.

Mr Elliott:

Would you be happy with it?

Mr G Shannon:

Happiness is only measured in —

Mr Elliott:

Would you be content with it?

The Chairperson:

I feel sorry for your wife.

Mr Aston:

We could accept it more.

Mr W Clarke:

I agree with what Tom said about temporary access. I agree that it should exist. Tom said that, at times, it would be difficult to get the mature timber out of a small hole. Therefore, I see the need for temporary access to allow a farmer who diversifies into timber to be able to get the product out. Most farmers get on with each other and will allow shared access and make good. However, in a situation in which two neighbours do not agree, there must be that temporary measure to allow the timber to be taken out. I do not think that it has to be permanent.

I see a need for the removal of vegetation: for example, where whin or gorse is in close proximity to a forest, there is the danger that it could be set alight and destroy that forest. We are in south Down, which is where the greatest number of fires involving whin occurs. If a farmer refuses to cut the vegetation to create a buffer zone or a firebreak, then someone must come in and do that. Otherwise, there is the risk that a mature forest could be destroyed and hundreds of thousands of pounds could be lost. Therefore, there is a need for the removal of vegetation, but it should be framed as taking account of the dangers.

In relation to incentives and farmers getting a good return on their timber — you mentioned the tax on mature timber — is some sort of mechanism needed whereby the Department would enter into an agreement to buy back the timber for a certain price that both parties could sign up

to as being a fair price? Would a guaranteed market price encourage people to become involved?

Mr G Shannon:

That is an interesting thought. However, our line is more about the flexibility of using the land for other purposes. If the forest is taken away in 30 years' time, I am sure that Balcas Timber Ltd or another company would buy it at the commercial price at that time. No one can set the commercial price on the day the agreement is made. Under the current draft, everyone would still have to buy a felling licence and produce a management plan saying why they did not want to replant or change the timber. That sort of thing is a bigger drawback to the whole system than anything else. To be fair to the Forest Service, I doubt whether we would want to put it in the position where it would have to be the go-between guaranteeing to take the timber out. At that time, the market for timber could be flat on its back, and the Committee would be asking why the Forest Service entered into a contract in which it agreed to pay £30 a ton for it. We are talking about such long timescales that nothing perfect can be agreed. Everyone takes their chances.

The point that I was trying to make relates not so much to the tax issue per se but to the fact that when a farmer plants trees, it is unlike any other crop. The turnover does not happen for a minimum of 15 years for short coppice woodland, and it could take 100 years. That is a very long timescale in which to do without income and to be spending money, perhaps every year, doing what is necessary, such as pruning, fireproofing and so on. That is the real problem.

When it comes to the volumes of large estates, such as that of the Forest Service, it is a different matter, because the cost of one hectare of forest is probably not all that much. However, it is still a lot of money given the large volume of hectares. As the forests on such large estates were started perhaps 50 years ago, there is cash flow from which those estates can draw money. However, the individual private forester will not have cash flow to draw on for a long time.

Mr Aston:

I want to pick up on the point about vegetation. First, we understand the need for a buffer zone or a firebreak, which, effectively, is what Mr Clarke said. However, why should the landowner be forced to have that buffer zone on their land? Where there is new planting, a buffer zone can be created, or, where there is existing forest, a few trees can be cut down round the outside. Over and above that, there is concern about the stage at which vegetation is considered to be a fire hazard. Farmers do not want whin to get to the stage at which it is totally overgrown. However,

in less favoured areas, where, for example, there is heather on land near trees, is that considered a fire hazard and, therefore, will that be controlled? Strictly speaking, if a firebreak is to be created, it should be created on the Forest Service's land. That is the simplest way.

Mr G Shannon:

The impression that I got from the draft Bill was that the forestry division had not really consulted on or taken into account the problems that there would be for the animal health division, the countryside management scheme or areas of outstanding natural beauty. In areas of outstanding natural beauty, a lot of which are bordered by forests, the commitment is to let the gorse or heather grow, and that is the attraction of such areas.

Our members say to us that they are prepared to clear the land on a regular basis to keep the fire risk down, but there is a cost to doing that. They feel that, if the Forest Service wants that done, it should pay them for it.

Mr W Clarke:

I have one final point. I believe that the Ulster Farmers' Union has a big role to play in driving issues forward for farmers. You must be very proactive in getting landowners and farmers involved in forestry, and you need to look at a short-term plan for diversification. Granted, there are planning issues around some diversification schemes, and I am aware that those issues exist, even in this area. In the short term, activity tourism from forestry, such as quad biking, scrambling, mountain biking, pony-trekking and paintballing, provides revenue for the farmer. There is a need for your organisation to drive that forward and to push the Planning Service, as I know that you do on a regular basis.

On the other point, again, it is about being proactive in encouraging farmers into timber production. As I mentioned in the previous evidence session, legislation will be coming down the line from Europe concerning emissions from agriculture — in particular, methane. The farming community will have to offset those emissions by planting more timber. In my opinion, it is do that or get rid of the cows. Instead of waiting until the last minute, when we will be forced by Europe to do something, we should be proactive and say that we will offset emissions by planting timber. If that is done at an early enough stage, there is a marketing opportunity for farmers. They will get a better premium for their produce by saying that they are offsetting those emissions.

Mr G Shannon:

You have touched on what will probably be the sorest point over the next number of years, namely, climate change. A researcher in New Zealand calculated the amount of methane that the cows in New Zealand produced and hitched that to the size of the hole in the ozone layer over the Antarctic. What has not been acknowledged is that the cows in New Zealand are still there in the same numbers; the size of the hole in the ozone layer has halved.

I would not fault the Forest Service, or even DARD, for this Bill. If the calculations were done properly, however, agriculture and forestry, and I would lump horticulture in with them, are about the only industries that can boast a positive annual reduction in CO₂. I am not aware of any other industry in that plus position. In addition, the production of methane in the dairy herd has been reduced by about 15% since 1990. That is ongoing research, and amen to that. However, the real issue, and this is a more personal view, is that a very large assumption is made that climate change is due to only man-made activity. The recent research that is emerging, which put the explosive under Copenhagen and was why the Copenhagen climate change conference failed, is showing that CO₂ levels rising in the future is practically a load of cobblers. That does not reduce the obligation on anybody in the world —

The Chairperson:

Gregg, I will not go down the load-of-cobblers route today, because we do not have enough time to have an inquiry into that. Let us keep to the simple matter of the Forestry Bill.

Mr G Shannon:

All that I was going to say was that it is up to us to reduce our output of CO₂, and that applies to every industry, including agriculture.

The Chairperson:

I would like to make one point about scrambling in forests. As a motorcyclist, I would not recommend that. I can understand trials bikes being used in forests, but trees, bikes and speed usually lead to kaput for the rider.

I thank Gregg Shannon and Wesley Aston for presenting the Ulster Farmers' Union case. I also invite you, as I have invited all our witnesses, to join members of the Committee for lunch. I

am sure that we could deal on a less formal basis with some of the other points that have been raised and that that would lead to a very interesting discussion.

We now move to the final evidence session, and I welcome the representatives of the Countryside Access and Activities Network: Caro-lynn Ferris, Dawson Stelfox and Brian Murphy. I thank you for joining us, and I invite you to make your presentation.

Dr Caro-lynn Ferris (Countryside Access and Activities Network):

Thank you very much, Chair. The Countryside Access and Activities Network for Northern Ireland (CAAN) was established in 1999 by the Government as a consequence of one of the recommendations of Northern Ireland's first countryside recreation strategy. We are an umbrella organisation that brings together bodies that are involved in outdoor recreation. Those bodies include those that participate in outdoor activities, provide for outdoor recreation, own and manage land on which outdoor recreation takes place, and are responsible for outdoor recreation policy.

We are responsible for the strategic development, promotion and management of outdoor recreation across the whole of Northern Ireland, both for the local community and for visitors. Our vision is simply to inspire outdoor recreation. We have a core staff of seven people. Our work focuses on six key areas, but the area of most relevance to the Forestry Bill is product development. Our product development programme seeks to provide facilities, not only those for the local community but those that will increase tourism in the area or lead to the creation of small businesses.

To date, our product development has led to the creation of more than 300 kilometres of walking and canoe trails, 30 kilometres of off-road family-cycling trails and 20 kilometres of off-road horse-riding trails. We have also developed 16 eco-trails linked to the sport of orienteering. We have secured about £4.5 million for our projects from more than 40 bodies and organisations. We have applications pending for about £4 million worth of projects, some of which we applied for through DARD's rural development programme.

Subject to us securing funding, our development programme includes the development of three coastal canoe trails and the restoration of two old cottages as bothy-type accommodation, one of which is Portmoon on the north coast. We are also trying to develop six multi-use trail

systems, which includes providing for horse riders, mountain bikers, walkers and people with accessibility problems. We have provided the Committee with a list of the sites that we are working on. We are also working on a major mountain-biking project. One part of that is in the Belfast City Council area, and we are also trying to develop a world cycling centre at Magheramore quarry just outside Larne. We are working with the Forest Service, Down District Council, and Newry and Mourne District Council to develop a short-break destination for the forests in Castlewellan and Rostrevor.

Forests are key to the provision of a wide range of outdoor recreational activities. That is particularly pertinent in Northern Ireland given our poor access legislation. As the Ulster Farmers' Union alluded to in the previous evidence session, the need to access public land in Northern Ireland is exacerbated because of our occupiers' liability legislation, which is wholly inadequate to protect farmers when visitors access their land. The demand for places at which to take part in outdoor recreation is increasing. Research that we carried out recently for Sport NI and the Northern Ireland Tourist Board has shown that there has been a 152% increase in outdoor-recreation participation since 1995. Consequently, there is a greater demand for venues at which people can take part in outdoor activities. Activity tourism is recognised by the Northern Ireland Tourist Board as one of its winning themes. Therefore, the Government must set an example by opening up its land to an ever-expanding recreational community.

The Forestry Commission in Great Britain has recognised that forestry is not just about trees but that it is also about people. There has been a move away from timber harvesting and towards forestry for rural development, recreation access and tourism, economic regeneration, the environment and conservation. The Forestry Commission recognises that it has a clear responsibility and a statutory requirement to provide for outdoor recreation for the public.

Even in the Republic of Ireland, Coillte, despite its being a commercial company with no obligation to provide for recreation, believes that recreation is its licence to operate.

In Scotland, the Scottish Forestry Strategy highlights the importance of forestry to the improved health and well-being of people in its communities and its contribution to the growth of the economy through the development of competitive and innovative businesses. The importance of forests to Scotland's tourist industry is further evidenced by the forest tourism initiative.

The Forestry Commission also plays a significant role in addressing problems with the nation's health and well-being through its Active Woods initiative. The Countryside Access and

Activities Network (CAAN) is doing something similar through its own project, Venture Outdoors – Creating Healthy Communities, which seeks to address barriers faced by the disabled, minority ethnic groups and less well-off communities when accessing the outdoors for recreation.

The Forestry Commission is concerned that all age groups in society are catered for. It has been doing much work on nature play by trying to get young people into forests for free play, such as building dens.

The recreational use of forests in GB contributes £585 million to the economy. In Scotland alone, 18 million people visit forests every year and spend more than £120 million. Overall, the social and environmental value of forests in Great Britain is £1.5 billion.

CAAN welcomes the Forestry Bill but believes that it must be strengthened. It should place greater emphasis on the contribution that forests can play in health and well-being, rural development, tourism and economic regeneration. The Bill also provides for a pedestrian right of access. The extension of that right to cyclists and horse riders would bring Northern Ireland legislation more into line with that of GB.

The Bill should be more explicit in its requirement for the Forest Service to provide for recreation. The Bill should make the Department duty-bound to provide recreational opportunities in forests. It is interesting to note that, back in the 1970s, Northern Ireland's Forest Service was recognised as leading in the provision of recreational activities in forests. Now, however, Northern Ireland is 15 years behind the rest of GB and five years behind the Republic of Ireland.

The placing of a duty on the Forest Service actively to provide for recreation would alleviate our concern that its current approach to developing recreation on its estate is too narrow. It would encourage a move away from the current practice of haphazard commercial development to a much more holistic and strategic approach to planning in forests.

The few recreational developments proactively led by the Forest Service are those that it believes will generate it most income, for example, the high ropes courses. Although we welcome such new activities on its land, that cherry-picking approach fails to take account of the much greater benefit that could be reaped by the local and wider community through proper

strategic planning of forest recreation, as was evidenced during a field trip to Dalby forest on the North York Moors.

A recent investment of £4.3 million in that forest resulted in its becoming a regional centre of excellence for sustainable economic activity. Dalby forest now has a refurbished courtyard, a visitor centre, craft workshops, office accommodation, a community resource centre, mountain bike trails, a bike hire facility, a cafe, and a Go Ape high-wire adventure course. It also holds open-air music concerts. As a result, the forest has experienced a 33% increase in visitor numbers.

CAAN strongly advocates the strategic planning of forest recreation. For some time, we have been trying to create something similar to Dalby forest in Tollymore forest park and, more recently, in Glenariff forest park. The facilities at both forest parks fall well below the expectations of local people and tourists. CAAN's earlier approaches to the Forest Service failed. More recently, however, we received permission from the Forest Service to initiate two studies, potentially paid for by the Northern Ireland Tourist Board, to assess the tourism and recreation potential of Tollymore and Glenariff.

Those studies will assess how those forest parks can be enhanced to attract new visitors and, consequently, create new sustainable businesses and employment opportunities, thereby increasing the value of the forests' assets. We await the outcome of our funding application to the Tourist Board, but it would be a huge disappointment were we not successful, given our partnership arrangements for those studies with Down District Council, Moyle District Council, Sport Northern Ireland, the Mourne Heritage Trust, the Causeway Coast and Glens Heritage Trust, and the Tourist Board.

If the Department were to legislate for the Forest Service to have a clear responsibility and statutory requirement to provide outdoor recreation to the public, it would resolve the current difficulties that several councils and other organisations face in finding an appropriate working-model arrangement that is acceptable to the Forest Service when creating recreational facilities on its land.

All recreational facilities, such as mountain bike trails, horse riding trails, walking trails and orienteering trails in England, Scotland and Wales and the Republic of Ireland, are managed and

maintained by the Forestry Commission and Coillte. In addition, the Forestry Commission and Coillte take on the liability for those trails and any reinstatement costs should they be damaged by timber harvesting. That is not the case in Northern Ireland, and the current inability to find a suitable working-model arrangement with Down District Council and Newry and Mourne District Council may result in a £2 million mountain bike project for Castlewellan and Rostrevor forest parks not going ahead.

In conclusion, CAAN's attempts to develop a wide range of activities on forest land has been greatly hindered by the existing legislation, because it has allowed the Forest Service legitimately to shy away from any efforts to develop social and recreational activity on its land. Forests in Northern Ireland, like those in Scotland, provide the greatest potential to provide the largest single suite of outdoor recreation infrastructure. It is also acknowledged that the recreation and tourism potential of some forests can far outweigh the value of timber production.

Therefore, CAAN hopes that the Bill will unlock the potential of Northern Ireland's forests and radically change the Forest Service's current responsibilities and priorities regarding recreation and tourism within its estate. We hope that, in turn, that will lead to the Forest Service's engagement with partners such as CANN to develop its land for the betterment of society as a whole, particularly for local communities and visitors coming to Northern Ireland.

The Chairperson:

Thank you for that excellent presentation on a subject that the Committee has wanted to explore for some time. I am glad that we now have the opportunity to do so. Prior to your presentation, I was of the view that the Bill was light on exploring recreation and tourism opportunities. However, from what you said, it is even worse than that. The Bill is, in fact, deficient in those areas. We now have an opportunity to get to the kernel of those issues and to propose evidence-based amendments that will allow us, as you quite rightly said, to "unlock the potential" of our forests. That exciting opportunity could operate side by side with the commercial needs of sectors that need to make money from forests.

You cited the example of Dalby forest and mentioned the potential for Tollymore forest. Will those projects be commercially successful? How viable are they? It is all very well for us to have an ambition to create more recreational opportunities and increase tourism, but, quite frankly, if the proposals are not economically successful and sustainable, they will get nowhere.

Mr Dawson Stelfox (Countryside Access and Activities Network):

There is no doubt that those outdoor activity businesses are viable and sustainable. The question and dilemma facing the Forest Service and DARD have centred on investment: who invests, where does the investment come from, and who gets the money out at the other end? That is one of the challenges. The benefit of recreation sites is that they encourage more people to visit, and they stay and use pubs, restaurants and other facilities. That helps the local tourism economy and the local people. However, they are not necessarily the people who invest the money in the first place to help to develop the sites.

We need to consider the greater good and the benefits for the community. There is absolutely no doubt about the viability of the businesses, because the sector is growing. CAAN runs the outdoor activities forum in Northern Ireland. Ten years ago, practically nobody outside of government would have been earning a living by taking people into the outdoors. Only teachers or outdoor pursuit centres would have offered such opportunities. There is now a thriving local commercial private sector economy; we can perhaps detail the number of providers for the Committee.

The Chairperson:

Some of the figures that you mentioned are staggering. You mentioned an overall take of £1.5 billion for the rest of GB: what are the figures for Northern Ireland?

Dr Ferris:

As Dawson said, the activity forum brings together commercial providers. There are now over 90 commercial providers in Northern Ireland who make a business from providing outdoor recreation.

The Chairperson:

Is that a seasonal or year-round business?

Dr Ferris:

It is year-round. Last week, in fact, some activity tourism businesses in the Mourne area expressed concern that, if the mountain biking project were not to go ahead in the forest parks in Castlewellan and Rostrevor, they may lose that year-round element of their business. They regard that as a fantastic way to extend their season.

The Chairperson:

What is blocking that project?

Mr Stelfox:

I will cut to the chase. The provision of recreational activity is something that the Forest Service “may” or “should” do, but it does not do so at the moment. For whatever reason, we have moved from a situation in which the first forest park in the British Isles was developed in Northern Ireland at Tollymore. That was the model for opening up forests to the community. We have moved from a situation of being the leader in that regard to being way behind the game. That is partly because the nature of outdoor activity and tourism has changed. It is not a passive industry; it does not simply involve people going for a walk on a Sunday afternoon anymore. It includes planned activities, most of which have an economic base and involve putting in place an infrastructure and delivering an outdoor experience.

The market has changed. In our opinion, the Forest Service has not kept up with that market and has failed to recognise the changing needs, desires and economic activity. The Forest Service’s attitude towards recreation is wrong, in that it treats it as an optional extra. Even when the Forest Service does recognise its value, it tries to offload responsibility for putting it in place and managing it to other bodies, such as district councils and private operators.

The Chairperson:

You think that the Forest Service’s duty should be based in legislation. Are you saying that the Bill needs to be amended to reflect that?

Mr Stelfox:

Yes. It should be the duty of the Forest Service to provide for outdoor recreation. That is not to say that it cannot do so in partnership with local bodies, but the duty should be placed on the Forest Service. That is the situation with the Forestry Commission in England. However, it has never been the situation here, and no such provision is contained in the Forestry Bill as it stands.

The Chairperson:

You heard from our previous witnesses that there is resistance to the issue of access to the countryside, and the legitimate interests to be protected include the farming stock. How would you legislate around that difficulty so that you would be acting in harmony with those who earn

their living from the countryside?

Mr Stelfox:

Occupiers' liability is a major issue in itself, and I will not get into the detail of it. However, we have been speaking to the Office of Law Reform about changes to the Occupiers' Liability Act (Northern Ireland) 1957 that we consider would address that issue. The main issue with occupiers' liability is not connected to organised activities for which measures are put in place, and the participants are aware of the risks that they face. Indeed, the judgements on several cases that reached the High Court in England placed the responsibility for safety on those who take part in activities. The risk and resultant claims tend to be at the casual end of the market, where people do not know where they are meant to be or what they are doing and, therefore, take risks unknowingly and unwillingly.

We have made it absolutely clear that landowners should be protected from claims. The UFU is a member of CAAN. We are completely at one with that organisation. In an attempt to get the legislation changed, we have held joint seminars and produced joint documents. Our view is that the legislation should be strengthened to protect landowners. However, in any case, it is not difficult to take out insurance against liability for the sort of events and programmes that we are discussing, and the Forest Service and the district councils are currently negotiating a position on that.

However, rather than being a willing partner to those negotiations, the Forest Service is attempting to pass on that responsibility to the councils, as I can illustrate with a couple of examples, the first of which relates to the new mountain bike trails in Castlewellan and Rostrevor. The Forest Service is asking the councils to take on the liability not only for those new trails but for all trails in the forest, in case someone using the new trail should stray onto a pre-existing one. That is a ridiculous case of the Forest Service passing the buck and placing the responsibility on the councils. The second example is that when the Forest Service clears fell from areas, it insists that the councils reinstate the trails, despite the fact that the trails were initially laid with public money. Again, that does not seem to be in the spirit of providing for recreation.

On a great number of levels, the Forest Service is not in tune with the public need and desire to have more recreation in forests. It is trying to offload responsibility rather than take on responsibilities in that regard.

The Chairperson:

There are not enough raw materials for those involved in the business side of forestry. How do you juxtapose their needs with recreational needs?

Mr Stelfox:

We are not talking about every forest in Northern Ireland having that level of activity. Some forests are key recreational forests, in particular those in areas such as the Mourne where there is an existing tourism product that could, potentially, be improved. Northern Ireland has a large number of forests, and some of the most commercially active forests are those that are of least recreational interest. Large forests in uninteresting parts of the countryside are commercially more viable because of their scale, and they are of less interest to recreation. The key forests for us include Castlewellan, Rostrevor and Glenariff. In Tollymore, for example, there is no great economic benefit to be gained from cutting down trees. It is expensive, there is not a huge amount of timber, and it does not make the Forest Service a huge amount of money. We suggest that a much better economic return would be achieved for the forests and society by developing Tollymore primarily for recreation, as has happened in some English forests.

We do not wish every forest to be handed over for recreational purposes, but selected forests in areas that attract many tourists have the potential to be used in that way.

Mr B Murphy (Countryside Access and Activities Network):

The issue of occupiers' liability only heightens the need for the greater use of public land for recreation. The district councils and the Environment Agency have taken action, but the Forest Service, which is one of the biggest landowners and has great potential, lags behind and is out of step with everyone else.

Mr Elliott:

Thank you for your presentation. I noted that your work focuses on six key areas, and you said that product development was one of the keys to the Bill. I view partnership as another key area. You seem to have reasonable relationships with the Ulster Farmers' Union and the Northern Ireland Environment Agency. It appears that you do not have a great partnership with the Forest Service. Am I right to assume that?

The Chairperson:

Will whoever has their phone on please turn it off? It interferes with the recording equipment.

Mr Stelfox:

We have worked and negotiated with the Forest Service for many years. Some activities are relatively easy to set up. For example, the family cycling trails at Gosford forest park largely use the existing infrastructure. It is a relatively low key activity that does not involve much change to the existing environment and has worked out OK.

However, when it comes to developing the forests specifically for recreation, there is a gap between the traditional, passive use of forests and actively putting in place recreational facilities that are specifically designed as contemporary tourism activities. The Forest Service has not realised the potential of that gap. We have had difficulties with convincing the Forest Service of the benefits. For whatever reason, the Forest Service focuses on its own responsibilities in its forests, including its revenue and staffing interests, but seems to be unable to consider the wider benefits to society. We get on well with foresters at an individual level, but, at the top level, the Forest Service is not committed to providing for recreation. We have no difficulty working with the vast majority of Forest Service staff on the ground, some of whom are active in recreational activities such as mountain biking, but the policy must change.

Mr Elliott:

Your advice to the Forest Service seems to be falling on deaf ears.

Mr Stelfox:

Caro-lynn mentioned the grants that are in place for a large mountain biking project in partnership with Down District Council and Newry and Mourne District Council. The signs are that it may not happen and that the money will have to be handed back because of the Forest Service's failure to agree with the councils on how the management of that project will work. We regard that as a failure of the Forest Service, not the councils.

Mr Elliott:

Will you clarify that you are not against the commercial production of timber?

Mr Stelfox:

Absolutely. We recognise that, primarily, the forests were planted for that reason and that timber must be cut and replanted. It is a question of marrying that with the recreational requirements.

Mr W Clarke:

I declare an interest as a member of Down District Council. I share your frustration about trying to develop the projects with Newry and Mourne District Council and Down District Council. Everyone to whom I speak has serious concerns about the conduct of the Forest Service. The people on the ground are not the problem. I met some of them here today, and they are sound about the whole project. Even the chief executive of the Forest Service is sound, and the permanent secretary has bought into the importance of providing for recreation, as has the Minister. It seems to be a problem with people in middle management trying to get their heads around the fact that things have changed. The legislation must ensure that they have changed for good.

I was one of those who visited Dalby forest and saw the centre of excellence at first hand. Exactly the same thing could be rolled out here. We have everything that Dalby has: for example, the Grange Courtyard in Castlewellan. Although it was the off-peak period, the centre at Dalby was packed. Various businesses were selling local produce, there was a bicycle shop, arts and crafts, and a number of different activities, such as the Go Ape facility and mountain. There was even a chainsaw display going on at the same time.

The Chairperson:

I understand your enthusiasm, but I must push you to ask a question.

Mr W Clarke:

I am trying to set the scene for you.

The Chairperson:

The scene is well set.

Mr W Clarke:

I probably feel more passionate about the issue because we are in a tourist area.

When I met members of Newcastle's tourism forum, they agreed that the Forest Service must deliver because they need year-round tourism. Some of Newcastle's pubs and restaurants close from Monday to Thursday outside peak hours, yet the town is a top holiday resort. They want to attract tourists throughout the year, but to do so they need the forestry projects to go ahead.

I will get to my question now.

The Chairperson:

Good.

Mr W Clarke:

How do you want the Bill to be strengthened? We now know the weaknesses. Forests that are situated around towns should be primarily broadleaved, provide recreational facilities and contribute to people's long-term well-being. Do you envisage that as being a good solution? If so, should softwood from elsewhere be considered for timber production?

Dr Ferris:

We are not experts on timber production by any means; our domain is recreation. At present, the Bill is totally deficient in its reflection of all that is happening to better our society: rural development, tourism, recreation, health, well-being, and so forth. As Dawson said, the production of timber is a key part of what the Forest Service does, and we have no problem with that. However, we want the Bill to be strengthened through its inclusion of provisions for the local community and visitors.

Mr Stelfox:

The two key elements that the legislation must include are a duty on the Forest Service to provide for recreation — it is not an optional extra, but a duty that it must fulfil — and the right of access to the forests. All sorts of qualifications could be added: for example, shooting rights could be leased in some forests. I attended a highly successful motorbike trial held among the trees in Donard wood. It was extremely scary, but the guys were so good that it was incredible to watch.

Although we are primarily interested in walking, cycling and horse-riding, many other activities can be provided for in forests, including motorised activities and other events. However, good planning and management are required, so that all those activities can take place

alongside timber production. In our view, that overall planning and management is not happening.

Mr B Murphy:

We do not want to concentrate on activities such as mountain biking. I would not do it, but Caro-lynnne does enjoy going down mountains on a bike. The premier trail designer in the world has already designed trails for us in Castlewellan and Rostrevor. He told us that, particularly in Rostrevor, we have a world-class product, not merely a local one. That brings wider benefits to the whole area. We have many plans to develop all the other forests in a holistic way. As a wee boy, I was fortunate to visit Tollymore forest park 50 years ago and, as a city boy, it blew my mind away. Fifty years later, I keep coming back, and I am still blown away by the beauty and majesty of the forests.

The Chairperson:

That is a good point, well made. It takes us back to Caro-lynnne Ferris's terminology of unlocking the potential of the forests. If we can produce a piece of legislation that achieves, it would be a huge service to the community. Government exists to assist, rather than inhibit, the community.

I would appreciate your leaving behind a copy of your presentation, as we would like an opportunity to study it at length. Furthermore, if there is anything about which you wish to write to us, or if you want to frame formal proposals about how you want the Bill to be amended, we will take your comments on board. The Committee is at the stage of helping the Department to shape legislation that will prove to be useful. The points that you made today were extremely helpful. Thank you for your presentation, and we invite you to join us for lunch.