

## **DRAFT letter to the Minister**

**“This letter constitutes formal advice from the Torbay Local Access Forum.**

**“In accordance with section 94(5) of the Countryside and Rights of Way Act 2000, the Secretary of State is required to have regard to relevant advice from this Forum in carrying out his functions.”**

In a letter of 29 October to all MPs, DEFRA stated that it was “its intention to fundamentally reform the public forestry estate (but) the Government has reiterated its firm commitment to biodiversity and other public benefits which forests and woodland provide.” In his introduction to the Forestry Commission publication “Trees and Woodlands Nature’s Health Service” Sir Liam Donaldson, as Chief Medical Officer for England, wrote, “the Woodland sector can significantly contribute to people’s health and well-being.” Current research indicates that the financial benefits to the NHS of maintaining public access to woodland far outweigh the costs of providing such access.

The majority of private woodland owners have no intention of opening their woodland to public access whatever the incentives but, as you are aware, the public forest estate is dedicated to public access under Section 16 of the CROW Act 2000, and that “dedication under this section is irrevocable.” Despite this, we understand that, in some cases where Forestry Commission woodland has been sold, attempts have already been made to remove such dedication.

While it is not the function of this Forum to question the underlying purpose of removing land from public ownership, it is its function to protect under Section 2 of the Act the entitlement of any person “to enter and remain on access land for the purposes of open-air recreation.” We believe that, under Forestry Commission ownership, such entitlement has been facilitated to an exemplary standard, and that this standard should be maintained and improved without cost to access users. It is quite possible for private owners to comply with the letter of the access requirement while ensuring that the physical conditions effectively exclude the public. For example, the tracks could be left impassable due to the very deep ruts caused by heavy forestry equipment and - with normally 15 years between thinning operations - they could also be allowed to become completely overgrown with brambles.

We would therefore welcome the comments of the Secretary of State on the range of access problems which he foresees in the privatisation of such public land, and the measures to be taken to avoid and correct any abuse of an owner’s responsibilities towards public access.

Copies to

(Copies o.n.o. to)