



Ulster Unionist Party Consultation Response
to the Forestry Land Byelaws (NI) 2011

June 2011

Introduction

The current forest coverage in Northern Ireland stands at 6%, some 85,000 ha. Unfortunately this stands well below the current coverage in the Republic of Ireland of 10% and even further behind Great Britain's equivalent of 12%. The Forest Service has not increased its own forest cover by any significant amount in the last 10 years, even though the Department of Agriculture and Rural Development has large areas of surplus land. Northern Ireland has the least forest cover relative to its size in Europe.

Nevertheless approximately 75% of all the woodland in Northern Ireland owned by DARD and much of this is presently open to the public. Indeed there are over two million visits annually to Northern Ireland's publically owned forests.

The Ulster Unionist Party recognises there is a need for updated Forestry Land Byelaws to be introduced. They will replace the Forest Parks and Forest Recreation Areas Byelaws (NI) 1979 which we believe to be now obsolete and ineffectual.

We welcome the proposed introduction of new Forestry Land Byelaws (NI) 2011, which seek to promote responsible recreational use of public forests in Northern Ireland. Forestry land is used by a wide spectrum of people from the young to old and casual walkers to serious sporting enthusiasts. Therefore it is important that any new Forestry Byelaws adequately meet the needs of Government but also importantly the needs of the people who use the forests for recreational use.

Unfortunately a number of the proposed Byelaws, if introduced would have a detrimental effect on the Forest Service's own goal of optimising the potential recreational value of Northern Ireland's forests.

Origin of the proposed Byelaws

The Ulster Unionist Party is greatly concerned that it would appear that much of the basis of the proposed Byelaws has been lifted from other Statutes. We believe that many of the conditions within The Forestry Byelaws (Northern Ireland) 2011 have been disproportionately modelled upon modern city and local government regulations.

We believe that rather than simply replicating Byelaws from other jurisdictions, the Department of Agriculture and Rural Development, in correlation with the Forest Service, should have devoted the time and effort to create a set of laws that meet its obligations whilst also being applicable to Northern Ireland's often unique circumstances.

Byelaw 5 – Access to Forestry Land

This is the Byelaw which the Ulster Unionist Party currently has most concerns about, and one which we cannot support in its current form. We strongly oppose the suggestion to restrict the hours of access to those between sunrise and sunset. During the winter months this would effectively ban all members of the public from entering Northern Ireland's forests from 4 o'clock in the afternoon. Given that most schoolchildren do not even return home until this time, we believe that restricting the opening hours to 8am to 4pm would be disenfranchising a significant proportion of the population.

We are aware that the Department has certain obligations and legal responsibilities to meet, however we do not feel that acting solely on the basis of public liability they should feel compelled to introduce such draconian measures. We would therefore suggest that in order to meet its public liability obligations, the Department should rather introduce a policy of clearly informing anyone entering its forests after the hours of sunset do so entirely at their own risk. This would require only the necessary installation of the appropriate signage.

Byelaw 6 – Protection of Property

We welcome the measures included within this Byelaw, particularly those which prohibit the dropping of lit matches, cigarettes or other burning material. It also includes a specific ban on setting fire to any trees or vegetation whether living or not. This latter point is crucial as recent events clearly demonstrate the consequences which intentionally lit fires can have on wild forests and vegetation.

Byelaw 7 – Protection of forestry land and wildlife

We welcome that this proposed Byelaw now strengthens the protections in place for wildlife. It is important that the animals which public forests as their habitats have the same reasonable protections as those offered to wild animals. The ban on the ill-treatment of animals, as well as on wilfully disturbing, damaging or destroying the shelters of any wild animal are also to be strongly welcomed.

The new ban on interfering with the nests or eggs of any bird should also enable the authorities to effectively tackle such irresponsible behaviour. The Ulster Unionist Party believes that these new measures will further compliment recent changes to wildlife and habitats legislation in Northern Ireland.

Byelaws 8 and 9 – Protection of the Public

The Ulster Unionist Party is deeply concerned about this proposed Byelaw. Whilst we recognise that the Department has a duty of care to provide a safe and welcoming environment for all its users of its forests, we believe that prohibiting the use of firearms in on forestry land is both short sighted and unnecessary. The practice is already tightly controlled with strict guidelines in place.

We recognise that Byelaw 21 protects existing rights, however to implement an outright ban on all future arrangements is draconian in our opinion.

In relation to Byelaw 9, there is further information needed to clarify what specifically would constitute 'reasonable cause for annoyance to other persons'.

Byelaw 10 – Protection General

We believe that this Byelaw had the opportunity to further compliment that of Byelaw 6 to provide greater protection against forest fires. Unfortunately it would appear that once again the Department of Agriculture and Rural Development has failed to take a reasoned approach to this issue. Campfires are a customary part of the outdoors experience, and to restrict the often only source of heat to 'a proper barbeque or camping stove' is excessive.

Whilst we acknowledge that there is a need for fires to be properly contained – we believe that these could be controlled with strict preconditions. Areas of the forest with significant ground vegetation could be designated as no fire zones; however other areas with much less ground level vegetation could be allocated areas where supervised camp fires would be permitted.

Byelaw 11 – General Management

Again whilst there specific parts of this Byelaw that the Ulster Unionist Party would be keen to support, such as the prohibition of selling or distributing of items on forestry land, we do believe that the Department has been overly restrictive in the formation of this Byelaw. Whilst bathing in unsupervised forestry waters should no doubt be discouraged, we believe making it an offence to be excessive. Instead people should be made aware of the dangers of which it presents, whilst also stating categorically that the Department holds no responsibility of death or injury incurred in the water beyond the constant supervision of adequately trained staff.

Byelaw 16 – Fishing

Northern Ireland boasts many of the best fishing lakes in the United Kingdom and the sport has a loyal and extensive base of enthusiasts. Many of our best lakes are bordered upon either partially or entirely by public forests. We are opposed to the suggestion from the Department that it introduces an outright ban on fishing expect in a specified areas.

One of the skills which many within the sport enjoy is identifying the optimal fishing locations, therefore we believe the Department should not interfere with this process.

Enforceability

The Ulster Unionist Party has several concerns about how many of the proposed new Byelaws are to be enforced.

Firstly, the Northern Ireland Forestry Service has a declining workforce, with little or no priority attention being given to it by the Department. The numbers of workers in the Service have declined from around 600 20 years ago, to just over 200 today. Furthermore, as a result of almost non-existent recruitment, the age profile of the current workforce is steadily increasing, with those retiring not being replaced.

Therefore we do not feel the Forest Service has the necessary workforce to properly enforce these new regulations. We also have concerns about the excessive time which these proposed Byelaws would require to be enforced. Aside from having a forestry worker at every entrance it is all but impossible to properly regulated many of these new Byelaws.