EXPLANATORY MEMORANDUM TO

The Forestry (Felling of Trees) (Calculation of the Area of Land) Regulations (Northern Ireland) 2013

SR No. 137

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department of Agriculture and Rural Development to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under the Forestry Act (Northern Ireland) 2010 and is subject to the draft affirmative resolution procedure.

2. Purpose

2.1. The Forestry (Felling of Trees) (Calculation of the Area of Land) Regulations (Northern Ireland) 2013 are being made under the Forestry Act (Northern Ireland) 2010 (The Act) which provides for the support of sustainable forestry by means of regulated felling in woodlands.

2.2. The Statutory Rule establishes the boundaries to be used in calculating whether a woodland is 0.2 hectares or over, the lower limit at which the felling of trees will be regulated under the Act.

3. Background

3.1. Regulation of felling of trees in woodlands of 0.2 hectares or over will come under The Forestry (Felling of Trees) Regulations (Northern Ireland) 2013, also made under the Act. These prescribe a felling licence subject to conditions set out in a five year felling management plan.

4. Consultation

4.1. The consultation on draft felling of trees regulations ended on 23 June 2011. The Department received 14 substantive responses from representative stakeholder groups.

5. Equality Impact

5.1. In accordance with DARD's obligation under section 75 of the Northern Ireland Act 1998, the Felling Regulations were screened out for Equality Impact in February 2011. The legislation will apply in equal measure to all section 75 groups and no differential impact is expected.

6. Regulatory Impact

6.1. The felling regulations will be a key means of delivering the general duty under section 1 of the Forestry Act in respect of sustainable forestry encompassing economic, environmental and social committments; the Department will be better able to comply with wider goverment and international responsibilities on the environment and in relation to climate change. Woodland owners, the timber industry and downsteam traders will be will be able to demonstate due diligence under the EU Timber Regulation without further regulatory burden. It is expected that the felling

regulations will impose an insignificant burden on private woodland owners.

7. Financial Implications

7.1. The felling regulations bring into force that part of the Forestry Act which provides for compensation if a licence to fell is refused and later deterioration in timber is attributable to that refusal.

8. Section 24 of the Northern Ireland Act 1998

8.1. The felling regulations do not have any human rights implications, nor are they incompatible with EU law. The Regulations are therefore deemed to comply with the requirements of section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1. Not applicable.

10. Parity or Replicatory Measure

10.1. There is no requirement to maintain parity.

11. Additional Information

11.1. Not applicable.