

P-06-1333: Stop Natural Resources Wales from tree felling that threatens red squirrel survival

Y Pwyllgor Deisebau | 05 Mehefin 2023
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Reference: SR23/5996-2

Petition Number: P-06-1333

Petition title: Stop Natural Resources Wales from tree felling that threatens red squirrel survival

Text of petition: In 2021, Petition P-06-1208 was debated by the Senedd to get new laws to protect red squirrel habitat. The petition also highlighted how NRW NW Area had failed to monitor squirrel populations in Newborough and Pentraeth forests on Anglesey. Subsequent research revealed precipitous declines in Newborough forest associated with too much timber cutting.

<https://business.senedd.wales/mgIssueHistoryHome.aspx?Id=37917>

Now in Gwynedd, NRW are once again tree felling without squirrel data; once again suggesting that vague 'internal guidance' can make up for this

More details

It is baffling that in NE Wales, NRW can successfully integrate red squirrel conservation into commercial forest management yet next door in the West it is a relentless shambles.

Red squirrels in Gwynedd have been devastated by Squirrelpox virus. 10,000 people signed Petition to 'Fund vaccine research to protect red squirrels from deadly Squirrelpox virus'.



<https://bylines.cymru/environment/squirelpox-endangers-red-squirrels-and-livelihoods/>

Now the few surviving red squirrels face the lottery of NRW blindly cutting down their homes. Given the tourism value of red squirrels (£1 Million to the Welsh economy per year), the well-being value of the species and the numerous Government commitments to conserve populations, why is it a constant battle with the NRW NW Area?

Is it any wonder that 1 in 6 species are at risk of extinction?

<https://naturalresources.wales/evidence-and-data/research-and-reports/state-of-natural-resources-interim-report-2019/challenges/?lang=en>

1. Background

Red squirrel populations

Red squirrels were once widespread across Wales. However UK populations have suffered significant declines following the release and spread of the North American grey squirrel in the 19th century. This is due to the spread of disease (predominantly the squirelpox virus) and competition for resources. Red squirrels have also suffered from habitat loss and fragmentation.

According to the Wildlife Trusts, in about 150 years, red squirrels have declined from around 3.5 million to 140,000 across the UK. In 2020 the Mammal Society released a Red List for British Mammals, highlighting species most at risk. The red squirrel is classified as 'Endangered' and is one of the 19 species considered at risk of extinction in Britain.

The three focal populations of red squirrel in Wales are on Anglesey, in the Clocaenog Forest in north Wales, and Clywedog in mid Wales.

Natural Resources Wales (NRW) only monitors red squirrel populations in the focal areas. The Minister for Climate Change's, Julie James, letter on this petition says NRW has recognised that Gwynedd has become an important area for red squirrels and sightings at Parc y Bwlch have increased over the past few months. NRW is encouraging sightings to be recorded through the UK Squirrel Accord.

Woodland management

NRW manages the Welsh Government Woodland Estates (WGWE). The WGWE accounts for ~40% of the total Welsh Forest Resource and 6% of Wales' total land area.

Under the Environment (Wales) Act 2016, NRW has a statutory duty to 'seek to maintain and enhance biodiversity' so far as is consistent with the proper exercise of its functions. In its publication, the purpose and role of Welsh Government Woodland Estate, NRW states:

One of the roles of the WGWE is to maintain, conserve and appropriately enhance the biological diversity of Wales' woodland ecosystems

Woodland certification

The woodlands managed by NRW are dual-certified to the Forest Stewardship Council ® (FSC®) and the Programme for the Endorsement of Forest Certification (PEFC) certification. These accredited forest certification schemes are based on the UK Woodland Assurance Standard (UKWAS), an independent certification standard for verifying sustainable woodland management in the UK. The UKWAS sets out the need to take appropriate measures to protect identified priority habitats and species in accordance with plans agreed with nature conservation agencies.

Forest Resource Plans

NRW details any protected species or priority habitats that could be affected by its operations in a Forest Resource Plan (FRP). This includes operations within the Woodland Management Unit (WMU) or surrounding area, and the impact at a landscape or connectivity scale. FRPs set out long-term objectives and are the basis for 10-year work programmes.

FRPs are updated every ten years, with information gathered from site surveys and the Local Record Centre, which keeps a record of wildlife sightings in the area.

FRPs are placed on NRW's public register to provide further opportunity for external consultees to feedback and comment on the plans.

The Minister's letter on this petition says the petition appears to follow an NRW liaison meeting which discussed planned felling work at Parc y Bwlch, Mynydd

Llandygai, Gwynedd. The Welsh Government says Parc y Bwlch is part of the Bethesda and Abergwyngregyn FRP managed by NRW which was renewed in 2021 following public consultation. Dr Shuttleworth, the petitioner, informed NRW that he disagreed with the FRP and that felling should not take place despite Parc y Bwlch not being part of a red squirrel focal site. The Minister went on to say in her letter:

The felling area is predominantly larch, which is prone to Phytophthora Ramorum or Sudden Oak Death, and is part NRW's larch removal programme. The trees are even aged, have reached their full height and are prone to windblow. However, following the public consultation in 2021, NRW halved the felling coup size, delaying half of the felling until the 2026-32 period.

Felling operations on the remaining half of the coupe will be carried out in a precautionary way to safeguard any red squirrel present and will be undertaken outside of the breeding season. Conservation coupe checks done before felling will identify any dreys present and inform management accordingly. A monitoring methodology being trialled in Anglesey this year will assist NRW in developing a better approach in future.

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As Parc y Bwlch is not part of a red squirrel focal area, its management should not be compared with Clocaenog where there has been a long history of continuous cover forestry (CCF) management which favours red squirrel. CCF is not possible at Parc y Bwlch where the trees are at risk of blowing over but is included in the wider Forest Resource Plan where feasible. The felling work at Parc y Bwlch will help diversify the age of the trees and this will benefit the red squirrel in the long term.

Tree felling licences and the *Forestry Act 1967*

Tree felling is regulated under the *Forestry Act 1967* which generally requires a person to obtain a felling licence from NRW before felling trees. There are exemptions from the need for a licence, such as felling for disease control, preventing danger, or felling small amounts of timber for personal use. NRW has a 24 hour incident line to report suspected illegal felling.

A licence only gives authority to fell trees where felling would not otherwise be lawful under the *Forestry Act 1967*. It doesn't override the need to comply with other legislation.

The *Forestry Act 1967* currently allows conditions to be added to felling licences, but only to require the area to be restocked and the new trees maintained for a period of time. **It doesn't allow environmental protection conditions to be added, such as ensuring the integrity of protected sites or protected species.**

NRW currently has no powers to amend, suspend or revoke a licence once issued if something about the licensed activity later becomes unacceptable. This could be related to factors identified after the licence was granted, such as the presence of protected species accidentally or deliberately overlooked. Or it could be where a change of ownership results in a change of objectives, or disease affects species choice in restocking.

2. Welsh Government action

The [Agriculture \(Wales\) Bill](#), which is passing through the Senedd, aims to amend the *Forestry Act 1967* so that NRW would have the power to add environmental conditions to tree felling licences, and enable NRW to amend, suspend and revoke licences. NRW has published a [paper on how it intends to implement the powers](#).

The Explanatory Memorandum to the Agriculture (Wales) Bill says the current situation under the *Forestry Act 1967* could lead to NRW issuing a felling licence that might impact negatively on the environment and could contravene other environmental legislation. It highlights the completed [Senedd petition P-06-1208](#) calling for changes to the *Forestry Act 1967* to protect red squirrel habitat as an example of this disconnect between the Act and other environmental legislation.

The Minister wrote to NRW (in March 2022) following the debate on petition P-06-1208, asking NRW to consider continuous improvement through applying best practice in Clocaenog to the management of woodlands for red squirrel conservation on Anglesey. Her letter goes on to say:

Since then, the work commissioned by NRW to update red squirrel population data and collate best practice for working in red squirrel areas has been completed. The report has been published and NRW are enacting the recommendations. NRW now hold regular liaison meetings

with squirrel groups or directly with the Red Squirrel Trust Wales (RSTW) in each area.

3. Welsh Parliament action

There have been two Senedd petitions to protect red squirrel populations from tree felling in recent years:

- P-06-1208 'New laws to protect rare red squirrels from habitat loss which causes population decline' (completed in 2022); and
- P-06-1225, 'Make Natural Resources Wales undertake and publish annual wildlife surveys before felling woodland' (completed in 2022).

The Senedd has been scrutinising the Agriculture (Wales) Bill and its tree felling provisions through the legislative process. The Economy Trade and Rural Affairs Committee was responsible for Stage 1 scrutiny. The Committee supported the forestry provisions but recommended the Welsh Government, NRW and the forestry sector should continue to work together on guidance and mutual understanding around the new powers. It said the Welsh Government and NRW should work at pace to identify the data needed to assess the new provisions' effectiveness.

More recently the Bill was amended at Stage 3 on 16 May 2023. The Senedd passed the various government amendments relating to tree felling (Part 4 of the Bill). The Minister for Rural Affairs, North Wales, and Trefnydd, Lesley Griffiths, who tabled the amendments, said:

The amendments are necessary to ensure the desired policy outcome of the forestry provisions is achieved fairly, whilst providing accessibility to the law for the reader. The amendments focus on the interaction of the forestry provisions with tree preservation orders, provision for the serving of a notice on a subsequent owner of land, and further provision relating to rights of appeal and compensation.

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These amendments do not change the scope and policy intention of provisions as introduced, which is to better protect wildlife and limit environmental harm during felling operations.

Every effort is made to ensure that the information contained in this briefing is correct at the time of publication. Readers should be aware that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.