



Joint Local Access Forum (JLAF)

for Bath & North East Somerset, Bristol City and South Gloucestershire

Quick update for the JLAF on Forestry Plans by the Government – as at Wednesday 10NOV10.

Concern was expressed by JLAF members at their meeting on November the 5th 2010 about proposals to sell Forestry Commission land, and the effect that this may have. I have compiled some of the information that is available on the subject here.

As I understand it, in response to reports/leaks/briefings, the Defra minister, Caroline Spelman MP, wrote a letter on the subject, published on 29th October 2010. See Appendix 1.

There are three sections in the Public Bodies Bill, currently going through parliament, on this matter. The bill as currently worded proposes to give the Secretary of State powers to change (by Order) the function of the Forestry Commission and the role of the Forestry Commissioners.

There are some tests regarding "increased efficiency, effectiveness and economy in the exercise of public functions", "securing appropriate accountability to Ministers in the exercise of such functions" and the Order that changes the function of the commission or the role of commissioners must not "remove any necessary protection, and "does not prevent any person from continuing to exercise any right or freedom which that person might reasonably expect to continue to exercise". Words such as 'appropriate' 'necessary', 'protection' and 'reasonably' do not appear to be defined.

The current wording of the Bill is at Appendix 2.

References:

On the 14th October the Government (the Cabinet Office) published a list of reforms of Quangos, and this was the reference to the Forestry Commission:

Department	Public Body	Proposed Reforms
Defra	Forestry Commission	Retain and substantially reform - Details of reform will be set out by Defra later in the autumn as part of the Government's strategic approach to forestry in England. The Forestry Commission in Wales may move to form part of a WAG* Environmental Body.

* Welsh Assembly Government

<http://download.cabinetoffice.gov.uk/ndpb/public-bodies-list.pdf>

(found at: http://www.cabinetoffice.gov.uk/newsroom/news_releases/2010/101014-quangos.aspx)

There are various news articles on this matter, including those found via this page:

<http://news.google.co.uk/news/more?pz=1&cf=all&ned=uk&cf=all&ncl=dwmz35lkINEVYRMvGop-xkOPsiy1M>

Including this article that feature Stephen Lees of the Forestry Commission who recently did a presentation to the SW meeting of LAFs:

<http://www.guardian.co.uk/environment/2010/oct/29/forest-sell-off-government?intcmp=239>

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The JLAF is a statutory body established by the three councils shown below, to provide advice as to the improvement of public access to land in the area of Bath & North East Somerset, Bristol City and South Gloucestershire for the purposes of open-air recreation and enjoyment of the area. Its views do not necessarily represent those of the three councils.

**Bath & North East
Somerset Council**



**South Gloucestershire
Council**

At that meeting, he gave some interesting stats on the role of the FC in Forestry, including the much greater impact on access, nature conservation and timber production than their proportion of woodland ownership would indicate.

Key statistics

1. The FC receives 40m visits a year and is the largest single provider of countryside leisure visits.
2. It provides 264 waymarked trails, safe off-road cycling, 32 play areas and 14 Go-Ape sites.
3. There are 40 key sites, 4 in the Peninsula district, and 24 visitor centres.
4. Over half the population lives within 6 miles of one of the FC woods, particularly on the urban fringe.
5. In the Peninsula district there are 200 woodlands, totalling 38,000 acres. There has been a policy of selling small woods.
6. Major destinations in the SW are Haldon and Cardinham. Parking and limited facilities are provided at a further 20 sites.
7. Open access, under the CRoW Act, is provided on freehold sites. Leasehold sites (999 year) have some dedicated or permissive access. The small access land sign is used with a FC logo.

Report from the SW Region LAF Conference 20 October 2010 at <http://www.jlaf.org.uk/news/JLAF22%20upto%20JLAF23/2010-11-04%20Report%20of%20SW%20LAF%20Conference%202010.pdf>

There have also been various responses to the announcements:

25 Oct 2010 15:04

Press Statement RE: Forestry Commission Disposals

The Woodland Trust has a number of concerns over the likelihood of a substantially accelerated disposal programme of public forest land for sites which deliver significant public benefit...

<http://www.woodlandtrust.presscentre.com/News-Releases/Press-Statement-RE-Forestry-Commission-Disposals-523.aspx>

Of interest, there has also been at least one petition doing the rounds, though the wording is not very rigorous:

The petition text:

"Save our forests - don't sell them off to the highest bidder"

Don't let private companies chop down our woodland.

Protect trees for the conservation of wildlife and the enjoyment of the public.

<http://www.38degrees.org.uk/page/s/save-our-forests>

There is also a reference to the Forestry review in the Defra Business Plan, on the Number 10 website:

	Start	End	Status
2.1.iii.b. Consult on a new strategic approach to forestry in England	Jan 2011	May 2011	Yet to start

<http://transparency.number10.gov.uk/transparency/srp/view-srp/33/31>

It therefore appears that full proposals on this subject will be published in January.

Outdoors Access and the Forestry Commission.

The Forestry Commission has dedicated much of its freehold land as Access Land under s16 of the Countryside and Rights of Way Act 2000 (CROW). This provides a permanent right of access **on foot** to this land, and is unaffected by transferral of ownership. The provision for other users (eg for cycling, horse riding) is not protected in this way. The Forestry Commission also controls land under long leases (for example of 999 years duration) and much of this is not Access Land under CROW.

Possible JLAF Role – subject to contributions from members.

The JLAF, at the meeting on November 5th said that they would keep a watching brief and respond as a body when appropriate, and this appears likely to be in January. JLAF Members can engage with the subject at any time and in their chosen manner as individuals.

Chris Hogg, Secretary of the JLAF, 10th November 2010.

APPENDIX 1 – Letter from Minster for Environment, Food and Rural Affairs

From: <http://ww2.defra.gov.uk/news/2010/10/29/forestry/>

Forestry in England: A new strategic approach

Published on Friday 29 October 2010 at 12:31pm



The Department for Environment, Food and Rural Affairs

(Defra) has today published a letter sent to MPs outlining its intention to fundamentally reform the public forestry estate, with diminishing public ownership and a greater role for private and civil society partners. At the same time, the Government has reiterated its firm commitment to biodiversity and other public benefits which forests and woodland provide.

Letter to MPs

Dear Sir/Madam

In view of recent speculation I am writing to explain the reason behind the inclusion of powers for modernisation of the forestry legislation in the Public Bodies Bill, which has just been introduced into Parliament.

Contrary to some beliefs, the Forestry Commission's estate covers only 18% of England's wooded areas. Nevertheless it is of great importance in the provision of access, biodiversity, carbon storage and many other public benefits. Some of it is producing much of our domestic timber, other areas are almost entirely devoted to public benefit and others are a mix of the two.

We are committed to shifting the balance of power from 'Big Government' to 'Big Society' by giving individuals, businesses, civil society organisations and local authorities a much bigger role in protecting and enhancing the natural environment and a much bigger say about our priorities for it.

By including enabling powers in the Bill we will be in a position to make reforms to managing the estate. We will consult the public on our proposals later this year, and will invite views from a wide range of potential private and civil society partners on a number of new ownership options and the means to secure public benefits. We envisage a managed programme of reform to further develop

a competitive, thriving and resilient forestry sector that includes many sustainably managed woods operating as parts of viable land-based businesses.

We will not compromise the protection of our most valuable and biodiverse forests. Full measures will remain in place to preserve the public benefits of woods and forests under any new ownership arrangements. Tree felling is controlled through the licensing system managed by the Forestry Commission, public rights of way and access will be unaffected, statutory protection for wildlife will remain in force and there will be grant incentives for new planting that can be applied for. When publishing our proposals we will explore further the options for securing and increasing the wide range of public benefits currently delivered by Government ownership and how they might be achieved at lower cost.

This will be a new approach to ownership and management of woodlands and forests, with a reducing role for the State and a growing role for the private sector and civil society. At the same time, it reflects the Government's firm commitment to the continued conservation of the biodiversity and other public benefits which forests and woodland provide. These aims are not incompatible with alternative models of ownership, or our commitment to the natural environment.

Notes

Details of the Public Bodies Bill can be found here:

www.cabinetoffice.gov.uk/newsroom/news_releases/2010/101029-quango.aspx

More information on Defra's forestry policy can be found here:

<http://ww2.defra.gov.uk/rural/forestry/>

Appendix 2: Extract of sections from the Public Bodies Bill

Current extract of s17,18 &19 from Public Bodies Bill. This Bill is currently being developed within the parliamentary process, and won't be brought into Law until it becomes an Act of Parliament.

<http://www.publications.parliament.uk/pa/ld201011/ldbills/025/11025.8-14.html#j140a>

Retrieved WE10/11/10

Powers in relation to forestry

17 Powers relating to functions of Secretary of State

- (1) This section applies to the functions of the Secretary of State under the following provisions of the Forestry Act 1967— 20
- (a) section 39(2) (disposal);
 - (b) section 39(3)(a) (management and use);
 - (c) section 39(3)(b) (letting and granting of rights and interests).
- (2) The Secretary of State may by order amend the Forestry Act 1967 so as to modify the purposes or objective for which, or conditions under which, the Secretary of State exercises a function to which this section applies. 25
- (3) An order under subsection (2) may in particular secure that the Secretary of State may exercise a function to which this section applies for any purpose or unconditionally.
- (4) An order under subsection (2) may contain consequential, supplementary, incidental or transitional provision, or savings. 30
- (5) The Secretary of State may enter into arrangements with any person for that person to exercise a function to which this section applies.
- (6) Arrangements made under subsection (5) may provide for the exercise of the function by the person— 35
- (a) unconditionally or subject to such conditions as may be specified in the arrangements;
 - (b) for such period as may be so specified.
- (7) Arrangements made under subsection (5) — 40
- (a) may be revoked at any time by the Secretary of State;

- (b) do not prevent the Secretary of State from exercising the function to which the arrangements relate;
- (c) do not affect the responsibility of the Secretary of State in relation to the function.

(8) The Secretary of State may in particular enter into arrangements under subsection (5) with the Forestry Commissioners. 5

18 Powers relating to Forestry Commissioners

- (1) The Secretary of State may by order do any of the following in relation to the Forestry Commissioners—
- (a) modify their constitutional arrangements; 10
 - (b) modify their functions relating to England;
 - (c) transfer a function of theirs relating to England to another person;
 - (d) authorise them to enter into arrangements with another person for that person to exercise a function of theirs relating to England.
- (2) Arrangements made under an order under subsection (1)(d) may, subject to the provisions of the order, provide for the exercise of the function by the person—
- (a) unconditionally or subject to such conditions as may be specified in the order or the arrangements; 15
 - (b) for such period as may be so specified.
- (3) Arrangements made under an order under subsection (1)(d)—
- (a) may be revoked at any time by the Forestry Commissioners; 20
 - (b) do not prevent the Forestry Commissioners from exercising the function to which the arrangements relate;
 - (c) do not affect the responsibility of the Forestry Commissioners in relation to the function. 25
- (4) An order under this section may make consequential, supplementary, incidental or transitional provision, or savings.
- (5) Where an order under this section transfers a function, the power in subsection (4) includes power to make consequential or supplementary provision—
- (a) to modify functions of the transferee; 30
 - (b) to modify the constitutional or funding arrangements of the transferee.
- (6) Where an order under this section authorises arrangements for the exercise of a function of the Forestry Commissioners by another person exercising public

functions, the power in subsection (4) includes power to make consequential or supplementary provision— 35

- (a) to modify the public functions of that person, or
- (b) to modify the constitutional or funding arrangements of that person.

(7) In considering whether to make an order under this section, the Secretary of State must have regard to the following objectives— 40

- (a) achieving increased efficiency, effectiveness and economy in the exercise of public functions;
- (b) securing appropriate accountability to Ministers in the exercise of such functions.

(8) The Secretary of State may make an order under this section only if the Secretary of State considers that— 45

- (a) the order does not remove any necessary protection, and
- (b) the order does not prevent any person from continuing to exercise any right or freedom which that person might reasonably expect to continue to exercise.

19 Procedure for orders under sections [17](#) and [18](#) 5

An order under section [17](#) or [18](#) may not be made unless a draft of the instrument containing the order has been laid before, and approved by a resolution of, each House of Parliament.