Welsh Government Consultation

Rural Proofing and Environmental Sustainability White Paper

Consultation Response Form

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20.Do you agree that NRW should have a power to issue a notice to stop to a person felling trees without a felling licence while the matter is investigated and to prevent further environmental damage? Do you have any alternative approaches? Please explain your view.

Response: Agree

FSC UK supports the proposal to provide NRW with the power to issue a notice to stop where unlawful felling is suspected.

Woodlands provide significant public benefits including carbon sequestration, biodiversity conservation, water regulation, landscape value and sustainable timber production. Once trees have been felled, environmental damage may be difficult or impossible to reverse. Providing NRW with the ability to halt activity while investigations are undertaken would represent a proportionate and preventative approach to woodland protection.

The proposal would also support responsible woodland managers who already comply with felling licence requirements and recognised responsible forest management standards. Effective enforcement helps maintain confidence in the regulatory framework and ensures that those operating responsibly are not disadvantaged.

21. Do you agree that there should be power to include in a notice a requirement that timber/arisings remain on site while NRW investigates, to preserve evidence and enable accurate assessment of the offence? Please explain your view.

Response: Agree

FSC UK supports this proposal.

Retaining timber and arisings on site during investigations would assist effective enforcement, evidence gathering and site assessment. Accurate assessment is essential for determining the scale of any offence and informing appropriate remediation and restocking requirements.

The proposal would improve transparency and accountability while helping to ensure enforcement actions are based on robust evidence.

22.Do you agree that NRW should have the power to issue a further notice requiring the person responsible to provide information necessary to NRW's investigation to establish whether the felling was unlawful and the extent of the unlawful activity? Please explain your view.

Response: Agree

FSC UK supports this proposal.

For NRW to effectively investigate suspected cases of unlawful felling, it is essential that it has access to timely, accurate and relevant information. Providing NRW with the power to require information from those responsible would help ensure that investigations are based on robust evidence and enable the authority to determine both whether a breach has occurred and the scale of any unlawful activity.

The proposal would also help protect responsible woodland owners and managers who already maintain records and operate in accordance with legal requirements and recognised standards of sustainable forest management. The UK Woodland Assurance Standard (UKWAS), which underpins FSC forest management certification in the UK, requires woodland managers to maintain management documentation, monitor woodland operations and demonstrate legal compliance through independent audits. These established and audited requirements illustrate the importance of accessible and accurate information in responsible forest management.

Although the UKFS sets out the requirements and good practice expected of all woodland management in the UK, compliance with UKFS is not independently audited or certified in itself. By contrast, UKWAS is an independent certification standard that builds on UKFS requirements and provides the basis for third-party audited FSC and PEFC forest management certification.

23.Do you agree that courts should be able to issue a court order to restock in Wales in addition to financial penalties? Please explain your view.

Response: Agree

FSC UK supports the proposal to enable courts to issue restocking orders.

The primary objective following unlawful felling should be the restoration of woodland and the recovery of ecosystem services. While financial penalties may act as a deterrent, they do not in themselves guarantee woodland restoration. Court-issued restocking orders would help ensure that lost woodland cover is reinstated and maintained.

Restocking should be undertaken according to recognised principles of sustainable forest management, including consideration of site suitability, biodiversity enhancement, climate resilience, long-term management objectives and stakeholder engagement.

UKWAS already provides a comprehensive, audited framework covering these principles and could provide a useful benchmark when assessing whether restocking proposals are appropriate and sustainable.

24.Do you agree that courts should be able to issue a court order to restock for an alternative area of land (where the felled site can no longer be replanted e.g. through sale or site conditions have been changed)? Please explain your view.

Response: Agree

FSC UK supports the proposal to allow courts to issue restocking orders for an alternative area of land where replanting on the original site is no longer possible.

The primary objective following unlawful felling should be to ensure that woodland cover, carbon storage capacity, biodiversity benefits and other ecosystem services

are restored. In circumstances where the original site cannot reasonably be replanted, for example because ownership has changed or site conditions have been altered, requiring restocking on an alternative area of land is preferable to allowing the loss of woodland to remain uncompensated.

However, any alternative restocking requirement should seek to deliver equivalent or greater environmental, social and economic benefits than those lost through the unlawful felling. Consideration should be given to factors such as habitat connectivity, biodiversity value, climate resilience, landscape character and long-term management arrangements. It will be important to ensure that compensatory planting does not have negative effects on existing values, e.g. conservation value of open habitat.

UKWAS, which underpins FSC forest management certification in the UK, provides a robust, audited framework for ensuring that woodland creation and management deliver environmental, social and economic benefits while taking account of local communities, workers and stakeholders. This would help ensure that replacement woodland contributes positively to Wales' long-term climate and nature objectives.

Where alternative restocking is required, Welsh Government should also consider requiring compliance with UKWAS, or a commitment to achieve certification within an appropriate timeframe, as a way of providing independent assurance that the replacement woodland will be responsibly managed and maintained over the long term.

Overall, FSC UK considers this proposal to be a pragmatic and proportionate measure that would strengthen enforcement while helping to ensure that the environmental impacts of unlawful felling are properly addressed through the creation of sustainably managed replacement woodland.

25.Do you agree that restocking and enforcement notices to restock should be registered as local land charges, so they are visible during property searches? Please explain your view.

Response: Agree

FSC UK supports the proposal to register relevant notices and court orders as local land charges.

This would improve transparency for prospective purchasers and ensure that obligations relating to woodland restoration remain attached to the land. It would also reduce the risk of responsibilities being overlooked during land transactions.

A transparent system supports long-term stewardship and encourages compliance with woodland protection requirements.

26.Are there other steps you think could be taken to ensure compliance with restocking and enforcement notices and strengthen the link between enforcement and woodland restoration?

Response: Yes

There are additional measures that could strengthen compliance with restocking requirements and help ensure that enforcement outcomes lead to successful, long-term woodland restoration.

Firstly, consideration should be given to linking restocking notices to clear long-term management requirements, rather than focusing solely on tree establishment. Successful woodland restoration depends not only on planting trees but also on ensuring that new woodlands become established, remain resilient and continue to deliver environmental, social and economic benefits over time.

Secondly, Welsh Government and NRW should consider requiring restocking schemes arising from enforcement action to be designed and managed in accordance with the recognised sustainable forest management standard, UKWAS. As the basis for FSC forest management certification in the UK, UKWAS provides an independently verified and audited framework covering woodland planning, biodiversity, climate resilience, stakeholder engagement, protection of soil and water resources, and long-term stewardship. Using UKWAS as a benchmark would help ensure that replacement woodland delivers meaningful and lasting outcomes.

Thirdly, compliance could be strengthened through periodic monitoring and reporting requirements following the completion of restocking. This would enable NRW to assess whether restocking obligations have been fulfilled successfully and whether the restored woodland is developing as intended.

FSC UK also recommends exploring the use of financial mechanisms, such as restoration bonds or other forms of financial security, for cases involving significant unlawful felling. Such mechanisms could provide assurance that resources are

available to complete restoration should the responsible party fail to meet their obligations.

The FSC Remedy Framework is designed to verify that damage to ecosystems, rights, livelihoods, cultural values, and High Conservation Values is identified, addressed, and repaired through fair, transparent, and rights-based processes. It provides an example of a set of procedures to help forests and communities heal from past harm and regenerate ecological and social resilience.

27 Do you have views on what rights of appeal or other safeguards would be required in relation to each of these proposals? Please explain your view

Response: Yes

FSC UK strongly supports the objective of increasing woodland cover and restoring degraded woodland in Wales. However, woodland creation alone should not be the primary measure of success. Equal emphasis should be placed on ensuring that new and restored woodlands are sustainably managed over the long term.

The Welsh Government should consider requiring woodland creation and restoration projects receiving public funding to demonstrate alignment with UKWAS requirements, with certification or a commitment to achieve certification within an appropriate timeframe. As the UKWAS standard underpins FSC forest management certification in the UK and is independently audited, it provides an established mechanism for demonstrating responsible forest management.

Making UKWAS compliance a condition of grant funding would:

- Help ensure public funding delivers long-term environmental outcomes.
- Promote good forest governance and management planning.
- Support climate resilience and biodiversity objectives.
- Provide independent assurance that woodlands are managed according to recognised environmental, social and economic standards.
- Reduce the risk of poorly designed planting schemes that fail to deliver expected benefits.
- Create consistency across publicly funded woodland creation programmes.

The Welsh Government should also encourage woodland creation schemes to pursue FSC forest management certification where appropriate, providing independent verification that management objectives are being achieved and maintained over time, and allowing forest owners and managers to benefit from the use of the globally recognised FSC trademarks. FSC certification demonstrates that forests are managed according to internationally recognised standards and provides assurance to stakeholders, investors and the public.

28.Do our current processes provide sufficient safeguards to ensure that our communities are protected from inappropriate planting?

Response: No

To ensure that environmental policies deliver long-term benefits, communities should be actively involved in the planning and management of woodlands and other natural resources. Well-managed woodlands can provide a wide range of community benefits, including recreation, education, employment, cultural value, wellbeing and opportunities for local economic development.

29.If your answer to the previous question was no, what other measures would you like to see put in place?

UKWAS, which underpins FSC forest management certification in the UK, already contains a well-established framework for balancing environmental objectives with community interests. The standard requires woodland managers to identify and sustain existing permissive and traditional uses of woodlands where compatible with management objectives, and requires provision for some level of public access, subject to appropriate exceptions. It also encourages woodland managers to make reasonable efforts to meet demand for environmental education and public engagement.

Welsh Government should consider how grant schemes and woodland creation programmes can encourage or require adherence to UKWAS requirements. This would help ensure that publicly funded woodland projects deliver social as well as environmental benefits and maintain meaningful connections between people and nature.

FSC UK recommends that Welsh Government recognises the value of independent certification systems such as FSC certification when designing future environmental governance arrangements. Certified woodland managers are already required to demonstrate responsible engagement with local communities