



Department for
Business, Energy
& Industrial Strategy

BUSINESS IMPACT TARGET: SUMMARY TEMPLATE

Non-qualifying Regulatory Provisions
(NQRP) summary reporting template

Regulator: Forestry Commission

Business Impact Target Reporting Period Covered: 17th December 2021 – 16th December 2022

Excluded Category*	Summary of measure(s), including any impact data where available**
Measures certified as being below <i>de minimis</i> (measures with an EANDCB below +/- £5 million)	<p data-bbox="609 441 1356 573"><u>Decision support framework for peatland protection, the establishment of new woodland and re-establishment of existing woodland on peatland in England May 2022</u></p> <p data-bbox="609 611 1385 1312">A decision support framework for landowners on where to establish trees and where to restore peat was published last year. Forestry Commission, Forest Research and Natural England have now updated the guidance to include a decision support framework for landowners also considering woodland re-establishment on peaty soils. Woodland expansion and better peatland protection and restoration are two of the most important large-scale changes in land use needed to restore nature, sequester, and store carbon, and can provide many other environmental benefits. This guidance impacts those proposing woodland establishment or replacement of woodland on sites with peaty soils. The decision support framework should be used to ensure that woodland establishment or woodland re-establishment will not adversely affect the peatland. The guidance remains interim for another year to test fully the re-establishment decision support framework and a supporting forest to bog metric (in beta testing). The guidance and tool will be reviewed by June 2023, including consideration of a Business Impact Test.</p> <p data-bbox="609 1384 1362 1480"><u>Guidance to help inform when an upland breeding wader survey is needed and when woodland creation is likely to be appropriate August 2022</u></p> <p data-bbox="609 1514 1369 2011">This interim guidance sets out how new, resilient, woodlands can be accommodated in the uplands to safeguard wading birds and ensure government's wider nature recovery ambitions. and a wide range of other public benefits flow for many decades as trees become established and mature. This revised guidance provides greater clarity about the decision-making process for woodland creation schemes in upland areas, and the preparation necessary by applicants to facilitate a swift decision. It aims to speed up decision-making to allow those proposals that are appropriate to proceed more quickly and avoid wasted efforts where schemes are not suitable. The intention is to make it clear where projects can go ahead without impediment and to encourage more woodlands of all kinds, including larger commercially</p>

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	<p>productive schemes. New woodlands can provide many environmental, economic and employment benefits, whilst avoiding negative impacts on breeding waders. The interim guidance will be reviewed by August 2023. There is no intention to either relax or tighten existing protections for waders through this updated process or replace full assessment of sites submitted for afforestation.</p> <p><u>The Phytosanitary Conditions (Amendment) Regulations 2022</u></p> <p>Amends the current Phytosanitary Controls Regulation (Commission Implementing Regulation 2019/2072, to introduce import control measures against 2 conifer pests from Russia:</p> <ul style="list-style-type: none"> • <i>Scolytus morawitzi</i> Morawitz's bark beetle • <i>Polygraphus proximus</i> Sakhalin fir bark beetle <p>Bacterial canker of hazel, <i>Pseudomonas avellanae</i> was reclassified as a quarantine pest and the existing requirements for Oak Processionary Moth were adjusted to list it as a quarantine pest present in GB. This enables import restrictions for high-risk oak trees to be extended to the whole of GB to further strengthen protections against this pest.</p> <p><u>The Phytosanitary Conditions (Amendment) (No. 2) Regulations 2022</u></p> <p>Emergency legislation introduced to place further restrictions on the importation of pine and cedar trees into GB in response to interceptions of Pine Processionary Moth.</p> <p><u>IT change</u></p> <p>In September 2022 the Forestry Commission will launch a new online system for customers to apply for export phytosanitary certificates. This will streamline the process, allowing users to copy previous applications and to submit supporting documentation alongside the application in one place.</p> <p><u>Introduction of new forestry enforcement measures for illegal felling as part of the Environment Act 2021</u></p> <p>From November 2022, a series of new and revised forestry enforcement measures will come into force, providing the Forestry Commission with more powers to address illegal felling and strengthen environmental protection. These enforcement measures will introduce a court ordered</p>

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	Restocking Order, increase fines for illegal felling, make Restocking Notices and Enforcement Notices local land charges and provide some clarification to other clauses. These changes will only impact on businesses who are non-complaint with the law. There will be minor costs to the Forestry Commission and those businesses who are non-compliant with the Forestry Act 1967. We are unlikely to see any application of these measures within the BIT 2021-22 window.
EU Regulations, Decisions and Directives and other international obligations, including the implementation of the EU Withdrawal Bill and EU Withdrawal Agreement	<p><u>Further amendments to Commission Implementing Regulation (EU) 2019/2072</u></p> <p>In November 2022 new listings of provisional quarantine pests, will include:</p> <ul style="list-style-type: none"> • <i>Heterobasidion occidentale</i> a root and butt rot of conifers • <i>Candidatus Phytoplasma fraxini</i> Ash yellows phytoplasma, and • <i>Neodiprion abietis</i> the Balsam fir sawfly. <p>The amendment will also clarify measures for the bacterial disease of trees, <i>Xylella fastidiosa</i> and the Emerald ash borer, <i>Agilus plannipennis</i> and introduce phytosanitary checks on pines and Douglas fir in respect to pitch canker of pine <i>Fusarium circinatum</i>.</p>
Measures certified as concerning EU Withdrawal Bill operability measures	Following consideration of the exclusion category there are no measures for the reporting period that qualify for the exclusion
Pro-competition	Following consideration of the exclusion category there are no measures for the reporting period that qualify for the exclusion
Systemic Financial Risk	Following consideration of the exclusion category there are no measures for the reporting period that qualify for the exclusion
Civil Emergencies	<p><u>SPHNs</u></p> <p>SPHNs requiring the person served to fell of infected trees, are issued by the Forestry Commission to prevent the spread of pests and diseases. The Forestry Commission issued 247 SPHNs under the Plant Health Act 1967 during this reporting period. Of which, 9 were for <i>Phytophthora pluvialis</i>, 21 for <i>Ips typographus</i> and 217 for <i>Phytophthora ramorum</i>.</p>
Fines and Penalties	Following consideration of the exclusion category there are no measures for the reporting period that qualify for the exclusion

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Misuse of Drugs	Following consideration of the exclusion category there are no measures for the reporting period that qualify for the exclusion
Measures certified as relating to the safety of tenants, residents and occupants in response to the Grenfell tragedy	Following consideration of the exclusion category there are no measures for the reporting period that qualify for the exclusion
Casework	<p><u>Restocking Notices</u> The Forestry Commission issued 29 Restocking Notices during the period in relation to alleged illegal felling (felling without the authority of a felling licence, where one is required). Restocking Notices compel the individual served to replant felled land with trees.</p> <p><u>Enforcement Notices</u> The Forestry Commission issued 41 Enforcement Notices during the period in relation to alleged illegal felling (felling without the authority of a felling licence, where one is required), non-compliance with felling licence restocking conditions or breaches of forestry Environmental Impact Assessment Regulations. Enforcement Notices compel an individual to comply with Restocking Notice or Felling Licence conditions.</p>
Education, communications and promotion	<p><u>Applicants' Focus Group</u> The Forestry Commission chairs the AFG on a quarterly basis to discuss grant and regulatory changes with members of the sector.</p> <p><u>Forestry and Woodlands Advisory Committees (FWACs)</u> FWACs advise the Forestry Commission on implementing forestry and related policies. This includes providing expertise to the National Delivery Teams and sitting on Reference Committees in an appeal process.</p>
Activity related to policy development	Following consideration of the exclusion category there are no measures for the reporting period that qualify for the exclusion
Changes to management of regulator	Following consideration of the exclusion category there are no measures for the reporting period that qualify for the exclusion

* For detailed guidance on the exclusion categories, please see <https://www.gov.uk/government/publications/better-regulation-framework>

** Complete the summary box as 'Following consideration of the exclusion category there are no measures for the reporting period that qualify for the exclusion.' where this is appropriate.

