

Review of the UK Forestry Standard

28 July 2021

Introduction

1. Thank you for the opportunity to comment on the review of the UK Forestry Standard. This response is on behalf of the Scottish Outdoor Recreation Alliance¹, a networking forum of organisations representing outdoor recreation interests in Scotland.
2. The UK Forestry Standard encompasses a suite of forestry-related matters – SORA’s focus is on the intersection between the different stages of forest and woodland management and informal outdoor recreation activities.
3. We would initially like to offer our general observation of the current, 4th edition of the UK Forestry Standard, specifically Chapter 6.5 ‘Forests and People’, before looking at the questions asked in this stage of consultation.

Overview of the effect of the current UKFS on recreational access

4. From a recreation and access perspective, our organisations have serious concerns that the current UKFS guidance is not fit for purpose in Scotland given the failures in its implementation we highlight below. Specifically, in our experience, the forestry planning and management system systematically fails to take the public interest fully into account in its operations. This is despite a legal duty on all land managers to respect access rights in Scotland, and a Scottish Forestry Strategy which states as one of its three key objectives:

“Increase the use of Scotland’s forest and woodland resources to enable more people to improve their health, well-being and life chances.”²

5. We have numerous examples of cases where this hasn’t happened, leading to a lack of compliance with Scotland’s access legislation and, by extension, to negative impacts on the people who visit and enjoy recreation in Scotland’s forests and woodlands. In addition, beyond the small proportion of woodlands which are specifically promoted for recreation and tourism, there are numerous examples of problems which show this lack of recognition of the role of forest managers in reflecting wider public interest objectives, such as:
 - Locked gates being installed on forestry tracks without appropriate alternative access provision, making routes impassable for most users, but especially impacting on the rights of cyclists, horse riders, children and the less able.
 - Use of stiles over deer and stock fencing adjacent to locked gates on tracks which cause similar problems as those above, rather than installing self-closing gates.
 - Widespread use of fencing without consideration of wider access needs, such as ensuring routes to hills are facilitated. It should be recognised that forestry plantations can cause a major block on access across whole swathes of hillside if access isn’t planned for and facilitated.

¹ The Scottish Outdoor Recreation Alliance is comprised of Ramblers Scotland, Mountaineering Scotland, ScotWays, Cycling UK Scotland, British Horse Society Scotland, Scottish Canoe Association, Developing Mountain Biking in Scotland and the SSA Outdoor Pursuits Group.

² <https://www.gov.scot/publications/scotlands-forestry-strategy-20192029/pages/5/>

- Loss of well-used and well-established paths and routes by fence construction, new planting or timber harvesting, through failure to take into account popular routes other than formally defined Core Paths and recorded Rights of Way.
- Lack of confidence in forestry operations signage by those enjoying outdoor recreation, taking account of lawful rights of access and SOAC guidance, demonstrated by many examples of signs being inaccurate, unhelpful or out of date. This is a health and safety matter.
- Difficulties in engaging with the forestry planning process for representative organisations, local communities or members of the public.
- Almost no use of access management plans in forestry planning, and lack of obligation to prepare or follow through such plans or process for checking their adequacy.
- Lack of penalties for land managers who benefit from grant-aided forestry without also considering the wider public interest within the woodland, including access and recreation.

Below we set out our suggestions for how this situation could be addressed.

Cross-cutting Themes

6. The consultation on the review of the UKFS suggests a number of significant cross-cutting themes. We suggest that recreational access be added to this list as it is not readily apparent where recreational access fits in the suggested themes.
7. The evidence to support this suggestion arises from government policy intentions for health and wellbeing, the economy and the natural environment, and promoting wider participation in outdoor recreation.
8. The impact of management activities throughout the life cycle of a forest or woodland affects recreational opportunities: through locational choices, consultation methods, planting standards, infrastructure investment, forest restructuring; and operational activities.
9. The challenging planting targets for commercial production, climate change mitigation and biodiversity support require that forest policy implementation is key in avoiding long-running recreational access issues for decades to come. The yearly planting targets for Scotland are currently 12,000 hectares and are intended to rise to 18,000 hectares annually by 2024/25. This is a significant and accumulating area of land that will likely be required to be fenced against the incursion of wild deer, with the legal requirement to not obstruct access.
10. It is therefore vital that revised forestry standards encourage, support and ensure that the forestry sector make appropriate provision for public recreational access at every stage of forestry planning and management.
11. In addition, it should be recognised that the economic value of forestry in Scotland has been estimated at £1 billion per year, of which £183M comes from recreation and tourism, employing 6,132 FTE people³. The economics of recreation is a very important element within the forestry sector and needs to be fully supported in the implementation of forestry standards, especially given the fact that the majority of woodland creation and forestry planning projects are supported by public funds through forestry grants.

³ <https://forestry.gov.scot/forestry-business/economic-contribution-of-forestry>

Specific Observations on the current UKFS Requirements and Guidance

12. Chapter 6.5 of the current UKFS (4th edition) clearly identifies in the introductory text government policy to promote access to forests and woodlands, the core principles of the Scottish forestry strategy for a culture of 'forestry for and with people', and a commitment to broader access to, and use of, forests.
13. In 'Requirements for Forests and People' we welcome the strong statement in the Access to Forests and Woodlands section, in Legal Requirement number 4, that the requirements of the Land Reform (Scotland) Act 2003 must be complied with, and the clear direction that people must not be obstructed from using their access rights responsibly. We would support the retention of these clear statements in the next version of the UKFS.
14. We are disappointed to note that many of the other policy statements in this section seem weak in comparison, merely suggesting 'consideration' be given to a range of listed recreational opportunities. Also, many of these policies are worded in a way which is not relevant to the Scottish context, focused as they are on clarifying situations for England, Wales and Northern Ireland, without supplying clear or firm guidance to forest managers in Scotland on how to carry out their legal requirement.
15. We understand the intention is for the UKFS to apply in a UK context, and there are many aspects of forestry practice in which this is applicable across the different administrations. But the legal and cultural differences in recreational access to land in Scotland are radically different from the other nations of the UK, which is not currently reflected in the statements on Good Practice and Guidance. There are, in our opinion, significant gaps in guidance for forest managers in Scotland.
16. For example, it is astonishing that there is no Good Practice Requirement for forest and woodland planners and managers to follow the guidance recommended in Part 4 of the Scottish Outdoor Access Code. SOAC does get a mention in the accompanying text, but the UKFS 4th Edition fails to identify the information in SOAC as a Good Practice Requirement or as Guidance. There is no follow-on direction specifically aimed at the Scottish access context beyond the stricture mentioned before that people must not be obstructed. How to achieve compliance requires more explanation.
17. With instances of obstruction to access ongoing in forestry plantations it is clear that some Woodland Officers and those planning and managing forests and woodlands are in need of more explicit direction as to their responsibilities under the Land Reform (Scotland) Act 2003, and the resources to ensure this is taken into account.
18. We can offer specific examples of failures to follow SOAC guidance through continuing instances of those issues mentioned above, which include locked gates on forest roads to prevent vehicular access, but with no adjacent non-vehicular means of passing through fencing; and instances of extensive deer or other fencing obstructing well used informal routes to significant hill summits, with no gate or other provision to maintain lawful recreational access.

Suggestions for revision of UKFS

19. We request that the UKFS 5th Edition supplies statements on Good Practice and Guidance that will go further towards ensuring compliance with legislative requirements and the achievement of government policy to promote recreational access to forests and woodlands in Scotland, specifically referencing key points in Part 4 of SOAC.

20. SOAC specifically highlights that putting up a high fence over long stretches of open country without providing gates, gaps or other access points may be considered to be deliberately or unreasonably obstructing non-motorised access which would be in direct conflict with the responsibilities of land owners and managers (section 4.9, bullet point 4).
21. Access Management Plans are currently stated as something to 'consider' under Guidance, but in light of a landowner's duty under the Land Reform (Scotland) Act 2003, we would like to see this raised to the level of a Good Practice Requirement, for which the starting point would be an assessment of existing and potential recreational use of the land in question, with the involvement of the local community as well as recreation user groups. It may be that this assessment indicates that no Plan is required, but the requirement would be to provide evidence that recreational access has been taken into account, not merely considered and dismissed.
22. The FCS Woodland Creation application guidance Nov 2017, p8 states: "You must make provision for public access, where it has been customary or where there is local interest, and management of public access to woodland must be in line with the Scottish Outdoor Access Code.". We wish to see this stronger level of direction included in the revised UKFS.
23. We wish to make the point that in Scotland provision for recreational access involves more than a desk study of Rights of Way, Core Paths and Long Distance Routes. There are many routes in Scotland in popular usage that have no formal status, for example hill routes to the summits of Munros and Corbetts or well-used paths of great value to local communities but which are not shown on Ordnance Survey maps or formally recognised beyond being on land where access rights apply. The loss of these paths due to harvesting or planting operations can have a significant impact on local access.
24. These significant, informal routes need to be taken into account in the long-term forest planning stage; to be maintained in planting plans, and in the restoration of the ground when felling and restocking disturbs informal routes through forests and woodlands, including the provision of pass gates in fences on the line of both defined and informal routes.
25. There is also a need for provision for crossing extensive lengths of fencing in open country; crossing points are needed at places where people are likely to need to cross the fence, such as hilltops, ridgelines, side ridges where they meet the main ridge, and places where the fence changes direction. Away from paths or tracks, stiles may be adequate for crossing, especially where the terrain is rough or remote and only walkers are likely to be affected.
26. We are of the opinion that a useful Forestry Standard for the UK would be to provide some guidance on how often crossing points are required to be provided on extensive stretches of deer fencing so that the public do not have to make unreasonable detours. Where use is relatively infrequent, we suggest it may be reasonable to provide crossings every kilometre or 15 minutes walking time.

We hope that these observations are helpful to you in your review of forestry standards for the UK. If there is anything further you wish to discuss on the observations above then please do get in touch with us and we will do our best to assist.

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