

Policy Statement

Forestry Commission compliance with the general statutory duty on biodiversity

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1. Introduction and purpose

- 1.1. This document sets out how the Forestry Commission (FC) will comply with new statutory duties in relation to the biodiversity duty within section 40 of the Natural Environment and Rural Communities Act, amended by section 102 of the Environment Act 2021. This requires public bodies to take steps, consistent with the proper exercise of their functions, to conserve and enhance biodiversity (see box 1).
- 1.2. Specifically, this document identifies the policies and activities that the Forestry Commission is undertaking in compliance with this new duty, as is consistent with its core functions under the 1967 Forestry Act and elsewhere. Including the specific regulatory functions in the 1967 Plant Health Act and 1999 Environmental Impact Assessment (Forestry) (England and Wales) Regulations, the 2019 Official Controls (Plant Health and Genetically Modified Organisms) (England) Regulations 2019 the 2017 Conservation of Habitats and Species Regulations

It also considers what further actions it will take to further the enhancement of biodiversity, including on protected sites. The document also sets out how we will review progress with implementation in the future.

Box 1. Key legislative provisions**1. The enhanced biodiversity duty under the Natural Environment and Rural Communities Act 2006 (as amended by section 102 of the Environment Act 2021)**

- a. A public authority must consider from time-to-time what action it can take, consistently with the proper exercise of its functions, to further the conservation and enhancement of biodiversity in England
- b. After that consideration the authority should determine the policies and objectives for action and then must take such action as it considers appropriate to further that objective
- c. The authority must also have regard to any relevant local nature recovery strategy, and any relevant species conservation strategy or protected site strategy prepared by Natural England

2. The Forestry Commission's core purpose and functions

2.1 The Forestry Commission (FC) collaborates across sectors to inform, demonstrate and enable the delivery of multiple benefits from thriving trees, woods and forests. Our goals are:

- more trees, more diverse species, growing and thriving
- better managed woods and forests that are protected and improving
- bigger benefits for nature, climate, people and the economy

We deliver this work through Forest Services, part of the FC, as well as two executive agencies, Forestry England and Forest Research.

More detail on our goals can be found in [Thriving for the Future: Forestry Commission Strategy 2023-28 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/thriving-for-the-future-forestry-commission-strategy-2023-28)

2.2 The FC's primary statutory function is set out in the 1967 Forestry Act. It includes:

- a general duty of promoting the interests of forestry, the development of afforestation and the production and supply of timber and other forest products.
- the inclusion in that general duty of promoting the establishment and maintenance of adequate reserves of growing trees.
- the achievement of a reasonable balance, in so far as is consistent with the proper discharge of its functions, between afforestation, forest management, the production and supply of timber and the conservation and enhancement of natural beauty and the conservation of flora, fauna, geological and physiographical features of special interest.

2.3 The FC has additional regulatory functions in relation to:

- a. Pest and disease control under the Plant Health Act 1967 and the Official Controls (Plant Health and Genetically Modified Organisms) (England) Regulations 2019.
 - b. Afforestation and deforestation under the [Environmental Impact Assessment \(Forestry\) \(England and Wales\) Regulations 1999](#).
 - c. The FC, in pursuit of its statutory and regulatory functions undertakes:
 - the provision of **advice and guidance for operational activity**
 - the provision of **grants** for woodland management and creation- regulatory and grant making functions are guided by the UK Forestry Standard, which is produced by the FC and relevant devolved bodies in Scotland, Wales and Northern Ireland
 - **regulation** of afforestation and deforestation, tree felling and of plant health impacts with respect to trees and forestry (principally through the Forestry Act 1967
 - **land management** of over 250,000 hectares of the nation's forests
 - **research** into forestry, woodland management, and ecology
- 2.4. This document sets out how we will implement our duties with respect to biodiversity, protected sites and protected landscapes under each of this heading. Throughout the document, these duties are considered in terms of both positive contribution to their goals and in the management of negative impacts, but consistent with, and with an appropriate balance with our primary statutory functions.

3. Our approach, objectives and key policies

- 3.1. Compliance with the enhanced biodiversity duty requires the FC to identify key objectives and policies to guide its actions in furtherance of the duties. This section sets out which objectives are relevant to biodiversity duty, drawing on existing commitments to ensure that any action is consistent with our primary functions. Section 4 sets out the actions we will take to secure the general biodiversity objective.
- 3.2. The FC has set a key goal of securing bigger benefits for nature, climate, people and the economy in its [Strategy, Thriving for the Future](#). The outcomes and indicators under this goal set the organisational objectives for biodiversity, people and the wider environment, and are supplemented with specific objectives for the nation's forests.

Table 1. Key outcomes and indicators for the Forestry Commission’s nature, climate, people and the economy goal (2023-2028)

Key outcome	Headline indicator
Making woods and forests work for tackling the climate crisis	Carbon captured by England’s woodland
Enhancing the natural capital of trees, woods and forests for the nation	Natural Capital Value of England’s forests and woodlands
Making woods and forests work for nature recovery	Ecological condition of woodland in England
Making woods and forests work for people and communities	% of adults in England who visited a forest or woodland
Making woods and forests work for the economy	Gross Value Added of forestry sector for the economy in England

3.3. Forestry England’s own strategy, [Growing the future 2021-26](#), supplemented with its [Biodiversity Action Plan](#) sets further objectives for the nation’s forests. These include:

- The rich, diverse and connected habitats in the nation’s forests will continue to be improved and enhanced by our sustainable forest and land management, including by:
 - Maintaining and improving the condition of our SSSIs, to 75% favourable condition by 2042.
 - Restoring all 42,814ha of Plantations on Ancient Woodland Sites (PAWS) in the nation’s forests
 - Increasing the area of open habitats on land we manage from 16.8% in 2013, to 21.1% by 2060
 - Creating 6000ha of forest wilding
- We will continue to provide first-class outdoor experiences in the nation’s forests with excellent customer service
- We will create new woodlands, expanding the nation’s forests and absorbing more carbon from the atmosphere

3.4. The FC is also a key delivery body for the statutory environmental targets, which it secures through its grants and regulations and through the management of the nation’s forests.

- Increase the area of woodland and trees outside woodland from 14.5% to 16.5% (by over 250,000ha)
- Halt the decline in species abundance by 2030 and secure an increase by 2042
- Create and restore at least 500,000ha of new wildlife-rich wildlife habitats (including new native woodlands)
- Reduce extinction risk by 2042

Our objectives are therefore to increase both the total area of all woodland and the area of native woodland in England, and to ensure through better management of both native and other productive woodlands, and their contribution to species targets.

- 3.5. The UK Forestry Standard (UKFS) provides the policy framework within which our key regulatory and grant making decisions are made. Biodiversity, landscape and access are key considerations within the Standard. UKFS is therefore a key policy determining our performance against the duties. **The UKFS is reviewed periodically, and we will ensure that standards for biodiversity, landscape or access are retained or refined, in light of our objectives.**
- 3.6. Forestry England and Forest Research also have in place Environmental Management Systems. **These Systems are reviewed periodically and we will ensure that standards for biodiversity, landscape or access are retained or refined, in light of our objectives.**

4. The actions we will take to further the enhanced biodiversity duty

4.1. The following section considers each of the FC’s key activities., It details the actions we currently have in place to comply with the requirements to take action, consistent with our functions, to conserve and enhance biodiversity, improve protected sites and further the purpose of National Parks and Landscapes.

4.1 Our policy and advice activities

	What we’re doing now	What we’ll do in the next three years
Conserving and enhancing biodiversity	<ul style="list-style-type: none"> ○ Maintaining UK Forestry Standards with protections for biodiversity, landscape and people ○ Maintaining operational guidance to balance our general purpose with the conservation of nature and natural beauty (on open habitats, peatland, wading birds and ancient or native woodland) <ul style="list-style-type: none"> ○ More detail can be found in our Open Habitats Policy, Keepers of time, Peatland Guidance, Wader guidance and Information on wader zonal maps. ○ Improving access to our data and providing advice and support in the production of Local Nature Recovery Strategies 	<ul style="list-style-type: none"> ○ Update operational guidance on managing native and ancient woodland (by March 2025) ○ Review the evidence base and develop guidance to ensure effective species protection during forestry operations (final publication date to be determined). ○ Secure biodiversity considerations in forthcoming Government strategies and plans on deer, grey squirrel and woodland resilience (by March 25) ○ Work with local partnerships to develop proposals that deliver environmental benefits through woodland creation and management or tree planting (ongoing) ○ Support Defra in aligning Local Nature Recovery Strategies with other key deliver policies such as biodiversity net gain or Environmental Land Management (ongoing)

4.2 Our grant and regulatory activities

	What we’re doing now	What we’ll do in the next three years
Conserving and enhancing biodiversity	Woodland creation and management	

	<ul style="list-style-type: none"> ○ Administering payments for woodland establishment and tree planting, including in urban areas ○ Incentivising biodiversity outcomes through additional payments for nature recovery and native riverine planting ○ Working with Defra to design new options for the Environmental Land Management schemes to deliver biodiversity outcomes ○ Ensure all approved Woodland Management Plans are compliant with the biodiversity and other provisions in the UK Forestry Standard. <p>EIA (Forestry)</p> <ul style="list-style-type: none"> ○ Administering the regulatory regime under the EIA (Forestry) Regulations. ○ Ensure all approved EIAs are compliant with UKFS <p>Felling Licences</p> <ul style="list-style-type: none"> ○ Ensure that all felling licences are compliant with UKFS 	<ul style="list-style-type: none"> ○ Update our Woodland Creation Planning Grant processing to take account of Local Nature Recovery Strategies (by Mar 2025) ○ Supporting the development and implementation phase of Landscape Recovery rounds 1 and 2 (which included biodiversity as a primary objective). ○ Working with Defra to design round 3 of Landscape Recovery (by Dec 2024) ○ Support the role out and uptake of new woodland management options within Countryside Stewardship (ongoing) ○ Update our EIA processing guidelines to take account of Local Nature Recovery Strategies ○ Review the design, scale and scope of the Environmental Outcomes Report regime and assess whether converting from EIA to EOR is desirable in the forestry context.
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4.3 Our land management activities in the nation's forests

	What we're doing now	What we'll do in the next three years
Conserving and enhancing biodiversity	<ul style="list-style-type: none"> Published a Biodiversity Plan Growing the future For wildlife Forestry England including commitments for SSSI improvement, ancient woodland restoration, forest wilding and species recovery. Maintaining an Environment Management System. This includes publishing an Environmental Policy consistent with goals of conserving and enhancing biodiversity. 	<ul style="list-style-type: none"> Implement commitments in published Biodiversity Plan Growing the future For wildlife Forestry England (by Mar 2026) Require LNRS to be consulted in any updates of Forest Plans (as part of their normal cycle of review). Consider local strategies to inform woodland creation design plans on new land acquisitions Keep under review emerging pilot areas for Protected Site Strategies

4.4 Our research activities

	What we're doing now	What we'll do in the next three years
Conserving and enhancing biodiversity	<ul style="list-style-type: none"> Maintain and develop biodiversity research to conserve and enhance woodland biodiversity within our core programmes - Core research programmes 2021-26 – Forest Research Maintaining an Environment Management System (ISO14001). This includes publishing an Environmental Policy consistent with such goals of conserving and enhancing biodiversity. Quality and Environmental Assurance – Forest Research 	<ul style="list-style-type: none"> Develop new research, mapping tools and advice to help target woodland management and creation for biodiversity. Develop tools for assessing woodland condition in the field.

5. Monitoring and review

Forest Services Policy and Advice Team will undertake annual progress checks on the actions set out in this document through a cross-FC steering group, taking account of:

- publication of FC KPIs
- any reviews of the UK Forestry Standards (though none planned in next three years)
- any reviews and audits of Environmental Management Systems
- review and update of Forestry England Biodiversity Plan

We will also work with central government on monitoring and evaluation of Local Nature Recovery Strategies to assess the extent to which they are supporting biodiversity and wider nature recovery outcomes in woodlands.