

Response to Agriculture (Wales) Bill Consultation

What the Institute can offer

The Institute of Chartered Foresters is the Royal Chartered body for foresters and arboriculturists in the UK. We have 2,000 members who practice forestry, arboriculture and related disciplines in the private sector, central and local government, research councils and universities and colleges, with many advising farmers and land managers throughout the UK. The Institute regulates standards of entry to the profession. It provides support to its members, guidance to professionals in other sectors, information to the general public, and educational advice and training to students and tree professionals seeking to develop their careers in the forestry and arboricultural industry. Chartered foresters, working with farmers across the country, are already demonstrably helping to improve delivery of society's goals, and we want to do more.

Our ambition is to influence policy for the benefit of the profession, the environment and society, through ongoing engagement with members, member representatives, stakeholders, policymakers and the public. The Institute is committed to working with Welsh Government and Natural Resources Wales in the design and implementation of a successful approach to land management, supporting a flourishing sector that delivers for climate, nature, people and economy.

Key points from our response

- As a professional body what we are hearing from our members is that there is a low level of trust between the public and private sector and between the private sector and regulators. The Institute wants to support the sector to have the challenging conversations, facilitate knowledge exchange and engagement throughout the sector. We believe that increased consultation and more dialogue will better engage the industry and promote shared understanding.
- The voice of the professional is vital at all levels of decision making, to sense check proposals, develop interventions and maintain standards. Regardless of what changes are taken forward, the sector needs thorough consultation and a strong evidence base for propositions in policy and regulation.
- As we navigate this period of vast agricultural transition across the UK, we know there is a corresponding need to upskill farmers, foresters and all land managers, as well as regulators, and to work together more effectively.

Sustainable Land Management

The benefits of trees and woodland are now well recognised. We know that our trees, woodlands and green spaces, not least those on our farms, have a vital role to play in climate change mitigation but also flood alleviation, water quality, soil health, biodiversity, improved air quality, and better physical and mental health. Trees are essential strategic assets in our transition to sustainable places, businesses and communities.

Farming and forestry are both experiencing cultural, economic and skills barriers to integrating trees on farms. We need to resist polarisation through developing closer working relationships between professional foresters and farmers. We know that we need all types of woodland to tackle the environmental crisis,

including the materials crisis, and we know that all types of woodland support biodiversity. We must continue working towards a better, more nuanced understanding of this, challenging divergence of debate. The input of professional forestry is needed to increase the trust between the public and private sectors. This trust can only be gained by explicit clarity, from knowledge exchange with practicing professionals and engaging with the industry on a level of shared understanding.

Integration and Regulation. Regulatory barriers are at times impeding management decisions, particularly in relation to licencing and land use. It is crucial that we rationalise our regulatory system to remove these barriers, whether real or conceptual, and enable the sustainable management processes to occur that we so desperately need. As such, the Institute supports the objectives set out for Sustainable Land Management within the bill and these should interlink with the Sustainable Farming Scheme.

Practical and technical reasons have often seen forestry and farming separated within policy and regulation, there is the prospect for forestry and farming to complement each other as opposed to extending the divide. There is an opportunity with the revisions to form a closer connection and provide support according to scale. Regulation should not be seeking to control uncertainty or reward simplicity but provide an accessible process. We need regulation that is navigable and ensures further integration with other land-based sectors, without contributing unnecessary barriers to land management in all capacities. It would be expected that the regulator publishes how it expects to apply these powers and we expect additional details of how this change will be applied in practice with guidance provided. We want to recognise that this transition may impact both environmental and economic aspects of the forest sector; and we should acknowledge the importance of supporting rural skills.

The Institute supports Government in delivering against the Bill, but it is noted that overall, the delivery of sustainable forestry and afforestation targets are not integrated. An increased focus on bringing existing woodlands into management is also needed.

Skills. Government and regulators need to recognise the skills of woodland managers and stakeholders who are key to the successful delivery of the Sustainable Land Management objectives. There is an important job to do in upskilling farmers, land managers and other stakeholders on the management of trees and woodland. Government needs to consider carefully how advice will be provided and the Institute would welcome a discussion on this. There is an opportunity for better knowledge exchange across land management professions.

Advice. We must also ensure that advice provision by professional foresters is in place, as clarity and accessibility of advice will be essential for land managers embarking on new approaches. There is currently a critical lack of skills and resources, with a much greater capacity needed. We would urge our involvement in the development of advisory services. The opportunity for earned recognition would help address the skills crisis and encourage partnerships throughout the sector, with individuals renowned for their expertise, demonstrated through chartership.



Forestry

As the Royal Chartered body for tree professionals in the UK, the Institute welcomes the chance to provide a steer to the proposed amendments of the Forestry Act 1967. We do, however, query the rationale for introducing the proposed changes to amend, suspend and revoke felling licences. Professional forestry input is needed as part of Natural Resource Wales' process for proposing these changes, and it is not clear where this input has been sought. Having consulted with members, we suggest that there needs to be increased trust within the regulatory system and regulatory bodies, and more discussion around the potential practical implications of such changes.

Evidence. While we broadly support the proposals and are not against changes *on principle* to suspending, amending and revoking felling licences, we believe that the current system is effective, with most of the issues being around illegal felling. Many of our members believe the current system delivers against industry needs and provides appropriate environmental protection, but if this is not the case the rationale and approach for these changes needs to be clearer and be carried out in full consultation with the sector.

The UK Forestry Standard (UKFS) applies to all woodland across the UK and is the reference for sustainable forest management. This sustainable management can then be independently certified under UK Woodland Assurance Standard (UKWAS), providing a multi-layer approach. Professional foresters who abide by UKFS and, optionally, UKWAS, should not be subject to penalisation for upholding best practice. Under the current proposals, whether a licence should be revoked seems subjective. There needs to be a process for appeal or arbitration, judged by qualified professionals. A revision of penalties for illegal or unauthorised felling is welcome, or indeed an increased focus on amending felling licences on issue. It is unclear from the consultation what problem NRW are trying to solve. There needs to be further evidence into the requirements for the amending, suspending, and revoking of felling licences in relation to benefits to the environment and the commercial sector before implementation, which was not explained within the NRW Approach Paper.

Regulation. Our members work in a diverse range of roles and there are diverging views on regulation and what this may mean for the sector. We welcome the focus on forestry and protecting the wider natural environment. We want to work with Welsh Government and regulators to develop a process which embeds the UK Forestry Standard and wider environmental legislation within the Forestry Act. However, current conditions within a felling licence do not allow for the overriding of existing environmental legislation and thus already integrates the Forestry Act and compliance with other environmental regulations. Furthermore, the other options available to landowners, including Long-Term Management plans, are arguably not fit for purpose. We should maintain a system that is demonstrably effective. We appreciate the principle to be proportionate, but it is felt that the proposed revisions have the potential to isolate the management of our smaller woodlands and provide further divide between forestry, farming, and investment.

Markets. By providing the capacity to amend, suspend and revoke felling licences, there is a risk of creating greater uncertainty within the commercial marketplace and the timber supply chain. The critical factor is the development of sustainable business models. We must ensure that any alterations are meeting stakeholder requirements, whether the output of felling is for ecosystem services, timber, renewable energy, agricultural



systems or green infrastructure. If we form a strong marketplace for these, support for the land use sector will thrive. The opportunity to issue licences with ancillary conditions, in addition to the existing guidance notes, has the potential to limit forestry professionals from making informed decisions relevant to specific operations. In certain circumstances, this could impact operation viability – particularly where the licence has commercial value, which could be undermined if that licence cannot be relied upon.

Regarding the revision of the felling licence application process, potentially requiring an additional suite of information to be provided by the applicant, this would likely be viewed as becoming overly burdensome. Professional foresters are already required to comply with a range of wider environmental legislation and guidance provided by other practitioners.

Closing Comments

This represents the Institute's position on Sustainable Land Management and the amendment of the Forestry Act 1967 as part of the Agriculture (Wales) Bill and we welcome a conversation if any clarification is needed. Farming and forestry have huge potential to meet Welsh Government's climate and nature goals, but they need to be empowered to do so, and need to work together.

We suspect that the approach to amending, suspending, or revoking felling licences requires further consideration, with thorough sector consultation, to ensure that the amendments deliver against needs and complement developments within the agricultural sector. We welcome further engagement with Welsh Government and Natural Resources Wales on the proposals, particularly as the detail is developed, and offer to convene an advisory group from our membership in Wales.

This is the most important land management change in half a century. It's vital that we capitalise on this opportunity to get it right for the environment, for all land managers, for our businesses and our rural communities.