



ENGLAND TREE STRATEGY

Defra Consultation

Date: 11 September 2020

Online Response ID: ANON-RBRS-HKG3-6

The CLA – Country Land & Business Association

The CLA is the membership organisation for owners of land, property and businesses in rural England and Wales. We help safeguard the interests of landowners, and those with an economic, social and environmental interest in rural land. Our 30,000 members own or manage around half the rural land in England and Wales – over 10 million acres - and run more than 250 different types of businesses. Many of our members have woodland and forestry interests.

These range from private owners and managers of farm and estate woodlands and forested land, owners of let land with existing trees or potential for more, operators of active woodland and forest enterprises involving sales of woodland products or the management of woodland on a contractual basis at small and large scales. CLA is therefore keenly interested in helping to shape the England Tree Strategy. Our interests are principally in trees and woodlands in a rural rather than urban setting and in the development of a woodland economy with viable and sustainable markets to drive tree planting and grow the management of woodlands to UK Forestry Standards.

The England Tree Strategy Consultation format

We have completed the online consultation (response ID ANON-RBRS-HKG3-6). This accompanying document is as much a part of the CLA response as our online answers and the two should be read in conjunction with one another. We have been assured by Defra staff leading on the Tree Strategy that this accompanying document will be taken into consideration along with our online response. CLA feels that this accompanying document is necessary because the 'multiple choice, tick-box' format of the consultation, has proved difficult for us as a key stakeholder organisation representing a wide range of woodland interests.

Many of the questions have multi-faceted answers because they are complex issues requiring multi-faceted solutions. Arbitrary word limits or reducing 'the solution' to a choice of two or three options when in reality a blend of several measures may be needed, reduces the quality of responses. Also for stakeholders like CLA who represent a wide range of interests, it is sometimes difficult for CLA come to a settled position on a particular issue when there are legitimately varying perspectives based on geography, holding size, enterprise mix, role in the supply chain, experience or management objectives. All of these perspectives are valid but the format of the online consultation does not readily accommodate this. Where this is a particular issue, we have expanded on the issues in this document, using bullet points to ease analysis.

Expanding and Connecting our Trees & Woodlands

Addressing financial barriers to woodland creation (Q 6/7)

- All of the measures suggested in Q's 6/7 have a role to play. Smaller landowners in particular report frustration with the complexity of the woodland grants landscape – but accessibility & simplicity of process & predictability of outcome is more important than artifice of combining into a single scheme.
- Payment rates for woodland creation at smaller, farm scales need to be higher to incentivise uptake because of the inability to achieve economies of scale. Whilst current payment rates for woodland creation at larger scales are less problematic, uptake has been nowhere near that now required by Government targets - consideration should therefore be given to raising payment rates across the board but with a proportionately greater uplift at smaller scales to help overcome the barriers to planting.
- Significant areas of new farm woodland could result if the Countryside Stewardship 3ha minimum creation area was lowered and eligibility under ELM widened from 'farmers' to 'land managers'. Flexibility on 20m width for new woodland would also result in more shelterbelt creation; a 20m width is often seen as 'too much productive land to lose'.
- Mechanisms for early cash-flow for maintenance exist already – the issue is payment rate & duration. Rates need to reflect costs and be far higher than the current £200/ha & last for 20 to 30 years, not end at years 5 or 10, to incentivise long term management.
- 'Mechanisms to realise secure long-term cash-flow for ecosystem services' – the Defra Environmental Land Management (ELM) scheme should be the primary mechanism to achieve this. Clarity on how planting before 2024 is to be considered under ELM is key - Ministerial guarantees have been given on this, which we expect will be honoured.

Encouraging private investment into woodland creation (Q8)

- There are different forms of private investment– including landowner investment but also non-landowning business & corporate investment. All need to be facilitated.
- Establish simple & accessible frameworks for ELM and other woodland grant schemes to attract investment from farmers and private landowners.
- Establish a simple and accessible framework for the administration of biodiversity Net Gain which enables private investment to be blended with public funding for woodland creation & management.
- Farmers and landowners need access to better quality business advice which includes proper understanding of the business opportunities from trees and woodland.
- Strong and sustained markets - for domestic timber, woodfuel & woodland carbon - will attract investment. Government should over the long term, promote & encourage use of

domestic wood in construction, manufacturing and public procurement. Send clear and sustained signals to grow market confidence. Uncertainty repels investment.

- Establish governance structures to enable multiple buyers - public and private - to easily procure various 'stacked' benefits from the same area of land e.g. water quality, flood management, carbon sequestration in ways which respect property rights & allow the landowner to retain ownership of the land.
- Use public funding to de-risk woodland creation thereby attracting private investment.
- Promote & encourage carbon offsetting by businesses through woodland creation and sustain and expand the Woodland Carbon Guarantee Scheme to drive up demand for woodland carbon and the UK woodland carbon price.
- Consideration should be given to what role the Tax system could play in encouraging sufficient woodland creation to meet Government targets. Planting rates have generally been falling since the 1990's. Whilst timber income is outside the income tax regime, most small scale woodland enterprises are not profitable anyway so there is little advantage – plus the expenditure on woodland creation and management is not tax deductible. CLA has proposed a 'Rural Business Unit' approach in which multi-enterprise rural businesses (farming, tourism, heritage, forestry etc) can, subject to meeting certain qualifying tests, elect to be taxed as a single business entity which is treated as a trading business for tax purposes. CLA feels the 'Rural Business Unit' has much to offer and would encourage much more woodland creation and management.

Addressing non-financial barriers to woodland creation (Q9/10)

- Again there is a role for most of the options presented in Q9/10. CLA accepts the need to retain woodland cover if we are to grow it - but the 'permanent land use change' issue is one of the biggest non-financial deterrents to planting woodland at smaller, farm scales. Flexibility is needed to allow landowners to try woodland without binding future generations to historic decisions.
- Flexibility on permanence would encourage more agroforestry and shelterbelts on farms and could facilitate tree planting by tenants on let land if the landowner knew the land could be farmed again in future if need be. Agroforestry and new woodland below a certain area threshold (to be decided) could be exempt from 'permanence' requirements.
- Consideration could be given to differing grant rates for permanent and non-permanent or time limited (e.g. at least one harvest) woodland creation.
- We would envisage outreach to include landowners getting access to better quality business advice which includes tree-based opportunities alongside other business advice.
- Long term government encouragement of more use of higher value domestic timber in construction would sustain domestic markets. UK imports 80% of timber needs – there is huge long-term potential to service our future construction sector & public procurement.

- The supply of tree stock could be one of the key barriers to meeting planting targets. The domestic nursery sector needs to be provided with some form of guarantee from Government to provide confidence to scale up operations to meet the scale of tree planting required. Sourcing of bio-secure seed from the continent also needs to be considered to ensure climate resilience of new woodlands.
- Trials of alternative woodland establishment methods such as direct drilling should be undertaken or accelerated to complement hand planting of tree stock.

Addressing regulatory barriers to woodland creation (Q 11/12)

- Clarity on how planting before 2024 is to be considered under ELM is key to woodland creation in the short term - Ministerial guarantees have been given which we expect will be honoured. The issue is that farmers and land managers considering woodland creation expect that ELM will make it more attractive than it is currently because they know government has a very high target to meet.
- CLA recognises the importance of the EIA process as a key control to ensure sound land use decisions. The right trees in the right place is a sound principle, but also trees are not suitable in every situation. However the time, costs and unpredictability of outcome associated with getting EIA approval dis-incentivises woodland creation. Government should re-consider the EIA area thresholds and consider introducing a simplified approval system with a presumption in favour of trees in priority areas.
- Our members have different perspectives on regulatory barriers, making choices on solutions difficult. Some see 'a joint approach to land management across central government and its agencies' as including the formulation of some form of national plan or set of key principles to help decide where new woodland can be created (option d). Others see such decisions best being made at a local level (option b). Clear principles need to be set out to enable timely decisions on where the new tree planting can take place.

Woodland creation to deliver water & flood risk benefits & nature recovery (Q15)

- Schemes such as ELM should provide attractive funding for woodland creation to deliver benefits such as natural flood management, nutrient neutrality of development or biodiversity 'net gain'. Allowing a range of sizes – including smaller woodlands down to under 1ha – is the key change required.
- However it goes hand in hand with the need to faster approval processes. Many of these agreements may be for small discrete interventions. Disproportionately long processes will deter participation.

Protecting & Improving our Trees & Woodlands

Increasing protection for trees & woodland from unsustainable management (Q17)

- The best protection from unsustainable management of woodland is to encourage and incentivise sustainable management through:

- Accessible schemes & more attractive & longer term (20+ years) payment rates for management of woodland.
- Encouraging strong & sustained markets for timber, woodfuel and carbon by sending clear, consistent & sustained policy and regulatory signals.
- Facilitating investment in the supply chain infrastructure & woodland management skills.
- Measures to support UKFS compliance need to be facilitative not punitive and work with, not against, woodland owners & managers.
- The opaque process of making Tree Preservation Orders needs to be made far more transparent. Local Authorities are judge and jury of the process and the criteria for making TPOs need to be clarified to aid consistent implementation and proper use.
- Forestry Commission urgently need to find a more workable solution to deal with consents for the growing numbers of diseased & dangerous trees requiring felling – especially Chalara affected Ash alongside roads and areas of public access. The public safety risks and landowner liabilities which currently exist during often protracted timescales to get felling license approval are unacceptably high.

Reducing plastics in forestry (Q19)

- Tree planting on the scale required will generate huge amounts of plastic from tree guards. Recovery and recycling will be expensive. In the absence of viable non-plastic alternatives that last in field conditions, support for deer control and fencing is essential but so is acceleration of research and development to get proof of what non plastic alternatives actually work.

Overcoming financial barriers to woodland management (Q20/21)

- All options given in Q20/21 would help to some degree. The importance of support for infrastructure such as roading and associated sustainable drainage mechanisms cannot be underestimated. Being able to access a woodland is key to its management.
- The most effective short to medium term solution would be a combination of tax relief on woodland management expenditure and higher payment rates for a wider range of woodland management activity that reflect the costs involved and which last for 20+ years rather than end at years 5 or 10. Use of these in combination would encourage long term management and the production of saleable timber and sustain cashflow until thinning income commences.
- Also woodland management is driven by market demand for saleable product ie. timber, woodfuel or public goods like carbon. Trees are a long-term enterprise and in the long-term government must encourage strong & sustained markets for timber, wood products, wood-fuel & carbon by sending clear, consistent & sustained policy and regulatory

signals to woodland owners, the supply chain and consumers. This will allow self-sustaining private markets and prices to develop which woodland owners will respond to.

Improving plant biosecurity (Q27)

- Government should implement measures to ensure that all imported planting stock is free of pests and diseases, placing the compliance responsibility and regulatory cost on the importer. This would boost the domestic market for planting stock. Importation of seed rather than plants should be encouraged.
- Proper resourcing and support is needed to assist land owners deal with the massive problem of Ash Dieback and other tree diseases.

Contribution of woodlands to climate change mitigation & Net Zero (Q28)

- UKFS compliant productive softwood forestry has to be a key part of UK forestry policy – for net zero climate change mitigation goals but also for other reasons such as growing the proportion of our timber needs that is supplied by home grown timber. Native planting is crucial for many reasons too but alone is unlikely to capture sufficient carbon quickly enough for the forestry sector to optimise contribution to achieving net zero ambitions by 2050. Climate resilient planting and robust mixtures must be part of forestry policy.
- Carbon is still locked up for many decades when wood is used in construction. End uses for timber should be appropriately accounted for in Net Zero carbon accounting and this could act as an additional driver to encourage use of wood in construction, sustainable woodland management and new woodland creation.

Connecting People with Trees & Woodlands

Increasing tree cover around urban areas (Q33)

- Local tree & woodland strategies can be useful in growing woodland cover and ensuring it is created in appropriate places. They could also be a useful spatial planning tool to help implement Net Gain.
- Such local plans depend on inclusive engagement with local landowners, who as asset owners should be partners in plan development, not recipients of plans devised without their input. As well as woodland creation, strategies need to stress the importance of management, markets for woodland products and management of public access.
- Community Forests can also be useful in encouraging tree planting. But success depends on adequate resourcing for activities, promotion and provision of support to landowners for woodland creation, grant applications etc. Again, landowners should be active partners in developing Community Forest strategies. To succeed, Community

Forests need to add local value over and above nationally available grant or support schemes. Practical assistance for landowners with managing public access is key.

Preparation & Implementation of local Woodland Strategies (Q34)

- National guidance will provide consistency and clarity on how local woodland strategies should be prepared and their scope. Supplementary planning document status will ensure they are factored into planning decisions & better expertise in local authorities will help in correct interpretation and application. Robust evidence and clear criteria and guidance are needed in the preparation of local tree and woodland strategies.

Engaging people in the management & creation of their local woodlands (Q35)

- Hosting training gets people into woods and educates them on the realities of their management increasing understanding between woodland owners and local community on woodland issues.
- This question is unclear on the ownership of woodland. It is important to stress that many woodlands are privately owned. Some may be in community or charity ownership where community involvement in management may be key. Community involvement in management of privately owned woodland should be by agreement with the owner.
- Community involvement in woodland management has to be properly managed, not least from a Health & Safety and landowner liability point of view. Community Forest initiatives may allow provision of appropriate support to landowners willing to involve the community in managing their woodland (e.g. on risk assessments).

Addressing barriers to people's access to Trees & Woodlands (Q36)

- Access to privately owned woodlands provides significant public benefits, however access has to be properly managed and appropriate infrastructure or facilities provided. CLA supports provision of incentives to voluntarily provide more public access and associated infrastructure to improve the visitor experience and help in the management of increased public access.

Supporting the Economy

Encouraging use of timber in construction (Q39)

- Differing views were expressed by members on this issue. Some felt that incentivising Grown in Britain certification and amending public procurement to favour products from GiB certified woodlands should be prioritised. However, more felt that planning and building control regulations should be used to require the use of more wood products instead of carbon intensive concrete or steel in construction.

- Better co-ordination and aggregation of supply of domestic timber in the English market could perhaps make it easier for consumers to choose home grown timber instead of relying on plentiful imported product.
- Government should set clear and ambitious targets as part of what is an across Government Tree Strategy to steadily grow the proportion of our timber needs supplied from domestic woodlands from the currently very low level of 20%. The multiple benefits of doing so would be considerable.

Increasing uptake of energy forestry (Q41)

- Establishment grants through the former Energy Crops Scheme did not result in widespread uptake. The limiting factor was security of market demand and contracts within the supply chain. It is suggested that to grow this sector, financial support for capital costs of establishing the crop and support to develop a secure supply chain may both be necessary. The perceived risk of permanent land use change could also have been a factor.

Increasing the planting of more trees on farms (Q42)

- There is significant opportunity to plant more trees on farms as shelter belts for agronomic, landscape and climate change mitigation benefits, particularly on marginal areas which exist on all holdings. More incentive scheme flexibility on design and minimum widths and areas will encourage significantly greater uptake through ELM. But the process for small scale planting (e.g. under 2ha) needs to be simplified. Currently similar requirements are placed on those planting 0.5ha to those planting 500ha. The costs involved are too high for small scale projects, even before a tree is planted.
- Christmas trees do not feature anywhere in the Tree Strategy consultation document and CLA feels this is an oversight and suggests that consideration be given to their inclusion. Along with agroforestry and energy forestry crops, Christmas trees are a potentially important tree-based enterprise for farmers and landowners but they consistently fall between the two stools of forestry and agriculture. The sector should be encouraged to develop to provide a carbon neutral alternative to plastic trees and to displace imported trees, all of which can be successfully grown within the UK. It is suggested that growing of Christmas trees be aligned with the regulatory regime and opportunities available to the forest nursery sector and treated similarly.

Increasing agroforestry, woodland creation & management on tenanted land (Q43)

- CLA and the Tenant Farmers Association (TFA) have recently drafted a joint guidance note for landowners and tenants on the whole issue of tree planting on tenanted land. Small scale tree planting can often be accommodated within farm tenancies if the parties

discuss in principle early on and negotiate based on the principles set out in the 2004 Tenancy Reform Industry Group (TRIG) ‘Code of Good Practice for agri-environment schemes and diversification projects within agricultural tenancies’ (<http://adlib.everysite.co.uk/resources/000/068/677/trig-cogp.pdf>).

- The difficulties surrounding the issue are often overstated and could potentially be largely dealt with by a change to the policy on permanence, allowing tenants to plant small areas of trees with the agreement of the landowner, who has the ability to remove them if necessary, at the end of the tenancy.
- The other issue is that the ability for landowners to resume possession of land to plant trees on a larger scale, whilst possible, is very difficult to achieve given the effect of the relevant clauses in tenancy legislation and the facility has rarely been used to date.

Workforce capacity (Q44)

- The scale of the task involved in meeting government tree planting targets and bringing our woodlands back into management is so great that there is a need to expand skills in every part of the sector and supply chain. This covers training of practical workers and supervisors but also professional foresters and researchers. Forestry as a career needs to be promoted in secondary, further and higher education to ensure we can sustain the sector and the multiple benefits it brings over the long term.

Additional points

Governance

- It is essential that Defra retain the Forestry Commission to lead the development of the woodland and forestry sector over the long term. It should champion a market led approach involving productive softwood and native broadleaf forestry to grow our domestic timber markets and provide the range of public benefits. The woodland carbon market should be grown as it has potential to bring much needed private investment into the sector and to bring public benefit by mitigating climate change impacts.
- However, the Forestry Commission needs to be ambitiously resourced in line with the Government’s ambitious tree planting targets if it is to be able to effectively handle the significant expansion in its workload in administering grants, incentives and regulation.

For further information please contact:

Graham Clark
 Senior Land Use Policy Adviser
 CLA, 16 Belgrave Square



London SW1X 8PQ

Tel: 020 7235 0511

Email: graham.clark@cla.org.uk

www.cla.org.uk
