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FROM THE PRESIDENT

The Clerk to the Committee,
Room 284,
Parliament Buildings,
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28th October 2009

To: The Clerk to the Committee

Draft Forestry Bill

Please find attached a broad view of comments from the Ulster Farmers' Union on the draft forestry bill for Northern Ireland.

The UFU feel that proposals are excessively draconian and place too much control over private land. Any forestry bill should seek to promote private forestry, instead we feel this draft bill would discourage private forestry and contradicts and conflicts with other government schemes (CMS) that seek to enhance and develop tree planting and environmental schemes on farm.

Compulsory acquisition of land

We feel this provision is too excessive and not justified, if it is for commercial benefit of government land. We were of the understanding that vesting orders should only be issued if it would be in the greater good of the public interest. This clause has the potential to devalue privately held assets, as a landowner may be forced to sell at a time when land values are low.

We have been advised that inclusion of these powers within the bill is only intended to allow provision but may not be used. However, this offers no comfort to owners of adjacent land. Instead, we would favour enhanced co-operation e.g. Forestry service could lease land from adjacent farmers for time-frame of harvesting.

Protection of forest trees from damage

The UFU feel that Forestry Service should seek to enhance communication and co-operation with neighbouring landowners rather than to infringe on activities on neighbouring land.

The UFU have serious concerns about Forestry Service having powers to control wild animals in adjacent land or forests. This could have implications for;

1. Land managed for shoots e.g. pheasants.
2. public liability
3. Safety
4. Sensitive habitats

Forestry service must not be exempt from adhering to legislation that controls culling of certain species e.g. closed seasons for deer and hare culling. These regulations were brought in to protect these species and private forestry owners have to adhere to them.

We would question the consultations definition of what constitutes a 'wild animal' as this could also refer to straying livestock.

Bordering land sometimes suffers the affect of poorly managed wildlife straying from forestry land. Poorly maintained levels of deer management causes damage to crops, and deer eat fodder left for livestock. Farmland bordering forests, have difficulty in controlling foxes in the spring time when lambing commences. Vermin and larger mammals can also represent a potential disease risk to livestock. Private landowners have no authority to control wildlife on neighbouring land, and it would be unfair if a public body was to acquire such rights. The erection of suitable perimeter fencing offers the most appropriate solution to control wildlife.

Removal or destruction of vegetation on adjoining land

The UFU would like to see a clear definition of what would be termed as 'uncultivated land'. Much of Northern Ireland's hill land could be termed as uncultivated yet is productive for sheep farming. Indeed, due to compliance with various agri-environment schemes it is essential that these areas are farmed to enhance biodiversity.

We understand the need to mitigate against fire hazards and create fire buffer zones however this should be created within the boundary of forestry service land and not simply enforced on neighbouring landowners. The bill does not make any mention of Forestry Service duty to control fire risk on their own land.

Burning of vegetation

The UFU understands the potential fire risk associated with burning close to forests but feel that this clause is draconian. 'Slash and burn' practices are a common farm practice, essential for the continued biodiversity and productivity of hill land. Farmers undertaking these activities manage these fires in a carefully controlled manner. We feel Forestry Services' proposal to necessitate notice to burn vegetation is unnecessary, over beaurocratic and unworkable. Farmers' can only conduct these activities when weather conditions allow and therefore it would be difficult to give notice, particularly given the burning season runs from September to April. We would also question if a fire burning 1.5km from a forest poses a significant risk to forestry land.

Felling of trees

The UFU do not feel there is need to introduce a tree felling licence system. Tree felling is already highly controlled through agricultural and forestry regulations and schemes. We consider felling licences would be unfair and put unnecessary charges into the system.

Felling licences and management plans would inhibit activities on neighbouring land. E.g. if a landowner is involved in private forestry, as part of a scheme they may have problems reverting land to agricultural production, should they so wish. The draft bill would potentially force the landowner to replant the land in trees, which may not make viable business sense.

Forestry could potentially become a more realistic and viable option for farmers in the future so we are disappointed that to note that these opportunities could not be promoted as part of a new bill.

I trust these comments are of use and we would be happy to discuss further any points raised.

Yours sincerely,

A handwritten signature in cursive script that reads "J. Graham Furey". The signature is written in black ink and is positioned to the right of the typed name.

Graham Furey