

12 July 2018

REGULATION OF FOREST ENTERPRISE BY FOREST SERVICES

Purpose

1. To provide the Committee with the final draft of the Practice Delivery Note 1 - The Regulation of Forest Enterprise England by Forest Services.

Background

2. Forest Enterprise (FE) is exempt from the need for tree felling approval under the control of tree felling in the Forestry Act 1967.
3. In order to maintain transparency a voluntary process of Forest Planning was introduced, which is overseen by Forest Services (FS). FS 'approves' all felling, planting and regeneration proposals through the Forest Planning process. This process has previously been documented under 'Country Services Memorandum (CSM) – 6 and this has remained relatively unchanged since 1995.
4. With new legislation being introduced (EIA – Forestry, Habitat Regulations, EU Timber regulations etc.) and the move to Forest Enterprise becoming a more self-contained arm's length body it was decided to revise and rename the regulatory practice note.
5. The attached document (Annex A - Practice Delivery Note 01) has therefore been updated to reflect the requirements of the new legislation and recognising the move to a more independent arm's-length body. The document has been updated over a period of time and has had input from both FS and FE staff.

Discussion

6. Some members of the Committee will have seen an early draft of the document, and feedback from the Committee was incorporated into the current version. The Practice Delivery Note includes:
 - A summary of the key changes;
 - A table that summarizes the various Regulations that impact day to day management of the FE estate;
 - How FE and FS work together;
 - The core principles of the Forest Planning process, particularly approvals and amendments;
 - Environmental Impact Assessment Regulation;
 - The Countryside and Rights of Way Act;

- Guidance on the Public Register and how it works, along with the role of Consultees and most importantly managing their expectations;
 - How any 'Illegal' felling by FE will be managed;
 - Resolution of disputes, both internal and external to the FC;
 - Impacts of the Habitat Regulation and European Protected Species; and
 - EU Timber Regulations
7. The Practice Delivery Note highlights the key principles of how FE and FS staff will work together at District and Area level, although the Practice Delivery Note is specifically for Regulatory staff in Forest Services. FE staff will continue to be supported by their own internal guidance.
8. It is proposed that a review of the Practice Delivery Note will take place after a twelve month period and feedback from staff on its application will be sought at that time.

Resource implications

9. The resource implication will be neutral. A key requirement at the start of the revision process was to ensure that there was no or very limited additional impact on the available staff resource. Where processes had to be strengthened, for example under EIA, there had to be corresponding reductions, such as centralised ten year thinning approval. The revisions achieve this 'status-quo'.

Risk Assessment

10. The regulation of FE by FS is an issue that is on occasions challenged and how this is carried out carries some reputational risk. The revised approach in the Practice Delivery Note does not change the ongoing residual risk. This regulation process does not feature on the high level risk registers.

Communications

11. The Practice Delivery Note has been shared with both FE and FS staff throughout the revision process and operational staff will be advised once the final version has been approved. There are no plans to publish the document.

Recommendations

12. The Committee are invited to note the content of the final draft and give the Practice Delivery Note its approval.

Stephen Hunt, National Legacy Manager.
3rd July 2018