



If you go down to the woods today...



Dr Craig Shuttleworth reflects on the legislative loopholes that can leave red squirrels and other flora and fauna vulnerable to habitat destruction.

Two decades have passed since Esmé Kirby began the campaign to restore the fortunes of the native red squirrel on Anglesey. What followed was a hard won success as the local community rallied to rescue a species teetering on the brink of extinction. The grey squirrel was eventually eradicated from 720km² island and several pioneering reintroductions helped boost red squirrel numbers. Today the headline is that Anglesey contains the largest and most genetically diverse red squirrel population in Wales. It's a conservation success story; one of a number of initiatives across the UK that have halted or reversed local declines of this rare and popular woodland animal.

In Great Britain, red squirrels are found in good numbers on Anglesey, in a few parts of mainland Wales, The Isle of Wight, Brownsea Island, northern counties of England and in Scotland. All red squirrels have a legal protection from deliberate harm and their nests (dreys) are also protected from damage or destruction. There is however one key geographical difference, it impacts not only red squirrels but any animal or plant species. This is because only in Scotland can a timber felling licence be refused, or granted with conditions, to safeguard wildlife. In England & Wales the presence of wildlife cannot be a material consideration in the felling licence application and assessment process. It doesn't matter if dormice, bats, red squirrels or great crested newts are present, there is no legal grounds to refuse a licence because habitat destruction could adversely affect local or regional populations.



I had no idea that the 1967 Forestry Act had this geographical anomaly and only discovered it when I raised a complaint about the summer felling of pine woodland in 2018 containing breeding red squirrels. Surely the timber harvesting operation was breaking a condition in their licence? Red squirrels are present, everyone knows they



breed in the spring and summer months would it not be a sensible step to restrict felling to the autumn and winter months? After all it had taken so much effort to restore red squirrel population on Anglesey. Meetings with staff who assess felling licences revealed the dawning reality. Their hands were tied behind their backs by a 50 year old legal text.



If you think about it, the implications of this are pretty wide reaching. There is no way that authorities can assess the potential impact of a series of felling licences upon any flora or fauna species as each licence application is looked at in isolation. Seasonal restrictions on felling operations cannot be imposed and neither can there be any limitation on the pattern of felling in a woodland. When I was interviewed about the subject by BBC Radio Cumbria they read out a statement from the Confederation of Forest Industries UK (CONFOR) who suggested rare species already have sufficient legal protection and that there have been suggestions that changing the law in England and Wales may damage the timber industry. However, a Freedom of Information request to the Scottish Government revealed that far from there being a campaign to get the law altered in Scotland to remove the ability for authorities to consider the conservation or enhancement of flora and fauna, there actually has never been a single request for an amendment to the tree felling laws - from anyone. Ever.



Forests are of course important for timber supply, they offer employment in the timber harvesting and processing industries and they are also home to some of our rarest wildlife. Forest owners control grey squirrels (and allow access for control operations) and their support and efforts were invaluable during the Anglesey eradication and remain invaluable in red squirrel conservation elsewhere. But there has to be synergy between commercial operations and wildlife conservation and there has to be consumer confidence that the timber products they purchase are not adversely affecting our rarest woodland species. The way to achieve this is through legislative reform, a step that will benefit the timber industry, consumers and biodiversity.