

FRIENDS OF THE FOREST
RESPONSE TO THE FORESTRY COMMISSION WOODLAND
POLICY ENABLING PROGRAMME
TOWARDS A NEW PUBLIC FOREST ESTATE MANAGEMENT BODY

From the onset of the moves to establish a new system with regards to the Public Forest Estate, Friends of the Forest (FOF), which is a community group based in the Forest of Dean district has been unswerving in its view that for the good of the people, the forests and the accompanying lands that make up the estate, it should remain in public ownership and managed on behalf of the nation.

Because of the history, heritage and culture contained within its boundaries and the historical stance taken on the matter first by the Monarchs and later via Parliamentary Acts, we are adamant that this should be the case in the context of the Forest of Dean.

FOF was therefore very pleased to observe that the majority of the findings of the Independent Panel on Forestry (IPF) were acceptable to it and would uphold, and in some instances possibly enhance, FOF's stance on the matter.

However, a cause of concern to FOF resulting from the IPF recommendations was whether the Guardians would be provided with a broad enough make-up and sufficient powers to enable them genuinely to fulfil the role of protector for the nation of our publicly owned forests and accompanying land.

FOF is also concerned that on many occasions the document only quotes qualitative rather than quantitative values, parameters and definitions. So for instance, the meaning of "integrity of the estate" is undefined and unsubstantiated. What is meant by "significant" land acquisitions and disposals? Why, despite the land belonging to the people, is it not intended that there should be a leading role for the Guardians in any such important decision taking?

Alas, it would appear that the policies and proposals couched in *Towards a new Public Forest Estate Management Body* do not attempt or even pretend to fulfil the IPF recommendations concerning the Guardians. Instead one is left with a feeling that it merely accepts the Guardians as a millstone that the Public Forest Estate, particularly its Board, will have to bear.

The reduction of the role of the Guardians to that of little more than an advisory body that the PFE Board and the rest of the Management Organisation might or might not pay attention to is deplorable. It amounts to a complete snub of the Parliamentary Statement made by the Secretary of State in January 2013 that there should be "a group of expert Guardians, including community representation, established to advise the new body and hold it to account".

Rather than being a true cross section grouping of "wise persons" (from the forest communities, industry, *etc.*) overseeing PFE activities and legally possessed for the public of

sufficient power and responsibility, the intention is to enable the Guardians only to be able to raise concerns about **major** estate sales and other similar proposals, and to be provided with no clear definitions of their powers as to how they can hold the PFE Board or Management to account, or whether in fact they can do so.

As well as in relation to the appointment of the “Guardians” this lack of cross sectional representation would appear to be even more likely in the case of the new PFE Management Organisation Board, the membership of which seems likely to be heavily influenced by Defra opinion and recommendations.

FOF is gravely concerned that by no provision being made for the Guardians to have a major presence on the PFE Board, or for the Board of Directors to be formally answerable to the Guardians, we are experiencing what amounts to “privatisation” by stealth, albeit in part funded at least initially by the nation. It would appear that what is happening via this document amounts to Government ministerial and civil service interdepartmental manoeuvring with the objective of getting their own way. Whilst this may be in line with Government and in particular Defra senior officials thinking in 2011, it is definitely not what the IPF recommendations intended.

FOF strongly objected to Defra's proposals and intentions in 2011. Should the Secretary of State eventually allow ownership to be transferred to another organisation, to satisfy FOF, that new owner must be a genuine public body with its management organisation answerable to the public for the well being of the PFE to the free benefit of us all. That intent does not seem to be forthcoming in the proposals set out in the document. FOF is particularly concerned as to what is intended by the document's proposal for “commercial freedoms”, and the wording of paragraph 26 of the document where it is stated that it is expected “over time the proportion of its income raised through trading and other commercial activities (will increase)”.

FOF is uncertain what is meant by the threat of withdrawal of Government funding if unspecified “commissioned outcomes” are not met, or who shall eventually decide whether this is the case. FOF is also unhappy that should any trading income profits arise they must be passed to HMG as “dividends” rather than be used to improve and enhance the PFE for the direct benefit of the estate and its real owners, the general public.

The possibility of long term leases for commercial activities and other “trading activities”, leading to portions of the Forest of Dean district (be it one of the afforested areas or forest “waste”) becoming inaccessible without payment to some private company would be totally unacceptable to the residents of the Dean. It would amount to enclosure, a practice that has been vigorously resisted in the Dean for hundreds of years.

Mention is made of a “public-facing charter”. This seems honourable, but the document fails to answer questions such as, would it be a statutory charter, would it be legally binding, and to whom would the charter apply? Based upon the wording of other parts of the document, the implication is that what is proposed will fall well short of the IPF's recommendation of a Parliamentary Charter, with the new organisation legally bound to it. If that is the intention, the charter will be worthless.

To reinforce that view, it is also unclear as to how the charter will hold the PFE in trust for the nation or how it will make the new PFE Management Organisation answerable for fulfilling this requirement at operational level. FOF notes paragraph 13 of the document states that “as a body corporate, the organisation would be an independent legal entity, have perpetual succession, could enter into contracts, and hold property - but only within the scope of its legal powers”. However, no definition is provided as to what those “legal powers” will be, and little mention is provided as to how these functions and objectives of contracting and property holding will be achieved within its “legal powers”. Similarly not spelt out, is what will happen should these functions and objectives not be lived up to or be breached. Is it to be a “rap over the knuckles”, a civil, or a criminal offence? Could the matter be levelled against an individual, a group, or just the body corporate?

FOF is rapidly coming to the conclusion that in the light of the thwarted attempt by HMG to sell off the PFE in 2011, what is now being proposed amounts to a “smokescreen” behind which activities to remove the “thorn” are continuing. It is a course of action that would appear to have major similarities with the events that led up to the privatisation of the nation's utilities. The Forestry Commission Woodland Policy Enabling Programme document *Towards a New Public Forest Estate Management Body* achieves little to convert FOF away from that view.

A handwritten signature in black ink, appearing to read 'C A Smith', with a large, stylized flourish at the end.

C A Smith
Chairman
For and on behalf of Friends of the Forest

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