

**Woodland Policy Enabling Programme  
National Parks England response – September 2013**

- 1) **Name:** National Parks England
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- 3) **In what capacity are you responding? As an individual or on behalf of an organisation or group?:** Organisation – National Parks England
- 4) **Does the draft document ‘Towards a New Public Forest Estate management body’ adequately reflect the conclusions of the government ‘Government Forestry & Woodlands Policy Statement’?**

It does in so far as it identifies the requirement that the Public Forest Estate (PFE) management body will through appropriate commercial activity, need to maximise the economic, social and environmental value of the assets under its care. However, great emphasis is placed on how the economic value should be maximised, even with examples of how this might be achieved. There is less detail on how the social and environmental value of the estate could be maximised.

On the back of this observation, we would question whether the emphasis regarding the three elements of sustainability (economic, social and environmental) carry equal weight; we note that the Overarching Objective for the PFE management organisation is “The sustainable management of the estate to balance and maximise the benefits to the people, nature and the economy.”

Income generation and entrepreneurial activity will be an important part of the work of the new organisation. However it is not clear how this will be balanced with the other key social and environmental objectives. It is suggested that guidance for the new organisation should emphasise the need for different business models to suit the needs and priorities of different geographical areas.

It is essential that there is sufficient public funding available to achieve the very important public benefits required, but this should not lead to a separation of business and environmental / social activities within the organisation. Both should be viewed as integral to the work of the organisation, with environmental enhancements seen as an important means of generating new business.

Finally, in relation to the management of the PFE in National Parks, and in cases where there may be conflict between the three elements of sustainability we believe that greater weight should be put on the case to maximise the environmental value, in keeping with Section 11A of the National Parks and Access to the Countryside Act 1949 and indeed with the ethos behind the “Sandford Principle”.

- 5) **What are your views on the proposed mission and objectives for the new organisation (see Annex A of the draft document)?**

We are in general agreement with the proposed mission and objectives although we feel that the estates influence/impact upon the landscape is not addressed sufficiently. A further suggested social objective might be: “To protect and enhance the landscape character of the

estate and its role within the wider setting". The landscape character impacts of forestry go beyond the PFE boundary.

- 6) It is proposed that the new body will have clear statutory duties, powers and functions focused on maximising the economic, social and environmental value of the Estate, including a requirement that it should improve the financial sustainability of the Estate. What are your views on how the new organisation could improve the financial sustainability of the Estate?**

It may be covered already under the points set out in paragraph 20 of the consultation document, but Carbon Trading could be a lucrative activity for an organisation growing trees in the future.

We appreciate that the new body will need increased freedoms to generate income if it is to become profitable and furthermore provide investment for increased public benefits, such as recreation. However we reiterate our previous concerns that commercial activity for financial gain should not be to the detriment of the social and environmental benefits of the Estate. Indeed in National Parks, the latter should come first should conflicts arise.

- 7) What are your views on the significant assets and disposals arrangements set out in the document?**

We believe that the proposals set out in paragraph 49 are essential, i.e. the requirement to take notice of local opinion in minor cases involving small pieces of land and then engagement of the Guardians, and we would suggest an identified group of statutory consultees. This would be in line with the openness and transparency that is sought for the operation of the PFE management body.

We would also request that consideration be given to the use of 'covenants' when disposing of assets such that the social and environmental benefits of the assets being disposed of may be maintained in the future, where it is appropriate to do so. This would again identify that the disposal of assets was not purely financially driven but had long-term social and environmental considerations in place also.

The triggers for significance appear appropriate.

- 8) It will be necessary to give the new body a new name because Forestry Commission is established in law as a cross-border body. Do you have any ideas on a suitable name?**

No comment.

- 9) What are your views on the arrangements proposed for the new organisation's accountability to Parliament?**

Accountability to Parliament via the sponsoring department (Defra) and its ministers appears entirely appropriate. We wish to be reassured that the new PFE management body tasked with holding the Estate in trust for the nation would be regarded as a 'relevant authority' as set out under Section 11A of the National Parks and Access to the Countryside Act 1949.

- 10) What are your views on the proposed Board's remit, size and composition?**

No comment.

### **11) What are your views on the Guardians' remit, role, numbers and composition?**

The concept of Guardians is supported as an important means of ensuring the new organisation meets public expectations.

- They should be established as a strong and independent group, with a membership separate from the Board.
- They should have sufficient powers to influence the Board when necessary.
- They should include individuals able to represent the interest of protected landscapes, including national parks.

The role of 'Guardian' is perhaps a bit weaker than was originally envisaged when introduced in the Government Woodland and Forestry Policy Statement that stated that the Guardians would advise the new body and 'hold it to account'. The proposal now is that they advise and support the proposed new body. We would wish to know what if any powers the Guardians will have to hold the new body to account in relation to its performance on the environmental condition of the estate, the public benefits that the organisation is delivering and the question of significant acquisitions and disposals.

### **12) What are the most important things to put in a public charter for the new organisation?**

- Public accountability
- Open and transparent decision making
- Robust environmental protection
- Set out how the body engage and consult
- Set out how the body will deal with the public
- Exemplars in asset management
- Professionalism
- Staff development and investment in skills

### **13) Do you have any general comments that you believe would be of assistance in creating the new organisation?**

'Maintaining the overall integrity of the estate' is a critical concept governing the work of the new organisation. To enable transparent decision-making this concept should be carefully defined at an early stage through public consultation, taking into account the need for regional variations in definition.

The document presented outlines how the new PFE management body will have responsibility, through appropriate commercial activity, for maximizing the social, environmental and economic value of the assets under its care. What we believe is missing is some detail as to how it will be expected to interact and perform with organisations and individuals outside of its estate. Will it endeavour to ensure that its own operations will not be at the detriment to the landscape or environment of its neighbours or even that further afield? There are many ecosystem services associated with forestry and woodlands that are beneficial to society and the environment but equally, there are some consequences of forestry activity that can be to the detriment of society and the environment. The impact of the forest activity will go beyond the Estate boundary as jobs are provided in rural communities, but in some cases forests continue to have negative landscape impacts as picked up in the National Character Area profiles undertaken by Natural England. What safeguards are envisaged that would protect the interests of others in relation to the activities of the new PFI management body?

As highlighted in the English National Park Authorities Association (the previous name of National Parks England) response to the Independent Panel on Forestry in July 2011, the management of the current Public Forest Estate helps deliver National Park purposes. The new body tasked with managing England's Public Forest Estate should do likewise, to no lesser extent. Indeed there are opportunities for developing better shared working for the benefit of all. National Parks England and individual National Park Authorities would welcome early involvement in any detailed discussions about the shape and approach of the new organisation at the national and regional level. National Park Authorities are well-placed to provide advice on key local stakeholders and mechanisms for engaging with a wide range of local interests.

The National Parks comprise England's finest landscapes, are of high nature conservation value and are visited by millions of people each year. Around one third of the Public Forest Estate in England is within National Parks. The importance of National Parks as a national asset should be reflected in strategic guidance for the new PFE management body, including the concepts that:

- Management of the estate within National Parks should help achieve national park purposes and conserve the special qualities of the area.
- The focus should be particularly on environmental and social outcomes as well as supporting the land based economy.

The transition to the new PFE management body should be as smooth and cost-effective as possible. A light touch approach is suggested, keeping the costs of re-branding to a minimum and focusing on an evolution from the current Forest Enterprise.

**14) The forestry functions review concluded that the current arrangements 'complicate governance and obscure a clearer "line of sight" between forestry and woodland policy and delivery'. What do you think should be done to address this?**

- Review what works and does not work in other countries.
- Simplify systems.
- Develop integrated delivery systems on the ground.
- Working closer with other Defra family partners (Natural England, National Park Authorities, Environment Agency) when delivering on the ground.

**15) What more do you think should be done to improve the efficiency with which government's forestry functions are delivered?**

- Review opportunities for back office services to work closer with other Defra family organisations.
- Continue improvements to IT infrastructure, both internal facing and external facing.
- Effective communication.
- Minimise staff time spent 'at the wheel' or on public transport. Most productive time is likely to be in the field followed by time at a desk.
- Keep it simple.
- Keep an eye on the horizon and be prepared for the unexpected (R&D essential as is access to knowledge and accurate data).

**16) Would you like to make any other comments about the conclusions of the review of forestry functions in England, including on any impacts of the creation of the Public Forest Estate management body?**

No comment.

**17) Would you like to make any other comments at this early stage about how setting up the Public Forest Estate management body and advancing the conclusions of the review of forestry functions in England might affect:**

**Forestry Commission's cross-border functions?**

**Forestry Commission's shared services?**

**Forestry Commission England's National Office?**

No comment.

**18) Would you like to make any other comments about any aspect of this work?**

We believe that the current changes offer an opportunity to address a shortcoming in relation to the Forestry Act (1967) and the implementation of the Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999. Our understanding is that currently under the Forestry Act 1967 landowners have the right, following the felling of a timber crop, to replant the area with the same species that has been felled. This 'like for like' principle applies irrespective of whether the woodland/conifer plantation was planted prior to the Forestry EIA Regulations coming into force, as these Regulations only deal with new woodlands and forests. The effect of this is that poorly designed or sited conifer blocks could potentially be replanted in perpetuity, even in cases where there are negative landscape impacts identified.

We propose that in National Parks when woodlands or conifer forests in excess of 2ha that have not been subject to a Forestry EIA Regulations screen process are felled, the implications for their re-stocking should be considered in line with the Forestry EIA Regulations and the requirements of the UK Forestry Standard. We wish to see the 'like for like' principle removed. This may have benefits for disease management as well as potential landscape enhancement, and we recognise that the requirement for replanting / compulsory replanting would still remain.