

## Forest Stewardship Council® UK

### DEFRA CONSULTATION: NATURE RECOVERY GREEN PAPER: PROTECTED SITES AND SPECIES

The Department for Environment, Food and Rural Affairs (DEFRA) is the government department responsible for environmental protection, food production and standards, agriculture, fisheries and rural communities in the United Kingdom of Great Britain and Northern Ireland.

The Green Paper includes options to bring clarity and coherence to the framework for protected sites; to reform species protections; and to modernise funding arrangements. It also looks at what institutional and delivery arrangements would best support nature recovery objectives.

FSC UK's response to selected consultation questions is shown below.

#### Protected sites: a new consolidated approach

#### 7. What degree of reform do we need to ensure a simpler and more ecologically coherent network of terrestrial protected sites?

We would be particularly interested in your views of how we can have a coherent, effective and well-understood system of protections, as well as supporting the delivery of our legal binding species abundance target and other potential long-term targets.

Please tick the option you prefer and explain your answer in the free text box.

- Option 1: Reform including a tiered approach emulating the approach taken in the marine area for HPAs and MPAs, consolidating existing protected site designations and the creation of highly protected sites
- Option 2: Lighter touch reform including streamlining existing site designations (SACs, SPAs, and SSSIs)
- Option 3: Amalgamation into a single type of designation with a scale of protections
- Other
- No reform
- Do not know

Option 1 is probably preferable overall. Option 2 would not resolve existing issues of complication and communication. Option 3 might create new issues, because sites with the same designation would have different values. Whichever option is chosen, FSC UK would seek assurances that the strongest levels of protection, including adopting a precautionary approach in all management activities, will be afforded to High Conservation Values (HCVs), including concentrations of biological diversity including endemic species, and rare, threatened or endangered species, that are significant at global, regional or national levels (HCV 1), and to rare, threatened, or endangered ecosystems, habitats or refugia (HCV 3). Should landscape-level restoration efforts be successful (and we sincerely hope they will be), we would want to see equivalent protection for large landscape-level ecosystems and ecosystem mosaics that are significant at global, regional or national levels (HCV 2). See <https://hcvnetwork.org/hcv-approach/>

## 9. Do you agree that there should be a single process for terrestrial designation?

We would be particularly interested in your views on how this might best be done for example, should decisions be vested in the appropriate authority [ministers] on the advice of its nature conservation bodies?

Please tick the option you prefer and explain your answer in the free text box.

- Yes
- No
- Unsure

FSC UK accepts the argument that a single process for terrestrial designation might improve the coherence of the network. In keeping with FSC's ethos, we would want any process to be transparent and to include meaningful engagement with affected stakeholders, interested stakeholders and experts. We believe that decisions should not be political, and should rest with an independent organisation.

## 10. Should we reform the current feature-based approach to site selection and management to also allow for more dynamic ecological processes?

We would be particularly interested in your views of how our sites can be made more resilient to climate and other natural changes and can encompass wider purposes such as carbon sequestration. Briefly explain your answer in the free text box.

- Yes, for both terrestrial and marine sites
- Yes, for terrestrial sites only
- Yes, for marine sites only
- No, neither for marine not terrestrial sites
- Unsure

FSC UK supports the principle of allowing for more dynamic ecological processes. We do also recognise, however, that while it is broadly desirable to allow natural processes to take place, it will remain the case for the foreseeable future that some sites will require continuing management to protect specific rare ecosystems or species. As such, it is important not to abandon the feature-based approach outright. We suggest that those sites with the most valuable (i.e. rare, threatened or endangered) features should continue to be managed for the benefit of those features, adopting a precautionary approach, but should also be expanded and connected. A more relaxed attitude to management, allowing for dynamic processes, could be taken in the buffers and corridors around these sites, and in any other sites with less valuable individual features. A desire to allow for dynamic ecological processes might prompt the designation of new sites, for example with a significant altitudinal range, but should not be taken as an excuse for wholesale abandonment of existing sites which have enjoyed some degree of protection over a long period of time.

## 11. How do we promote nature recovery beyond designated protected sites?

FSC UK urges Defra to recognise the value of existing voluntary and market-driven measures to promote nature recovery. Through the UK Woodland Assurance Standard, FSC Forest Management certification requires a minimum of 15 % of every certified management unit to be managed with conservation and enhancement of biodiversity as the primary objective. This can include designated sites, but can also include areas without statutory designations, such as ancient semi-natural woodland, plantations on ancient woodland sites, appropriately located natural reserves, and other semi-natural habitats. We require that measures be taken to protect priority species, taking into account their

geographic range and ecological requirements beyond the boundary of the management unit. We also require actions to maintain continuity of veteran tree habitat and to accumulate a diversity of both standing and fallen deadwood. These and other measures are currently achieved without government support. In addition, FSC verification of ecosystem services claims now allows for specific claims about the maintenance or enhancement of biodiversity, carbon, soil, water and recreation services to be independently verified. We submit that Defra should recognise and support these established and credible mechanisms, and support those forest managers who embrace them.

## 12. Do you see a potential role for additional designations?

Please provide detail in the free text box.

- Yes
- **No**
- Unsure

Given the aims of simplifying the current system, reducing confusion and making communication clearer, FSC UK does not see any benefit in additional designations. However, we do consider rewilding approaches to be consistent with a more nuanced approach to site selection and management, as per our answer to question 10.

## Protected sites: site management and protection

### 13. Do you agree we should pursue the potential areas for reforms on assessments and consents?

• **Yes**

- No – keep as it is
- No – reform but not these areas or additional areas (please state, why)

FSC UK cautiously supports the exploration of reforms on assessments and consents, with the caveat that no infrastructure development or change in land use should be allowed to damage or threaten High Conservation Values, nor any sites or resources necessary to maintain or enhance those High Conservation Values.

### 15. Should we move to this more outcomes-focused approach to site management?

Please tick the option you prefer and briefly explain your preference and what benefits it may have in the free text box.

- Yes, using Site Improvement Plans
- **Yes, but building on Site Improvement Plans to offer a holistic site outcome plan**
- No
- Other
- Unsure

FSC UK supports a move to proactive, positive management for enhanced nature recovery outcomes, provided that basic protections are not lost. The development of plans should be transparent and involve meaningful engagement with affected stakeholders, interested stakeholders and experts. They should take account of potential impacts outside sites, as well as the geographic range and ecological requirements of rare and threatened species beyond the boundary of the site. We are dubious of any

approach which promotes notional improvements in the overall condition of a site over the protection of individual features of value; in particular, as per our answer to question 13, no approach is acceptable if it results in damage to High Conservation Values.

**16. Do you have suggestions for how regulation 9 requirements should be reformed to support delivery of England's 2030 species target or other long-term biodiversity targets and to improve our natural environment?**

Please set out your answer briefly explaining what benefits it may have in the free text box.

- Yes
- **No**
- Unsure

FSC UK has no concrete suggestions. However, it is critical that any reform continues to recognise the importance of our international commitments, as well as our domestic priorities.

**18. Do you have suggestions for improving the EIA scope and process for the Defra EIA regimes?**

We would particularly welcome your views on how they can more effectively help to reduce the environmental pressures outlined in chapters 3 and 4, deliver the objectives in the Environment Act, and facilitate sustainable development.

Please tick all regimes that apply and explain your answer in the free text box.

- Yes – Marine Works EIA regime
- **Yes – Forestry EIA regime**
- Yes – Agriculture EIA regime
- Yes – Land Drainage EIA regime
- Yes – Water Resources EIA regime
- No
- Unsure

FSC UK supports the suggestion made by sector representatives convened by the Institute of Chartered Foresters that it would be more valuable to improve the implementation of the current Forestry EIA regime, rather than to seek changes to legislation. We support the ICF proposal for a taskforce to explore this.

**19. What are your views on our proposal to establish priority areas for afforestation?**

While our principal focus is on the responsible management of existing forests, FSC UK also supports appropriate forest expansion. We recognise that many in the forest sector would welcome a more streamlined approach to impact assessment for woodland creation; however, we also recognise that many stakeholders will be fearful of any real or perceived reduction in environmental scrutiny. We would seek assurances that any approach to mapping 'low risk' areas operated at an appropriate scale (and was appropriately resourced, with sufficient expertise) to identify significant positive and negative environmental impacts. We would also support an approach which took account of positive and negative social impacts.

Forest management is a long-term undertaking (see our answer to question 22); it is important to recognise that the full positive environmental and social impacts of afforestation accrue over time, and

many will not be fully realised until a well-established woodland environment allows for the diversification of species and stand structure, for example.

The establishment of priority areas for afforestation should not be allowed to lead to opportunities being missed for appropriate woodland creation elsewhere, subject to adequate impact assessment.

### **30 by 30**

#### **20. What are your views on our proposed criteria to achieving our 30 by 30 commitment?**

We are keen to hear views on the proposed approach for assessing Protected Areas set out under 4.1 and suggestions for areas of land we should consider as OECMs in England under section 4.1.0

FSC UK supports the proposed criteria, which are consistent with FSC requirements. We are more cautious about recognising OECMs. The consultation paper gives the example of ancient woodland. As noted in our answer to question 11, we recognise the importance of ancient semi-natural woodland (ASNW) and plantations on ancient woodland sites (PAWS), and require FSC Forest Management certificate holders to manage such woodland with conservation and enhancement of biodiversity as the primary objective. However, ASNW and PAWS outside FSC-certified areas are not necessarily managed on this basis, and in the absence of any meaningful monitoring or third-party assessment we cannot make credible claims about their biodiversity value. As such, we would question the validity of any approach which assumed that all ASNW and PAWS qualified as OECMs. We would, however, support an approach which recognised areas managed by FSC Forest Management certificate holders with conservation and enhancement of biodiversity as the primary objective as OECMs.

#### **21. What are your views on our proposal to reform forestry governance and strengthen protections for the Nation's Forests?**

We are keen to hear views on any additional powers and statutory duties we should consider that would help to deliver on the benefits of woodland beyond timber production.

FSC UK is delighted that Forestry England is a long-standing FSC Forest Management certificate holder. We would welcome a commitment from Defra to maintain FSC certification of the public forest estate as a credible, independent assurance of responsible forest management. We would also welcome any change to statutory duties which was consistent with FSC's vision of environmentally appropriate, socially beneficial, and economically viable forest management.

#### **22. What are your views on our proposal to adjust forestry permanency requirements for certain project types?**

FSC UK believes that forest management is a long-term commitment. Many of the benefits of forest management and the features and functions of woodland ecosystems only accrue over long timescales.

We do not believe that current regulation or policy create definitive 'forestry permanency requirements'. There are controls on deliberate deforestation, and some degree of 'permanency' is achieved through restocking requirements in felling licences, but woodlands can be lost through simple neglect; for example, overgrazing can prevent the regeneration necessary to replace natural mortality or levels of harvesting below felling licensing thresholds. If anything, there is an argument for a strong and unambiguous regulatory requirement to preserve existing woodland.

As such, while we recognise the need for a discussion of policy in relation to agroforestry in particular, we would be wary of any attempts to weaken existing regulation. We would prefer to see better

recognition of, and financial support for, the benefits of permanent forest cover, and we believe that FSC Forest Management certification offers a credible mechanism to recognise and reward long-term stewardship of woodlands.

## Protecting Species

25. Do you agree we should pursue the potential areas for reforms for species?

- Yes
- No – keep as it is
- No – reform but not these areas or additional areas (please state, why)

26. Based on your knowledge and experience please can you tick the criteria below that you think we should use to determine what level of protection a species should be given?

You can tick more than one box.

- Threat of local or national extinction
- Welfare of wild animals
- Controls in trade
- Importance to the ecosystem (a species that has a disproportionate beneficial effect on an ecosystem and if they are not present the ecosystem will be in danger of collapse).
- Promoting recovery (a species with a low or declining population, which may not yet have a threatened conservation status, but could be protected to support recovery and increased distribution).
- Importance to genetic biodiversity (endemic species or sub-species within England that are important for the wider genetic diversity of the species).
- Management requirements (a species where management is required for public health, to protect agriculture, commercial interests and to protect habitats)
- Socio-economic importance (a species that could be protected to benefit people and communities, for example, to promote tourism)
- To support efforts to reintroduce species or rewild habitats.
- Unsure
- Other – please state, why

## Cost recovery

33. Please provide your views on how more effective cost recovery for regulation would affect: a) environmental protections b) businesses.

While FSC UK acknowledges the desire for cost recovery, and recognises that there are a number of legitimate ways this could be pursued, we would be concerned by any moves to recover costs associated with the provision of advice. The provision of impartial, expert advice is arguably one of the most important public services delivered by many environmental regulators and public bodies, but this provision is already severely limited by current staffing and resourcing levels. A cost barrier which further limited access to advice would have unwelcome effects on both environmental protections and businesses. We suggest that, in the interest of good economic, environmental and social outcomes, advisory capacity should be increased across the board, with costs offset by other cost recovery measures.

## Financing nature recovery

### 35. What mechanisms should government explore to incentivise the private sector to shift towards nature-positive operations and investment?

FSC UK firmly believes that FSC Forest Management certification, and in particular FSC verification of ecosystem services claims, is a mechanism with which government should engage. FSC certification is well-established in the UK; the first edition of the UK Woodland Assurance Standard was approved by FSC in 1999, and we have many certificate holders, including Forestry England, whose management has been certified for over two decades. FSC certification is credible; ours is still the only forest management certification system endorsed by WWF, for example (see <https://www.wwf.org.uk/what-we-do/projects/forest-certification>). And the FSC brand is widely recognised: latest figures show that 76% of people in the UK now recognise the FSC logo (see <https://uk.fsc.org/trademark-use/consumer-insights>). We are therefore ideally placed to work with government and other partners to recognise and incentivise good environmental stewardship, giving investors the confidence that their aims are being met through independent, third-party auditing of responsible forest management and verification of ecosystem services claims in relation to biodiversity, carbon, soil, water and recreation. We would welcome an opportunity to discuss this directly.

### 36. What level of regulation is needed to incentivise private investment in nature while ensuring additionality and environmental integrity?

What else should government be doing to facilitate the development of a market framework that provides investors, farmers and land managers, regulators and the public with confidence in the quality of privately financed nature projects?

Robust monitoring and accounting will be crucial. As per our answer to question 35, FSC UK believes that FSC Forest Management certification, and in particular FSC verification of ecosystem services claims, is a mechanism with which government should engage. FSC certification offers a credible and well-established means to provide all parties with confidence in the quality of privately financed nature projects. Government could play a role in connecting investors with FSC-certified providers, and have confidence in the outcomes thanks to FSC's independent verification.

If there are concerns about combining payments for environmental services, they should be tracked and accounted for separately. While private financing of the independently verified provision of ecosystem services is welcome, it should not lead to a reduction in statutory funding.