COMMITTEE FOR AGRICULTURE AND RURAL DEVELOPMENT

OFFICIAL REPORT

(Hansard)

Forestry Bill

24 November 2009

NORTHERN IRELAND ASSEMBLY

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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
Mr Pat Doherty
Dr William McCrea
Mr George Savage
Mr Jim Shannon

Witnesses:

Dr Lucinda Blakiston-Houston	)	Ulster Wildlife Trust
Dr Hilary Kirkpatrick	)	

The Chairperson (Mr Paisley Jnr):

I welcome Dr Lucinda Blakiston-Houston and Dr Hilary Kirkpatrick. Thank you for coming to this evidence session on the Forestry Bill. You may take a couple of moments to introduce yourselves, and, after you make your presentation, we will ask questions.

Dr Hilary Kirkpatrick (Ulster Wildlife Trust):

Thank you very much. I am the policy officer of the Ulster Wildlife Trust (UWT), and Dr Lucinda Blakiston-Houston is a member of our council. The Ulster Wildlife Trust is the largest

locally funded nature conservation charity, and we work for a natural environment that is rich in native wildlife and valued by everyone. We are a membership charity with 7,600 members who support our work. We thank the Committee for inviting us, and the Executive for introducing the Forestry Bill.

The Ulster Wildlife Trust welcomes the proposal that the Department's responsibilities be widened to reflect the environmental, economic and social context of forestry. We suggest that that should include a statutory duty to further the conservation of biodiversity. That statutory duty would be in line with the proposed revision of the Wildlife (Northern Ireland) Order 1985.

We ask that the Forestry Bill provide protection to ancient woodland, which accounts for less than 1% of the forest and woodland, and is particularly valuable. We also ask for some form of inventory of the current resource, because that allows for forward planning. When the Department seeks to develop land to obtain better value from the public estate, we would like to see any accounting process giving full weight to the provision of the ecosystem goods and services from that land, and not just to the value of forestry in terms of timber production.

In our consultation response, we mentioned the Irish hare, which is a priority species in the Northern Ireland biodiversity strategy. It is listed in the 1985 Order as a schedule 6 species, which means that it may not be killed or taken by certain methods. It is particularly covered by the habitats directive. The key factor of that directive is that we as a member state have a duty to maintain the favourable conservation status of the Irish hare. We recognise that there is a species protection Order on the Irish hare under the Game Preservation Act (Northern Ireland) 1928.

Hare numbers have been much higher in the past. There was a period of decline in the late 1980s and 1990s. In this decade, numbers are fluctuating, but they have remained more or less stable. The key for the Irish hare is to maintain the favourable conservation status. It is also a priority species in the Northern Ireland biodiversity strategy. We flagged up the Irish hare during the consultation because the Bill gives wide powers to the Forest Service and private landowners to take action to control hare numbers. We would like the Committee to scrutinise those powers, given the importance of the Irish hare as an endemic species.

The Chairperson:

When you initially wrote to us, some members of the Committee were concerned about that

point, and I have some good news. We have received word from the Department that the Irish hare will be removed from the definition of "wild animal", and those additional protections will be asserted. That is a positive move, and something that we will welcome. That shows local democracy working. You contacted us, as did other groups, about that issue and we pursued the matter. The initial response from the Department indicates that they agree with us on that point. You can pat yourselves on the back for raising the issue in your correspondence.

Dr Kirkpatrick:

Thank you very much; that is good news. We were aware that the Minister raised that issue during the Second Stage of the Bill, and that the Department was dealing with it. It is a pleasure to see that local democracy is working for one of our native species.

In some cases, there is a lack of clarity on the language in relation to definitions of "forest" and "woodland". We are not proposing a particular solution; we would like the Committee and the Department to look at that in a little more detail to ensure consistency in the use of language. There is no formal definition of "forest" as such in the UK. There is a definition of "woodland", which is land that is under stands of trees with a canopy cover of at least 20%. In the case of Northern Ireland, that is 25%. We are simply flagging up some terminological issues that it would be useful to resolve.

The Chairperson:

How do you place a value on and measure ecosystems?

Dr Kirkpatrick:

It is quite difficult. These are all land management issues that are difficult to grasp. It is easy to place a value on timber production; the market gives a value. However, land delivers lots of things that are not so easy to value in the market. Many Committee members come from a farming background and will have a lot of experience of farming matters through their membership of the Committee. To use the example of a family farm, a farmer may have capital in the form of money in the bank that allows him to invest in upgrading machinery, innovations and building new accommodation for animals and so on, but he also has other forms of capital, such as the quality of the land, the way in which his grandfather or great-grandfather looked after that land, and the state of the hedges and fences. To some extent, that counts as environmental capital. The farmer also has other factors, such as social capital, which could be the fact that he

has six strapping sons who can help with the milking, or the fact that he has good neighbours who are willing to help out if he is ill.

That is a good way of explaining that. There are lots of things that land delivers and there is a lot of capital locally that is not always captured by the market but is crucial for success. One of the challenges of developing public policy is to ensure that some of the stuff that is not easily valued in the market is taken into account.

Dr Lucinda Blakiston-Houston (Ulster Wildlife Trust):

Another area mentioned in the report and worth looking at is the fact that some ecosystem services, such as flood plain management and things like that, have a direct economic benefit, especially bearing in mind what is happening today. There are certain environmental services that impact directly on the economic performance of society.

The Chairperson:

It can be quite a subjective measurement.

Dr Blakiston-Houston:

Yes. The Joint Nature Conservation Committee has carried out some work on ecosystems, and it is looking at how we put that into an economic evaluation. We should be using our natural infrastructure. The Government invests an awful lot in their infrastructure programmes through the Strategic Investment Board. Why not also invest in our natural infrastructure? The forest is part of that.

Dr Kirkpatrick:

Any accounting process should not be just about the Forest Service budget, but the budget across the whole of government. It may well be that Forest Service, in managing its estate, is saving money in such areas as flood control.

The Chairperson:

I am glad that you brought up that point. Is there a sufficient link between other departmental responsibilities, policies and strategies? Or do you feel that you are hung out there without that support?

Dr Kirkpatrick:

There are links. There is a clear link, for example, to biodiversity responsibilities and the functions of the Department of the Environment. There is also a link if stricter carbon budgets come up, as there is a lot of carbon locked up not only in trees, but in land in the forest estate. Peatland soils are good at holding back water, so, again, there is that link to flood management and flood control. I do not want to anticipate work that might be done by the Agri-Food and Biosciences Institute (AFBI) or other research organisations, but there is a possibility of putting more quantification on that. That scientific research is going on elsewhere.

Dr Blakiston-Houston:

You talk about the cross-linking of strategies, and there are a lot of cross-cutting strategies in government. We are good at putting those strategies forward, but not so good at linking between Departments to achieve the outcomes of the strategies. One typical example that Forest Service has recognised is the effect that Fit Futures can have on the mental and physical well-being. Local use of the forest is an important part of the strategy. People can own the forest and feel that it is part of them.

Water management and flood plains were also mentioned. The Forest of Bowland in Lancashire is, I think, owned by water utilities. It has a strategy in which any water that falls on its land is kept for two days before it hits the river. That plays a part in flood control, but it also contributes to the cleaning of the water for drinking purposes. It means that there are less cleaning costs involved with the cleaning process. There is a similar operation in New York, near Manhattan. So there are areas where land has been used as an ecosystem.

The Chairperson:

Central Park?

Dr Blakiston-Houston:

No. It is in a flooding area, which has salt marshes. When development costs got so great, the system was good for them economically because it lowered water-cleaning costs. There are examples around the world where these things are coming forward. It stresses the importance of the environment in delivering social and economic benefit to society. There are a few such examples around, and it would be great to have a few in Northern Ireland.

Dr Kirkpatrick:

The water example is also a good one. One of the big expenses in cleaning water is the colouration; the brown colour from the peaty soils has to be taken out. The costs of that process have been calculated in the Peak District in England, and they are considering paying farmers for managing their land in a way that reduces the amount of colour in the water from their land. There are synergies with other areas of government.

The Chairperson:

Has an appropriate balance been struck in the Bill between commercial interests and the needs of an organisation such as your own, and the needs that you have identified in your presentation?

Dr Kirkpatrick:

It is important that that balance be struck, and it is stated that there is a balance. In many of these instances, it comes down to the specific details, and that is often where guidance comes in. It is a balancing act. We are advocating on behalf of our members, who have an interest in wildlife. Government is in a different position.

The Chairperson:

Have they got that balance right? That is the crux of what we are doing. We have to make sure that we get the Bill right. If there are areas where you think that the balance is wrong, tell us now, because it will give us the opportunity to explore those matters with the Government.

Dr Kirkpatrick:

The guidance will be absolutely crucial. There is a balance to be struck between the different aspects, but specific incidents may tell you whether the balance is right.

Dr Blakiston-Houston:

It is important to know the outcomes that you want to achieve from the Bill and that you have the data to ensure that you are achieving them. For example, if you are looking at woodland cover, you need to know what sort of woodland cover you want to encourage. If there is a commercial interest, you need to know the outcome of that interest, so that you have the social, economic and environmental balance. There is a lot of legislation, but we do not always know its effect because we have not put in the data collection procedures for it. We talked about protecting the Irish hare in the woodland; that would be a great opportunity to ensure that we are collecting the correct

data to see the damage that people say the Irish hare is causing.

The Chairperson:

The public opinion survey indicated that there are three key things: places to walk; places for wildlife to inhabit; and improvement of the countryside. In respect of those three areas, do you think that the balance is right in the Bill?

Dr Kirkpatrick:

The focus is still very much on commercial forestry, and there are opportunities to do more for the other aspects. It is natural that the Forest Service is good at growing trees, because it has been doing that for a long time. It has also been diversifying into other areas, and there are opportunities to do that, particularly in relation to providing public access, contributing to the development of tourism and contributing to furthering biodiversity conservation. It would be useful to ensure that those areas were strengthened in the Bill.

The Chairperson:

Do you think that it is tending to be too commercial?

Dr Kirkpatrick:

Again, it comes down to the balance. It is a commercial operation, and it will have to make money, but that does not necessarily conflict with the other aims. For example, there is a lot of opportunity to attract tourists. It helps the regional economy, but it does not necessarily conflict with the functions of providing places for wildlife to live in. You can try to achieve some of those win-win situations.

The Chairperson:

To put the question the other way around: is it not commercial enough in some regards?

Dr Kirkpatrick:

There are opportunities to develop tourism, for example, which is potentially a growth area. In straitened economic times, there are opportunities to give people more opportunities to spend locally, whether they come from within the island of Ireland or are visiting here rather than going on long-haul holidays.

Mr Shannon:

Are you anything to the Blakiston-Houstons in Ballyhalbert? Is that a connection of yours? This is by the way, but I happened to see your name.

Dr Blakiston-Houston:

Ballywalter.

Mr Shannon:

Are you Dick's wife?

Dr Blakiston-Houston:

Yes.

Mr Shannon:

I know your husband well. He does a bit of shooting.

The Chairperson:

Careful; the next question is dinner.

Mr Shannon:

I have met him at a couple of events and have known the family for many years.

The Chairperson:

I must remind you that the session is being recorded by Hansard.

Dr Blakiston-Houston:

I want to state for the record that my husband is a private forester.

The Chairperson:

We expect you to have a stake in these matters. That is why we are asking for your expertise.

Mr Shannon:

I am very interested in your view of the future of forestry. The Chairman touched on it when he referred to the places to walk, places for wildlife, and improvement of the countryside landscape.

However, it is more than that. Do you see forestry having any other uses aside from those three factors?

Dr Blakiston-Houston:

Those core factors are quite specific. However, forests form part of the world's breathing lungs. That is recognised everywhere, and we look at the Amazon as having the potential to save us. We, too, have an important role to play by ensuring that our forestry here is working.

Different types of forestry provide different social benefits. For example, some of those benefits may be in commercial production, but social and recreational facilities may also be provided. Some people may prefer to live in broadleaf woodlands, which provide a very different type of environment to a commercial environment. Those people may not want the same kinds of recreational facilities that exist elsewhere. Therefore, the Forest Service needs to have a strategic overview of forestry on a Northern Ireland basis, which means creating link ups. Climate change is coming. Some forests and species will be able to benefit from that, but others will not. We must also allow for the fact that some species may need to be more mobile. Given that, we will need to provide wildlife motorways that allow that mobility. A strategic overview for the whole of Northern Ireland is needed to ensure that the link ups that I spoke of can be created.

The UWT supports landscape scale, and forestry is part of landscape scale projects. That means looking at the environment subjectively, such as thinking about how pretty it looks and whether it needs forests, but it also means providing the facilities that will allow nature to stay with us as much as possible. Man will cope with climate change one way or another because we have technology. However, at the end of the climate change process, we may not have the quality of life that we want. Forests can help us to maintain our quality of life and our status in the whole environmental system.

Sometimes, that service is not recognised. It is not something that can be put in a Bill, yet we know in our heart of hearts that what we should have it. It is difficult to legislate for that, but it is one of the outcomes. The Bill looks at the commercial side of forestry and at the social and economic factors that are involved. However, compromises will be made, and it is for the Committee to decide where they will be made. The Committee also needs to decide whether to make the Forest Service a commercial company or a government company that delivers goods and services to society as a whole. Those are the sorts of issues that the Committee will be

discussing when examining the Bill.

Other services include flood control. However, that will not happen if forests are run commercially. I live in Gortin in County Tyrone — Pat Doherty is my MP — and our salmon river, the Owenkillew, is now a flash river. It rises and falls at a huge rate, which means that if fishermen are being encouraged to come, it is often not known whether the fishing will be good. This year, it was really bad for us, because the salmon were waiting to come up, and at one point the river was flowing too fast for fishing. When conditions were good for fishing, we suddenly had dry weather and no water. In fact, the fish came the day after the season closed. Such circumstances are not good for the tourist industry.

A lot of people would say that drainage above that level caused the river to rise. I was chairman of the Council of Northern Caving Clubs (CNCC), as you may have realised, and we argued strongly for the sponge to be put back into the environment so that water could be held and allowed to sit in the ground before flowing away. Sometimes, you want water to flow away a bit more quickly from some areas than others, but in the uplands, the caves were our sponge. We had watermills in the eighteenth century, but they are not there now because our streams are not performing as they used to.

Therefore, appropriate planting is needed, and it must be known whether that planting is being done for commercial timber, social and economic good or the environment. That is what I mean by having a good, strategic overview. The Forest Service is our major owner of forestry land, and those are the sorts of issues that I, as an individual citizen and not necessarily as a representative of the UWT, would hope to come out of that vast reserve. I want that strategic lead to exist in the delivery of social, economic and environmental goods.

Mr Shannon:

I am aware of the importance of native broadleaf trees and non-native conifers, and I am sure that other Committee members are also aware of that. You spoke about those when you discussed whether a forest is a commercial environment or whether it provides recreational activities. It is clear that the Department must offer incentives in the Forestry Bill for the planting of more trees. Do you think that there should be different levels of support, grant or incentives? In other words, should there be a greater incentive for planting broadleaf trees, which have no immediate commercial value, as opposed to conifer-type planting, with which there is quicker development

and more opportunities?

Dr Blakiston-Houston:

The grants should be focused on what they want to achieve. For example, if social grants are provided, they should have social outcomes. If commercial grants are provided, they should have commercial outcomes.

I would love to see more planting of broadleaf trees. We have talked about carbon credits for planting trees and so on. People have talked about biomass, and the Bill deals with short-rotation coppicing. On the continent, people manage their broadleaf forests in a huge way. They fell, take out wood and use that wood. We should begin to consider the opportunities for commercial interests of the broadleaf in areas such as furniture. A lot of carbon is stored in the furniture in this room at the moment. It is locked away, hopefully, for a very long time. Therefore, forestry means more than just what is growing in the ground. It gives much more to society. However, that is probably outside the terms of today's meeting.

Mr Shannon:

Do you feel that individual farmers and landowners who plant trees should be allowed to manage the woodlands that they have created, or should there be some outside influence? I am keen to get your opinion.

Dr Kirkpatrick:

There is no strong tradition of woodland management here. Farmers would welcome advice from the Department on that. In some other countries, there is a tradition of managing woodlands with a long-term perspective. In response to your earlier question, forestry aims to make a long-term future investment, not only on behalf of this generation but on behalf of generations to come. The incentives must reflect that, because farmers have the choice between planting a crop that will achieve a return within months and planting a crop that they will not see a return on; their children or grandchildren will see that return. That is a difficult decision to make without some form of incentive.

The second question was, in a sense, about how much guidance to give to farmers and landowners. A balance must be struck between completely controlling somebody's business activity, which is not acceptable in democratic society, and the need to provide guidance. The

Department does that already through projects such as the Northern Ireland countryside management scheme, which helps farmers to meet targets and which provides specialist advice. The College of Agriculture, Food and Rural Enterprise (CAFRE) also provides advice. If we are to move to a culture in which more farmers and private landowners become involved in planting woodland, it is important that the support is there and is provided to them to enable them to make business decisions about what route to take and to show them how to get the best return and how to manage the timber.

Dr W McCrea:

Thank you for your presentation. Dr Kirkpatrick, in your opening remarks you mentioned a number of times the need to strike a balance. I think that the Chairperson was trying to get you to make a judgement call on behalf of those who you are representing today. To be frank, you danced around that but never answered whether you feel that the balance in the Bill is correct. You said that compromises may be made between commercial and other considerations and that we would have to make a judgement on what the Bill should say on that. However, we can often make a judgement call only on the basis of the evidence that is given to us.

I am sorry to press you, but I must ask you about that again. Your submission states:

"We would welcome clarification of the phrase "in a balanced manner"."

What are you looking for? A few moments ago, we talked about promoting commercial value by considering what the end result should be and applying for grants on that basis. You are looking for clarification of what is meant by "in a balanced manner", and I am looking for clarification on what you believe should be the correct balance in the Bill.

The Committee will have to make a judgement call on what the correct balance is, because the Bill has been presented to us for our consideration. We can do that with confidence only if we take into account all the relevant interests and views. What you say to us will be vital to any judgement call that I may make.

Dr Kirkpatrick:

That balance can be achieved by ensuring that the Bill includes a statutory duty to promote sustainable development, and a statutory duty to further the conservation of biodiversity would

also help. What happens on a particular piece of land often comes down to detailed economic decisions on which other considerations are taken into account. I cannot give you those detailed economic answers because I do not have a team of forest economists to ask.

Dr W McCrea:

Your submission states:

> "We would suggest that this should include a statutory duty to further the conservation of biodiversity."

What is the statutory duty that you are asking us to ensure is included?

Dr Blakiston-Houston:

Hilary may correct me, but I understand that the Wildlife (Northern Ireland) Order 1985 includes a statutory duty on all Departments to further the concept of biodiversity. If such a statutory duty were written into the Bill, the Forest Service would have to fulfil its duties under the biodiversity strategy. That would be right, and we want provision for that in the Bill.

Dr W McCrea:

I notice that you said that the environmental context of forestry should be taken into account in the Department's promotion and provision of forestry education. What, specifically, do you want in the Bill that would cover that?

Dr Kirkpatrick:

We want the Department to promote not only timber but the other benefits that come from forestry. That will require public education and education of the people who work for the Forest Service. That is not to claim that those people do not know about those benefits already, but if there is to be formal education and training, it should include the other factors that we have been discussing today.

Dr W McCrea:

You spoke about what was in the Bill, and you then emphasised the guidance. Should the duties that you suggested be in the Bill, or is the guidance that comes with the Bill the appropriate place for them?

Dr Blakiston-Houston:

Which is more legally binding?

Dr W McCrea:

The only one that is legally binding is the Bill; guidance is exactly that — guidance.

Dr Kirkpatrick:

I think that you have given us the answer.

Dr W McCrea:

You seem to suggest that there is a lack of clarification in the Bill about what is meant by the terms "forestry", "woodland" and "forest cover". You suggest that the consultation document uses those phrases interchangeably; indeed, your submission asks why no mention of "woods" is made. You said that there is some inconsistency in the way that the terms are being used in a document that your submission referred to. Again, what are you looking for? What term should be used consistently?

Dr Kirkpatrick:

I do not have a legal background, but it may be useful to have a legal definition of what the Bill covers. For example, there is an ancient woodland inventory that gives statutory definitions and enables ancient woodlands to be identified legally. It may be useful to have a statutory definition of what constitutes a forest or a wood. The definition may change depending on whether the primary function is to deliver commercial or social opportunities. However, that is not to say that a group of trees cannot deliver more than one function.

It is helpful if everyone in a discussion understands that they are talking about the same thing. For example, I sit on the monitoring committee of the Northern Ireland rural development programme. We have detailed discussions, and there are times when I try to picture the piece of land that someone is talking about and what it would look like if I visited it. I may have a created a mental picture of one thing, but it then gradually emerges that the person is talking about something else. That makes it difficult to have clarity in a discussion about objectives.

I used to teach in a university, and students from other European countries would often take my course. They have precise terms for forestry, but one lecturer who taught them would use one

term and another lecturer would use a different term. Those students, particularly the Germans, were completely confused by that. It is partly the English language that causes that problem, but the law must be clear and easily interpretable.

The Chairperson:

The Bill provides some definitions. Indeed, clause 1 outlines that:

> "'forest' includes woodland;
>
> 'forestry' includes—
>
> (a) the development of afforestation, the production and supply of forest products and the maintenance of adequate reserves of growing trees;
>
> (b) the management and development of forestry land so as to—
>
> (i) contribute to the protection of the environment; and
>
> (ii) encourage the enjoyment of that land by the public;
>
> 'forestry land' means any land held by the Department for the purposes of its functions under this Act;
>
> 'forest products' means timber and other products derived from, or produced in the course of, forestry."

Dr Blakiston-Houston:

However, the word "forest" is used in some parts of the Bill, and in other parts, the word "woods" is used. Why use two different words if a forest includes woods? In a layperson's terms, the word "forest" is often regarded as concerning commercial timber, whereas "woods" makes people think of somewhere that they may like to take a walk. The layperson may not read the Bill anyway, but there seems to be an inconsistency in using the two terms together.

The Chairperson:

If you outline for us examples of where there is no clarity in the Bill, we will return to the Department and ask for clarification.

What is the range and scope of the biodiversity duties that you mentioned? What sort of burden would those duties place on people if we insisted on them?

Dr Kirkpatrick:

We signed up to certain duties at the 1992 Earth Summit under the terms of the Convention on Biological Diversity. Therefore, we have obligations as an EU member state and through the UK Government. Those obligations cascade down to devolved Administrations, so a framework is in place already. Other matters, such as the habitats directive and the birds directive, also have a

bearing. Some 20% of the land that the Forest Service owns is part of the Natura 2000 network, which means that there are EU statutory duties to fulfil where that land is concerned.

Dr Blakiston-Houston:

It is also fair to add that the Forest Service signed up to the Northern Ireland biodiversity strategy. Therefore, we are only asking that the Forest Service meet its obligations through the Bill.

Mr Doherty:

Thank you for your submission.

In many ways, Mr McCrea and the Chairperson asked my question already. Your use of language included terms such as "forestry", "woodland", "tree cover" and "woods". You made a written submission to Forest Service. Did it respond to your query on that use of language? Did the Department respond? Did either of those bodies refer to your use of language in their responses in the consultation?

Dr Kirkpatrick:

No. We have not had a response on that matter.

Mr Doherty:

Are you concerned that the loose use of those terminologies may have legal implications?

Dr Kirkpatrick:

Yes.

Mr Doherty:

That means that there is an onus on us to try to pin down the legal definition of each of those terms.

Dr Kirkpatrick:

In this case, the Committee has that expertise at its disposal. We are happy to give our opinion, and we know about woodlands from a scientific point of view. However, a legal perspective is an entirely different matter, and we must make sure that whatever definition we use is capable of standing up in that legal context.

Mr W Clarke:

Thank you for your presentation.

In my opinion, the Bill is not ambitious or visionary enough. This is the first Bill on this subject in over 50 years, and it will probably be a long time before we introduce another. Therefore, it is important to show vision.

I will certainly be looking for a number of amendments to the Bill later in the process. I will put some of them to you to see how you feel about them. To me, the use of forestry to combat the negative impact of climate change is paramount and should be at the heart of the Bill. Putting carbon sinks in and around our towns and cities is of paramount importance and should be in the Bill. How do you feel about the use of forestry land for wind farms?

The use of that land for production of biomass by using ordinary remnants of forestry land without growing short-rotation coppice willow was also touched on. How would that have an impact on your own land and its biodiversity? Changing a habitat and then managing that was also mentioned. I envisage a good lot of community use and community businesses set up around biomass. You touched on the subjects of hardwood and broadleaf, and you implied that everything can be mastered everything together as long as there is a master plan or a template. Can you address those points?

Dr Kirkpatrick:

First, you mentioned climate change and the value of having trees around towns. Let me deal first with that. Trees in towns will contribute not only to locking up carbon but to quality of life. Having spent some of my working life in big cities and having been brought up in a very rural area, I know how much pleasure a tree outside an office window gives people. A lot can be delivered by bringing more trees into towns, cities and villages.

The climate change issue is important, and it must be considered. It must be considered in a serious, scientific way, with proper quantification, so that you can work out what you are getting.

That brings me on to the second point, which was about wind farms. We support wind farms in that they represent renewable technology, and they can also make a contribution. However, a

wind farm needs to be in the right place. When installing a wind farm, one needs to ensure that it is not actually releasing more carbon or damaging the environment, but that it is helping.

Therefore, complex and complicated decisions need to be made, and good science is required to underpin them.

Dr Blakiston-Houston:

Woods lock up carbon, but one criticism that can be made is that woods are a living produce; they grow and die and carbon is released after that. That is why I mentioned the possibility of having sustainable management. If that were established, the wood would not be allowed to just fall down, but it would be managed and used in such a way so as to offset carbon or to be carbon neutral. Turning hardwoods into hardwood furniture that will last would, I would say, offset carbon.

The use of biomass and single-rotation coppice was raised in the Assembly during the First Stage of the Forestry Bill; I think there was some muddle about whether single-rotation coppice was part of the Forestry Bill. There must be a question in people's minds as to whether that is an agricultural or a timber crop. However, I do not want to go into much detail on that point.

The use of community woodlands and biomass will create a huge opportunity, and funnily enough, if one considers the position of facilities on forestry land, we are slightly moving away from the UWT's view. In Germany, a lot of community businesses have grown up around the edge of forests. Those businesses have taken wood to use for chipping to support their district heating partnerships. I know that district heating was very unpopular here back in the 1970s, but we did not have the technology to measure heat at that time. That technology now exists.

If you are considering cross-linking with other strategies, as you often have to, I would love to see the use of biomass in woods, especially for community district heating. The energy strategy also considers the provision of heat; biomass is the provision of heat more than the provision of energy. Therefore, some opportunities could be looked at. Perhaps you could consider more community facilities than just those that are used for recreation, conservation and education.

Mr W Clarke:

Do you have any views on the management of forests and the density of planting? I know that

the Committee is keen to get more farmers to plant forests, and we think that they should be allowed to graze that land. Do you have any views on habitats, biodiversity and the density of any planting?

Dr Kirkpatrick:

In many ways, that depends on what you are trying to achieve. The popular perception of woodland is of a very dense tree canopy. However, that is not always necessarily the case. Even in areas of Europe where large areas of woodland remain, there are open areas. Medieval woods were managed heavily, but they had open areas. There would have been hunting in the English medieval woods. Therefore, woods delivered a lot of different functions for the community in the past.

To a certain extent, what can be done depends on the type of woodland. For example, some native woodland in Scotland, such as the Caledonian pine wood, is actually very open with a lot of space and light. At the same time, some of the ancient woodlands in Poland, for example, have a much more closed canopy and many more gnarled tree trunks and so on. If you are talking about native woodland, the answer to your question depends on what you are trying to achieve with it and the species that you are using in it. I know that AFBI, for example, has been working on agri-forestry systems, where ash trees are incorporated with sheep grazing underneath. That is actually creating a whole new ecosystem.

Mr W Clarke:

That is what I am trying to get at. Do you support that?

Dr Blakiston-Houston:

Yes, very much so.

Mr Savage:

You touched on two or three issues to which I want to come back, one of which was the Irish hare and the habitat directive. From the forestry end of things, hares can sometimes be a nuisance or pest. At the same time, however, they have been here and people are trying to get the numbers back to what they used to be. Sometimes a hare can be worth as much as the forest end of things.

What do you want to achieve, and how are you going to achieve it? Any person considering changing their land to forestry faces a big decision. When people plant, they have a long-term

plan and a fair idea of when they will harvest. That is what the whole issue is on the commercial side of things. People have to be very careful about where they plant forests. I know of where one has been planted. As you touched on a minute ago, it is all to do with biomass. It is a lovely area, but people are complaining that their houses are damp because of the biofuels and willows. I know that those will be harvested probably next year or the year after, but what about the native woodland? Grants are now available to encourage farmers to go down that road more than they have done in the past 25 years, as you said.

What protection can we give to the rural community in relation to those forests? Will the rights of the people who live in those areas be protected? Will the forests have to be a certain distance from built-up areas? Willie McCrea said that you have been dancing about a wee bit. I know that you have to take a girl to the dance before you dance with her. At the same time, some hard decisions will have to be made in this area. It is very interesting to listen to what you have been saying, but I am really concerned about the long-term future of this issue. What do you think is missing?

Dr Kirkpatrick:

For a moment there, I thought that I was going to have to —

Mr Shannon:

Do the foxtrot?

Dr Kirkpatrick:

Yes. *[Laughter.]* Either that or my father would have to go for the shotgun.

The Chairperson:

For Jim Shannon, that would be a good idea.

Dr Blakiston-Houston:

It is fair to say that the Woodland Trust has done a lot of work in relation to community woodland. Where it has planted community woodland, it is because the community has wanted it, and it has delivered tremendous social and recreational benefits as well as achieving points on climate change, and so on. The whole point about landscape planning and strategic use is working out where forests should be and where they should not be. It is very difficult for us to

comment on the specific example that you gave because we do not know anything about it.

It is recognised that if hares get up to a huge number, of course they can do damage to new woodland. However, anybody who plans or plants new woodland will be aware of what their hare population is in that area. It is very difficult to legislate for everything. You said that this issue has not been legislated on for 50 years and is well out of time. I think that that says it all: Bills like these will be forever evolving. It is very difficult to have a crystal ball and look in the future.

We are looking at increasing the percentage cover of forestry from 6% to 12%, but that has to be done through a strategic plan. It cannot be done using an ad hoc plan that is carried out here and there. It has to be done strategically to make the most of forests and woods so that they can deliver the maximum benefits.

Mr Savage:

Experts tell me that, when a forest is planted, the better the land on which the trees are planted the quicker the harvest. As far as I am aware, there is a 25-year plan for harvesting. However, in some places, harvests have been achieved in 16 years and, therefore, are ahead of schedule. There must be guidelines for the encouragement of new forests because there are questions around how that will be managed and achieved.

Do not get me wrong; I like to see new forests and I like to see them well looked after. However, the big issue is how new forests are going to be perceived by the outside world and the local community. It is better that some use be made of the land than it not be used at all. We are talking about long-term planning; it is only when good ground is planted with trees and harvested that we will know what we are left with. What is your view on that?

Dr Kirkpatrick:

What we are talking about is thinking strategically about land use; it is about balancing the different functions that the land has to deliver. The land also has to produce food, so there is the classic dilemma that the best places to put trees are sometimes also the best places to grow food. I suppose you are going to accuse me of foxtrotting again, but land use is something that has to be looked at by the devolved Government. It is up to them to decide how to make best use of the land and where the best places for certain things are. That links into planning, and, presumably,

the Planning Service would have a function in relation to where community woodlands would be developed, if that was a route that you went down. Part of the reason why we have so many forests in the uplands is that that was where the Forest Service, and the Forestry Commission across the water, have been able to acquire land.

Mr Savage:

Is that where forests should be?

Dr Kirkpatrick:

No, the uplands are probably not the best place to put forests because it takes a long time for trees to grow there and to produce commercial timber. Also, because we are in an oceanic climate, there is a lot of wind. The windthrow hazard maps that have been produced show that an entire crop could be taken down by a particularly bad storm. The Forest Service, the Forestry Commission and Coillte have such maps, and they use those maps to plan where they plant and what spacing is required.

If you want to get a good return on forestry, you have to bring forests down the hill. However, as members of the Agriculture and Rural Development Committee, you will know that the land at the bottom of the hill is land that could be used for food production and, potentially, land on which you need to have houses, towns and infrastructure. It comes back to the point that was made earlier about the need to take a strategic look at the green infrastructure and the built infrastructure and at what that is delivering.

Dr Blakiston-Houston:

The UWT has done a lot of work on landscape-scale projects and, if members are interested, we will be very happy to send some of that work to the Committee. That work raises the sort of questions that we are trying to ask on a landscape scale. We have a problem with land capacity. That is not just a problem for the Committee; the whole of government has to look at what people want from the land and what its capacity is. The UWT has tried to look at those issues through landscape-scale projects.

Mr Savage:

That is long-term planning.

Dr Blakiston-Houston:

It is, but so is forestry. It is part of the whole examination of the strategic use of land.

Dr Kirkpatrick:

That is why the use of land is, to some extent, the business of public policy and of government. The issue is not just about what is happening now, it is also about what will happen in the future and taking decisions on behalf of future generations.

Mr Elliott:

Thank you for your presentation; I apologise for missing most of it. I also apologise if I raise issues that you have covered.

I want to ask about the destruction of what the Bill terms "wild animals". I know that you have specifically referred to deer and the Irish hare. Chairperson, we may need to clarify the Department's position on the Irish hare.

The Chairperson:

We have got some good news on that. The Department has indicated that it will put in extra protections for the Irish hare.

Mr Elliott:

My apologies; I was not aware of that.

If the Irish hare is protected, are you reasonably content with the rest of the part of the legislation that allows the destruction of "wild animals"? Or, even if the Irish hare is protected, are you concerned that there may still be other animals that require protection?

Mr Savage:

We have to be very careful about the hare.

Dr Blakiston-Houston:

An overseeing body is required so that the Forest Service is not solely in charge. There is a power for them to go onto other people's land, so there should be some form of independent scrutiny. We have asked for a statutory duty in the Bill to conform to the biodiversity strategy.

As a wildlife organisation, we would be content if that statutory duty was carried out, because it would mean that there would have to be monitoring to assess the impact of some of the actions. There should be a clause to ensure that harm is not caused.

Mr Elliott:

Are you saying that the issue is giving the Forest Service too much power without any oversight?

Dr Kirkpatrick:

It is about checks and balances and making sure that the processes that the Forest Service and private landowners who operate forestry go through fit in with statutory obligations under things like the habitats directive and the birds directive. Those checks and balances exist in other areas, so it is the Committee's role to ensure that the checks and balances that allow independent decisions to be made are in the legislation. That will give the public confidence that the democratic process is working properly.

Mr Elliott:

That could be said for large sections of the Bill.

You have broadly welcomed public access to forestry land and said that providing places for people to walk and places for wildlife to live will improve the landscape of the countryside. Are you concerned that increased public access will increase the chances of parts of forestry land being destroyed? If much wider public access is granted to forestry land, particularly if it is not reasonably controlled, there will always be a concern about more damage.

Dr Kirkpatrick:

Public access for any organisation inevitably brings challenges. It brings challenges for us as an organisation that manages nature reserves, yet we actively welcome people on to our land. There is a paradox, in that if you have lots of people using forestry land, it acts as a deterrent against antisocial behaviour, because the opportunities for people to behave badly are checked to an extent due to the presence of a significant proportion of the population who use the land as a resource.

The same principle can be applied to urban nature reserves, for example, where antisocial behaviour can occur. In fact, the best way to reduce that is to have houses with kitchen windows

that face onto the reserve, and people stand at those windows while they wash dishes. Those people's kids use the reserve and go to groups there. If they see people hanging around, they will report them. They will report vandalism.

The vast majority of the general public are decent, law-abiding people who want to go out and enjoy the countryside. If many people use a facility and go out walking there, they will act as a deterrent to others who would be involved in antisocial behaviour. Some of that behaviour might happen anyway: if people are going to be destructive on Forest Service property, they will probably not care too much about whether they have a right of access to it.

Dr Blakiston-Houston:

It is fair to say that Northern Ireland is always trying to encourage rural tourism. Tourists here have far less access to open countryside, whether that is forestry or another environment, to walk across than in any other part of the United Kingdom. If we can encourage public access around forest parks, that will only be good for the tourist industry, which is important, especially for the rural economy.

Mr Elliott:

I appreciate that. I declare an interest as a member of Fermanagh District Council. We work closely with Forest Service to develop open access to several areas of forestry land. I understand the challenges that that brings, particularly because providing greater public access does not always mean that more of the public will avail themselves of it. However, it can open up opportunities for antisocial behaviour for some people.

Also, more public access means more upkeep. There needs to be a commitment to continual and regular financial input. I am conscious that there has to be balance: we cannot simply open up all Forest Service land. We must be able to control the land that is opened up to public access. I hope that you agree.

Dr Blakiston-Houston:

I am afraid that I do not consider that to be innovative enough. The case should need to be made to stop public access, rather than for it. It would be good to have a general facility for public access, and if there are areas where you do not want it, you should make the case against it then. That should be the same for reserves: if you do not want people to go onto a certain area, the case

for why people should not access that area would have to be made for conservation reasons. Therefore, the presumption should be for public access.

Mr Elliott:

In fairness, I have to say that my experience on Fermanagh District Council, where we do that as widely as possible, is that when all land is opened up for access, there is little control. If land can be opened up enough to give the public sufficient access, but still be manageable and controllable, is that not a much better option? When all land is opened up, and people are walking through forests that do not have proper pathways, it opens up all sorts of insurance claims.

Dr Blakiston-Houston:

The Bill does talk about minimising Forest Service's public liability. You should look at that. Off the top of my head, an idea would be to look at forest partnerships that have been set up with local communities. Perhaps, when a community asks for public access, a forest partnership should be considered. The presumption should be access in that case. You would know whether there was a need for public access. I have forgotten which forest partnerships are run by Forest Service. I sit on the Gortin forest partnership.

Dr Kirkpatrick:

It would be worthwhile for the Committee to look at public-access situations and how some of those issues have been handled elsewhere. People have raised those issues. When the Land Reform (Scotland) Act 2003 was going through the Scottish Parliament, some of those issues were raised, such as what happens when people are able to wander into places where they have not been before and the consequences of that. Looking at how public access to land has been dealt with and what its consequences and management implications have been elsewhere may provide useful lessons.

The Chairperson:

Thank you both for coming and for giving us so much of your time and, indeed, expertise on this subject. We will be taking evidence throughout January and, eventually, we will produce a report on the Bill.

Mr Shannon:

If you need a dance partner, George is available. *[Laughter.]*