

# The future of the Public Forest Estate in England

A Public  
Consultation

[forestry.gov.uk/england-pfeconsultation](http://forestry.gov.uk/england-pfeconsultation)



Welcome to the  
Consultation  
on the Public  
Forest Estate

 This publication will guide you through how to respond to the consultation on the Public Forest Estate.

 It will give you the background to the consultation and why the consultation is happening.

 It will then give you approaches and options for the future of the Public Forest Estate.

 You will then be invited to answer questions about the future of the Public Forest Estate.

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You don't have to live in or near one of our treasured woodlands to appreciate the important role they play in shaping the character of our natural environment. Whether it's taking the dog for a walk, going for a bike ride or entertaining the kids during the school holidays, forests and woodlands go to the heart of our quality of life. And they're home to a plethora of wildlife that we're safeguarding for future generations.

The question which this consultation poses is how best to both protect and improve these public benefits. At present less than a fifth of English woodlands are owned by the state as part of the Forestry Commission Estate. The rest are owned by different organisations and individuals ranging from charities, local community groups or the Crown, through to private individuals or farms and businesses. In each case, regardless of ownership, public access, biodiversity and protection from development are assured by legal obligations such as rights of way, planning restrictions and environmental safeguards.

Starting from the position that these safeguards would remain in place – and indeed could be buttressed further – I believe it makes sense to look at what alternative models of ownership or management for existing state-owned forestry might look like. It's also sensible to look at the role of the Forestry Commission because it is a Government Department which is the regulator in a sector in which it is the largest player, namely the English timber market.

What's clear is that there is no 'one size fits all'. Therefore this consultation looks at how different models might work for different types and locations of forests and woodlands. With the assurance that we will maintain access and other public benefits from our forests, this paper looks at the potential for leasing out commercial forests, giving local community groups the option to buy or lease smaller woodlands, and maintaining protection for our heritage forests.

In some locations there will be great opportunities arising from new ownership models, such as more investment and greater public involvement. In others it simply may not be appropriate. But as part of this government's pledge to devolve power down from Whitehall, opening up new opportunities for public participation as part of the Big Society, it is right we explore these options fully.

I grew up a stone's throw from Hatfield Forest, brought up my own children on the outer reaches of Shakespeare's immortal Arden Forest, and understand fully the emotional attachment we have to our forests. I am determined to protect and enhance them for future generations and I believe this consultation sets out new and better ways of doing that.

**Caroline Spelman**

Secretary of State for Environment,  
Food and Rural Affairs

**Foreword**  
New directions  
for the public  
forest estate in  
England



The Government is committed to shifting the balance of power from 'Big Government' to 'Big Society'. For forestry, there are compelling reasons for changing the status quo by reducing the level of Government ownership or management of woodland. It is, for example, an anomaly that the Forestry Commission is currently the largest operator in the sector that it also regulates. This consultation considers ways to shift this balance. Throughout this process, the Government is determined to secure the future provision of public benefits from the public forest estate.

The public forest estate, managed by the Forestry Commission on behalf of the Secretary of State for Environment, Food and Rural Affairs, is the largest Government owned land-holding in England. It covers 258,000 hectares, 2% of England's total land area, although only 18% of England's total woodland – with the majority of the remaining 931,000 hectares privately owned. It is diverse and multifunctional, acting as both a significant commercial timber operation and the largest provider of countryside leisure activity. The public forest estate also contains some of England's most sensitive and protected wildlife habitats, and helps to shape some of our most treasured landscapes.

The estate can be characterised into four broad but overlapping types of woodland. These categories take into account the woodlands' economic value, and the social and environmental public benefits they provide. These four broad categories are:

- Large commercially valuable forests and woodlands which have commercial timber operations and can have other profitable non-timber activities, or the potential to develop them. These forests generally provide low to moderate levels of public benefits whose management is integrated with timber production.
- Small commercially valuable woodlands which can produce timber and provide other commercial opportunities, such as sporting use. Levels of public benefits are generally low or moderate, but may include conservation features, such as ancient woodland sites, and informal use by local walkers, cyclists and horse riders.
- Multi-purpose forests and woodlands which combine timber production with significant recreational facilities, high visitor numbers and high levels of biodiversity.
- The heritage and community forests and woodlands which provide high public benefits often associated with their particular landscape and biodiversity character, high levels of recreational access and active community involvement.

## **Executive summary**

### The Forestry Commission in England

The Government's proposed approach to the future management and ownership of the estate recognises that the estate is so diverse that a 'one-size-fits-all' approach is not appropriate. Instead, the Government is proposing a mixed-model approach with the following elements:

● Inviting new or existing charitable organisations, to take on ownership or management of the heritage forests to secure their public benefits for the long-term future;

● Creating opportunities for community and civil society groups to buy or lease forests that they wish to own or manage;

● Finding commercial operators to take on long-term leases for the large-scale commercially valuable forests. By leasing rather than selling, it will be possible to make sure that these forests continue to deliver public benefits through lease conditions.

Tree felling proposals must still be submitted to the Forestry Commission for approval unless they are exempt (for example because they are very small scale, the trees are dangerous or consent is given through the development planning process). Development would require planning consent from the Local Planning Authority. The ongoing protection of forests and woodlands will be considered as part of the Government's future consultations on the National Planning Policy Framework.

To achieve this programme of reform, there will need to be substantial changes to existing forestry legislation, and the Government is seeking to take powers to make these changes through the Public Bodies Bill currently being considered by Parliament. Subject to this, the change programme will be implemented

over the next ten years with the Forestry Commission's role in England substantially changing as a result. It will be a much smaller organisation, and it will no longer be charged with managing a large forest resource. Instead, it will focus on its regulatory role, on providing advice and grants, on research, and on working with woodland managers and other public authorities to combat the threat of pests and diseases.

In this document we invite views on the key elements of the Government's proposals, including:

● What do you think of our overall approach – is a mixed-model approach better than a one-size-fits all approach, and are there any other models we should be considering?

● What do you think about charities managing heritage forests?

● What do you think about communities having the right to buy or manage forests?

● What do you think about leasing commercial forests?

● What do you think about the future role of the Forestry Commission in England?

The Government expects to publish its response to this consultation in the summer of 2011.

## 1.1 Scope



This consultation is about the future ownership and management of the public forest estate in England – land managed by the Forestry Commission on behalf of the Secretary of State for Environment, Food and Rural Affairs. It sets out the rationale for a move away from the Government owning and managing significant areas of woodlands in England and the principles which will guide the Government in deciding on the way forward.

The consultation proposes a mixed-model approach to reforming the ownership and management of the public forest estate to create a far greater role for civil society, businesses and individuals.

We invite views on the mixed-model approach, the criteria for deciding which parts of the estate fit within each model, the principles guiding each model, the safeguards for providing public benefits, and alternative approaches. We also invite views on the implications for the future role of the Forestry Commission in England of these proposals.



# 1. Introduction

## 1.2 Basic information

### This consultation is for:

- people who use the public forest estate as part of their daily lives or have an interest in it;
- people who do not use the estate but want to or who could potentially benefit from it;
- people actively involved in the public forest estate (for example community woodland groups, volunteer groups, Forestry Commission staff);
- minority groups with an interest in the estate (for example people from black and minority ethnic groups, disabled people);
- potential investors who may be interested in acquiring, leasing or managing parts of the estate;
- business partners including timber processors and contractors, leisure business providers using the estate, other businesses with an indirect stake (for example tourism businesses);
- national and local government and key national and local stakeholders (for example Local Authorities, National Park Authorities);
- national and local interest groups (for example Wildlife Trusts, Local Access Forums, Health Authorities, Parish Councils);
- national interest groups such as environmental and recreational non-governmental organisations and industry federations; and
- statutory advisers to Government.

## 1.2 Basic information

### Consultation duration, enquiries, alternative formats and contact

#### Body responsible for the consultation

Forestry Commission England,  
working in partnership with Defra.

#### Duration

Thursday 27 January 2011 to  
5pm Thursday 21 April 2011.

#### Enquiries

This document is available to  
read and to download in portable  
document format (pdf) from this  
internet page [www.forestry.gov.uk/england-pfeconsultation](http://www.forestry.gov.uk/england-pfeconsultation)

#### Alternative formats

If you need this publication in an  
alternative format, for example  
in large print or in another  
language, please contact:

The Diversity Team  
Forestry Commission  
Silvan House  
231 Corstorphine Road  
Edinburgh  
EH12 7AT

Telephone: 0131 314 6575  
Email: [diversity@forestry.gsi.gov.uk](mailto:diversity@forestry.gsi.gov.uk)

#### If you want to ask about the content or scope of this consultation please contact

#### By post

Public Forest Estate  
Consultation Co-ordinator,  
Forestry Commission England,  
620 Bristol Business Park,  
Coldharbour Lane,  
Bristol,  
BS16 1EJ

#### By email

[publicconsultation@forestry.gsi.gov.uk](mailto:publicconsultation@forestry.gsi.gov.uk)

## 1.3 How to respond to the consultation



### Online

[www.forestry.gov.uk/  
england-pfeconsultation](http://www.forestry.gov.uk/england-pfeconsultation)



### By post

Print out **Section 5** and fill in by hand.

**Please send your answers and views to**  
Public Forest Estate Consultation Co-ordinator,  
Forestry Commission England,  
620 Bristol Business Park,  
Coldharbour Lane,  
Bristol, BS16 1EJ  
**by 5pm, Thursday 21 April 2011.**

**There is no need to answer all the questions if you do not wish to.**

Please complete the **About You** form in **Section 6.1** and include it with your answers. This is a voluntary form and will not be published with your response.

We welcome any additional comments on our proposals, we should be grateful if you respond using the additional comments page in **Section 5**.

### Additional ways to become involved

Events will be organised for people and organisations with an interest in this consultation. Further details will be made available on the website as they become available.

### After the consultation

We will post a summary of answers at [www.forestry.gov.uk/england-pfeconsultation](http://www.forestry.gov.uk/england-pfeconsultation).

We plan to do this after the end of the consultation, together with an analysis of responses. We are required to release information to comply with the Environmental Information regulations 2004 and Freedom of Information Act 2000. We will not allow any unwarranted breach of confidentiality, nor will we contravene our obligations under the Data Protection Act 1998. The Forestry Commission will be Data Controller. Data are collected so that we can analyse responses to the consultation for consideration in forestry policy in England. Please note that we will not treat any confidentiality disclaimer generated by your IT system in e-mail responses as a request not to release information.

We plan to publish the Government's response in summer 2011. If you would like us to notify you when we do this, please send an email to [publicconsultation@forestry.gsi.gov.uk](mailto:publicconsultation@forestry.gsi.gov.uk) and include **Consultation response update** in the subject header. Or call **0845 367 3787**.

### Compliance with the Code of Practice on Consultation

This consultation complies with the Code.

### Complaints

If you have any comments or complaints about the consultation process (as opposed to comments on these issues that are part of the consultation) please send them to:

**The Executive Office**  
**Forestry Commission England**  
**620 Bristol Business Park**  
**Coldharbour Lane**  
**Bristol**  
**BS16 1EJ**

## 2.1 History of the Public Forest Estate in England

### Public benefits on the estate, and history of sales

#### History

The Forestry Commission's origins date back to the First World War, when Britain struggled to meet wartime demands on timber. Woodland cover had reached an all time low, and in 1919 the Government set up the Commission with the aim of creating a strategic timber reserve.

At 258,000 hectares, the current public forest estate is now the largest Government owned land-holding in England. It covers 2% of the total land area of England, but is only 18% of England's total woodland, with the majority of the remaining 931,000 hectares privately owned. It is managed by the Forestry Commission on behalf of the Secretary of State for Environment, Food and Rural Affairs.

#### Environmental, social and economic benefits on the public forest estate

The public forest estate is very varied. It includes some of England's best known woodland areas, such as the New Forest and the Forest of Dean, as well as the National Arboreta at Westonbirt and Bedgebury. The estate also includes the largest man-made forest in Europe at Kielder in Northumberland. About 80% of the public forest estate is wooded (70% conifer or mixed woodland and 30% broadleaf), while the remaining 20% is a diverse range of open habitats including lowland heath, limestone pavements, urban greenspace, bogs and water.

The estate hosts a wide variety of priority species, including red squirrels, woodland butterflies and several endangered bird species. Just over a quarter of the estate is dedicated as a Site of Special Scientific Interest (SSSI). There are just over 50,000 hectares of ancient woodland on the public forest estate which is approximately 15% of the total area of ancient woodland in England. The estate also includes one of the largest collections of veteran trees. Some 45% of the estate lies within National Parks or Areas of Outstanding Natural Beauty and the estate contains over 800 Scheduled Monuments.

The estate currently produces nearly 70% of England's home grown softwood timber, from its holding of 40% of England's conifer forests. The whole estate is managed under the Government's UK Forestry Standard as well as the UK Woodland Assurance Standard, which is an independently

## 2. Background

## 2.1 History of the Public Forest Estate in England continued

certified scheme approved by the Forestry Stewardship Council and the Programme for Endorsement of Forest Certification.

The public forest estate hosts over 40 million visits per year. It includes 27 visitor centres and 350 way-marked walking and cycle routes. The right of access on foot has been dedicated in perpetuity over 90% of the freehold area under the Countryside Rights of Way Act (2000). So-called 'higher rights', such as cycling and horse riding, have not been dedicated. About 20% of the estate is leased from a wide range of public and private sector owners, and access over this leasehold land depends on the terms of the lease.

Although largely established in rural areas, the Forestry Commission has created about 6,000 hectares of community forests over the past 15 years, mostly in relatively deprived urban or near-urban settings and often on 'brownfield' land such as former coalfields and landfill sites. Most are in East London, the East Midlands, Manchester and Merseyside and the Nottinghamshire and South Yorkshire coalfield.

Forests and the forestry sector can help to reduce net greenhouse gas emissions by storing carbon in growing forests, by storing carbon in harvested wood products, by replacing fossil fuels with woodfuel and by replacing high energy products, such as concrete and steel, through more use of timber. The amount of carbon stored in Forestry Commission woodlands amounts to some 200,000 tonnes CO<sub>2</sub> each year – equivalent to 6% of England's 'forest carbon sink', or 0.03% of total UK annual greenhouse gas emissions.

### History of sales of forest land

Over the past 30 years, forest land and other properties have been sold to reduce the net grant-in-aid to the Commission and to provide opportunities for private investment in these assets and to rationalise the estate. The Commission selected properties for sale under the selection guidelines that were set by Forestry Ministers. There have been many hundred individual sales. They include areas like the 127 hectare Joydens Wood which is just outside London and was bought by the Woodland Trust in 1987, and Kempfill Moor on the Isle of Wight which was sold in 2010 to a neighbouring private landowner enabling it to have greater levels of access. Over the last five financial years (i.e. until 31st March 2010) the Forestry Commission has sold on average almost 900 hectares of land each year.

In 2010, Ministers announced that a further 40,000 hectares would be sold over the four year period 2011/12 to 2014/15. The selection criteria for these sales are published on the Forestry Commissions and Defra's websites. Sales will target woods which provide limited added value in terms of public benefits. This consultation is not about these sales.

## 2.2 Characterisation of the Public Forest Estate

 Given the diverse nature of the estate, it is difficult to identify distinct types of woodland. The Forestry Commission's Portfolio Analysis Tool has been used to categorise the estate into four broad but overlapping asset categories. This tool uses a Geographic Information System to analyse each of the estate's 1,500 separate woodlands against a wide range of criteria. These include:

 social criteria, for example proximity to communities, public access, visitor numbers;

 environmental criteria, for example ancient woodland, veteran trees and designated sites; and

 economic criteria, for example productivity for timber, employment and development potential.

We have applied a ranking and weighting to each of the criteria. We then combine these with financial data and key tree and habitat characteristics so we can establish broad categories of forest and woodland type. The four broad but overlapping characterisations are:

**1. Large commercially valuable forests and woodlands** which have commercial timber operations and can have other profitable non-timber activities, or could develop them. These forests, which cover about 25% of the estate, generally provide low to moderate levels of public benefits. The main example of this is Kielder Forest in Northumberland. It is the largest commercial timber production area on the public forest estate and generates a profit on its activities. It has moderate public benefits which are managed alongside the timber production. Other examples of these forests include those that also have significant non-timber profitable commercial activity, for example quarrying, or a high potential to develop profitable activity, such as potential for wind farm sites.

**2. Small commercially valuable forests and woodlands** which typically can produce timber and have other commercial opportunities, such as sporting use. Levels of public benefits are generally low or moderate, but may include conservation features, such as ancient woodland, and informal use by local walkers, cyclists and horse riders. These cover about 20-25% of the estate and include many of those that will be sold under the 2011/12 – 2014/15 sales programme. Few of these woods are well known nationally but they can be of local or regional importance.

## 2.2 Characterisation of the Public Forest Estate continued

### 3. Multi-purpose forests and woodlands

also cover about 20-25% of the estate and combine timber production with significant recreational facilities, high visitor numbers and often high levels of biodiversity. Examples include Dalby, in North Yorkshire, and Cannock, in the Midlands. Wherever possible, the multi-purpose approach to forest management seeks to maintain high levels of timber production alongside providing recreation and conserving biodiversity. In addition to income from timber production, the high visitor numbers offer opportunities for revenue-generating recreation facilities.

**4. Heritage and community forests and woodlands** provide high public benefits that are often associated with their particular landscape and biodiversity character, high levels of recreational access and active community involvement. They cover about 25-30% of the estate. The heritage forests include the New Forest and the Forest of Dean as well as areas that are seen by many as representing the 'crown jewels' of the public forest estate. In addition there are the 6,000 hectares of community forests established over the past 15 years in relatively urban or near-urban settings. While levels of public benefit are high, the capacity to generate income, for example from timber production, is generally limited and so there is a net cost to managing these areas.

A map illustrating this characterisation is available on the Forestry Commission's website [www.forestry.gov.uk/england-pfeconsultation](http://www.forestry.gov.uk/england-pfeconsultation)

## 2.3 How forests are protected



The UK is committed to sustainable forest management as a fundamental principle of forestry policy within the UK. This is achieved through a number of mandatory legal requirements, together with a set of good practice requirements that apply to woodlands which receive grants from the Forestry Commission.

Under the Forestry Act 1967, tree felling proposals must be submitted to the Forestry Commission for approval unless they are exempt, for example because they are very small scale felling, the trees are dangerous or consent is given through the development planning process. Replanting is normally required as a condition of felling approval. This regulatory system applies to all woodlands under any ownership and would continue to apply to any parts of the public forest estate which pass out of state ownership.

Tree health is protected through powers under the Plant Health Act 1967, and subsequent orders. Other legal provisions include the various Environmental Impact Assessment regulations that apply to afforestation, deforestation, and forest roads and quarries. The public forest estate contains a wide variety of priority habitats and species, 26% of the land area is designated as Sites of Special Scientific Interest and over 45% is Areas of Outstanding Natural Beauty, or National Park. The protection afforded by statutory designations, such as these, will continue to apply irrespective of future ownership or management model.

Good practice requirements are set out in the UK Forestry Standard, which is available to download from [www.forestry.gov.uk](http://www.forestry.gov.uk). They include, for example, the need to develop and use forest management plans. These plans set out management objectives, provide a reference document for monitoring progress and help to communicate with interested parties. In general, good forest management practice aims to:

## 2.3 How forests are protected

### continued

- achieve a diverse structure of habitat, species and ages of trees;
- protect or enhance biodiversity;
- protect the water environment;
- avoid forest soil degradation;
- take account of the historic environment;
- and consider opportunities to provide public access that goes beyond any legal requirements.

A revised edition of the UK Forestry Standard, and its associated Environmental Guidelines, is scheduled for publication in 2011.

Forests are also subject to other laws, including those on development, planning and nature conservation. Any proposals for development on woodland would be subject to the usual processes under Town and Country Planning legislation, including scrutiny of any proposed change of land use. These planning rules are particularly stringent in designated landscapes such as National Parks or Areas of Outstanding Natural Beauty. Planning is controlled by the Local Planning Authority who would decide whether or not to grant permission for a proposed development. The protection of forests and woodlands will be considered as part of the Government's future consultations on the National Planning Policy Framework.

Woodland owners, excluding the Forestry Commission, are eligible for grants or other incentives to secure the sustained provision of public benefits that are valued by local communities or are nationally important. They are currently provided through the English Woodland Grant Scheme (EWGS) which is part of the Rural Development Programme for England (RDPE). These grants fall into two broad categories: stewardship of existing woodlands; and the creation of new woodlands. They assist with the cost of providing specific public benefits such as improving the condition of SSSIs or ancient woodland and providing public access where there is a demand.

## 2.4 Current policy context



The Government believes we need to protect the environment for future generations, make our economy more environmentally sustainable, and improve our quality of life and well-being. In England, at 9% of the land area, our forests, woodlands, and trees make a vital contribution to the well-being and prosperity of our communities. For many of us, our forests are cherished places to visit and enjoy and in some cases they are highly valued as places in which to live and work. They are a valuable resource and provide a range of important services, including wildlife habitats, building materials, woodfuels, carbon stores and income for woodland owners. They also shape our landscapes and street scenes. In the urban environment, trees provide a particularly important role in terms of 'green space' and summer cooling.

An interim report from the National Ecosystem Assessment suggests that about a quarter of the priority species listed under the UK Biodiversity Action Plan are associated with trees and woods<sup>1</sup>. The 2010 review of England's wildlife sites and ecological network<sup>2</sup> identified why a coherent and resilient ecological network in England is important and highlighted the role of trees (and ancient woodlands) in sustaining that network. Meanwhile in 2009, an assessment of the role of UK forests in combating climate change<sup>3</sup> concluded that significantly increasing woodland cover across the UK would be a cost-effective way to help with both climate change mitigation and adaptation.

The evidence to demonstrate the importance of trees and woodlands is therefore convincing. Yet in recent years, woodland creation and urban tree planting has declined. We want to reverse this trend. A million trees will be planted in the life of this Parliament under the 'Big Tree Plant' launched in 2010. The Government wants England's woodland, forest and tree resource to expand and be sustainably managed by:

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<sup>1</sup> <http://uknea.unep-wcmc.org/Resources/tabid/82/Default.aspx>

<sup>2</sup> Haddow, R.W., Hilborne, S., Leafe, R.N., Mace, G.M., Southgate, M.P., Sutherland, W.J., Tew, T.E., Varley, J., & Wynne, G.R. (2010) Making Space for Nature: a review of England's wildlife sites and ecological network. Report to Defra

<sup>3</sup> Read, D., 2009, Combating Climate Change, A Role for UK Forests.

## 2.4 Current policy context continued

- focusing the Government's role on policy, research, regulation and advice (those things which only Government can do) and developing new approaches to the ownership and management of the public forest estate in England;
- ensuring England's woodlands, forests and trees, and the open habitats within them, are managed and expanded to enhance the environment and biodiversity, combat climate change and support economic growth, both during and after the transformation to the 'Big Society';
- encouraging more tree planting, increased woodland area and more sustainable woodland management driven by the private sector and civil society;
- supporting and developing a competitive, thriving and resilient forestry sector, integrated with other land-based businesses and the wider rural economy in England;
- seeking to enable more public benefits to flow from England's woodlands at reduced cost to the taxpayer; and
- securing the best return for the taxpayer from any capital receipts or lease arrangements generated over this Spending Review period and beyond.

We believe achieving these strategic aims will make sure that England's, forests, woodlands, and trees make a growing contribution to the prosperity of the nation now and in the future and help to achieve our commitment to be the greenest Government ever.

This consultation will inform our plans for achieving the first aim. By encouraging others to take over the ownership and management of the public forest estate, we believe there is the potential to achieve public benefits at reduced cost alongside generating some capital receipts that can be reinvested elsewhere. New, and in many cases community-based, owners will be able to apply for grants and may be better placed to make increased investment in facilities for visitors, improved access or land management techniques which enhance biodiversity.

## 2.5 Experience from other countries



Experience from other countries reflects the fact that approaches to the ownership and management of forests depend very much on particular circumstances. Globally, the majority of forests are publicly owned, but levels of public ownership have declined over the past 15 years. A recent UN Food and Agriculture Organisation publication<sup>4</sup> notes that changes have included the increased devolution of management responsibilities from the state to the private sector (in central Africa and the Russian Federation) and to local communities (in South America and south east Asia).

About 20 years ago New Zealand decided to privatise its commercial forests (which consisted of intensively managed plantations) by leasing them, while retaining its native woodland area under public sector management. About 10 years ago the South African Government decided to withdraw from direct involvement in the forest sector but retain some control over the resource by leasing forests to the private sector. In Queensland, Australia, a 99-year licence to manage, harvest and replant Queensland's forestry plantations was sold in 2010 as part of a wider programme of selling or leasing government owned businesses. Such experiences highlight the need to tailor national approaches to national circumstances. In England, the diversity of the public forest estate and the widespread practice of multi-purpose forest management means that a 'one-size-fits-all' approach is not appropriate.

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<sup>4</sup> UN Food and Agriculture Organisation Global Forest Resource Assessment 2010 (p.126)

**Section 3 includes the consultation questions alongside the explanatory text.**

**There are 14 questions within this section. All have an 'a' and 'b' section apart from Question 13. You do not have to respond to every question if you do not wish to.**

**Please fill in your responses to the questions in **Section 5** or use the survey online at**

**[www.forestry.gov.uk/england-pfeconsultation](http://www.forestry.gov.uk/england-pfeconsultation)**

**Guidance on how to respond to the consultation is in Section 1.3.**



**3. Preferred approach to future ownership & management**

## 3.1 Key principles and the mixed model

### Key principles

The Government believes that there are other sectors of society which may be better placed to own or manage the public forest estate.

For different types of forests, this change will have different types of benefits. For a wood that is important to a local community, it will mean they can have a greater say in it. For a nationally important forest, it will mean it will continue to be managed for the benefit of the nation while bringing together a wider group of partners in achieving this. Meanwhile, the private sector will be given the opportunity to maximise the commercial potential of forests and woodlands but within a framework that safeguards public benefits.

Government's approach to finding new owners and managers will be underpinned by a set of key principles which are designed to protect the public benefits that so many of us across the country enjoy and cherish. In taking decisions on new owners or managers for the public forest estate, the Government will seek to abide by the following principles:

- protect and enhance biodiversity to contribute to a network of wildlife corridors across England;
- maintain public access for recreation and leisure;
- ensure the continuing role of the woodlands in climate change mitigation and adaptation; and
- protect nationally important landscapes.

**The bar below indicates progress through the consultation questions (Sections 3.1 - 4) There are 6 sections of 15 questions.**

**All except Question 13 have an 'a' and 'b' section. You do not have to respond to every question if you do not wish to.**

### 3.1 Key principles and the mixed model

#### Question 1a

Do you agree or disagree with each of these key principles which Government proposes to abide by when making decisions on new owners for the public forest estate?

Please tick whether you agree or disagree in Section 5 or online at [www.forestry.gov.uk/england-pfeconsultation](http://www.forestry.gov.uk/england-pfeconsultation).

-  Protect and enhance biodiversity to contribute to a network of wildlife corridors across England.
-  Maintain public access for recreation and leisure.
-  Ensure the continuing role of the woodland in climate change mitigation and adaptation
-  Protect nationally important landscapes.

#### Question 1b

What changes would you recommend making to this list of principles?

Please use the space given in section 5 to give your response to this question or online at [www.forestry.gov.uk/england-pfeconsultation](http://www.forestry.gov.uk/england-pfeconsultation)

## 3.1 Key principles and the mixed model

### continued

#### The mixed model

The Forestry Commission has, for many years, been active in buying and selling forest land and other properties. Our new approach will involve a significant scaling up of our sales and leasing activities together with developing new models of ownership and management which help to protect public benefits. In developing our approach, we have listened carefully to the public debate, including the consultation carried out by the previous administration on the long-term role of the Forestry Commission estate in England. We have also taken note of past discussions that took place when the Scottish Government proposed leasing some 100,000 hectares of publicly owned forest in 2008 and during an earlier GB-wide consultation in the 1990s. In addition, we have studied the Scottish National Forest Land Scheme.

On this basis, we have concluded that there is no one-size fits all solution that adequately protects public benefits in line with the principles above. Therefore, drawing on the characterisation set out in section 2.2, we are proposing to take forward a mixed model approach with the following elements:

- inviting new or existing charitable organisations to take on ownership or management of the heritage forests in order to secure their public benefits for the long-term future;
- creating opportunities for community and civil society groups to buy or lease forests that they wish to own or manage; and
- finding commercial operators to take on long-term leases for the large-scale commercially valuable forests. By leasing rather than selling, it will be possible to make sure that these forests continue to deliver public benefits through lease conditions.

In addition, the Forestry Commission is increasing its estate rationalisation through open market sales (and lease reversion). In 2010, Ministers announced that a further 40,000 hectares would be sold over the four years from 2011/12 to 2014/15. The selection criteria for these sales will be announced shortly. The selection criteria for these sales are published on the Forestry Commission's and Defra's websites. Sales will target woods which provide limited added value in terms of public benefits.

We have considered and rejected a number of other options that we considered would not offer enough opportunity for civil society involvement or enough protection for public benefits. These included an open market sale of all Forestry Commission assets to the highest bidder, establishing a new corporate vehicle (such as a Forestry Unit Trust) or a single charitable body to run the estate, and joint ventures.

### 3.1 Key principles and the mixed model continued

#### Question 2a

Do you agree or disagree that:

Please tick whether you agree or disagree in Section 5.

 new or existing charitable organisations should be offered the opportunity to take on ownership or management of heritage forests;

 opportunities should be created for community and civil society groups to buy or lease forests that they wish to own or manage; and

 commercial operators should be found to take on long-term leases for the large-scale commercially valuable forests?

#### Question 2b

Are there other models of ownership or management that could achieve the Government's ambition to reduce state ownership without undermining its key principles?

Please use the space given in section 5 to give your response to this question.

Further details of these models are set out in this consultation. The consultation impact assessment is a preliminary analysis of the models. It has not been possible to estimate all costs and benefits at this stage and therefore the quantified analysis presented only reflects partial estimates. Further work will be carried out through the consultation period to try and fill these gaps.

#### Question 3a

How likely are the proposed models to result in efficiency gains?

Please tick the response you agree with in Section 5.

#### Questions 3b

Do you have any evidence or reasons to support your view on the impact on efficiency, and any thoughts on how any barriers to efficiency could be addressed?

Please use the space given in section 5 to give your response to this question.

## 3.1 Key principles and the mixed model continued

### The characterisation of the estate

As described in detail in section 2.2, the estate can be characterised into four broad but overlapping types of woodland. These categories take into account the woodlands' economic value, and the social and environmental public benefits they provide. These four broad categories are:

- 1. Large commercially valuable forests and woodlands** which have commercial timber operations and can have other profitable non-timber activities, or the potential to develop them. These forests generally provide low to moderate levels of public benefits whose management is integrated with timber production.
- 2. Small commercially valuable woodlands** which can produce timber and provide other commercial opportunities, such as sporting use. Levels of public benefits are generally low or moderate, but may include conservation features, such as ancient woodland sites, and informal use by local walkers, cyclists and horse riders.
- 3. Multi-purpose forests and woodlands** which combine timber production with significant recreational facilities, high visitor numbers and high levels of biodiversity.
- 4. The heritage and community forests and woodlands** which provide high public benefits often associated with their particular landscape and biodiversity character, high levels of recreational access and active community involvement.

### Question 4a

Do you agree or disagree with this characterisation of the public forest estate?

Please tick whether you agree or disagree in Section 5.

### Question 4b

What other factors might the Government consider when characterising the public forest estate?

Please use the space given in section 5 to give your response to this question.

## 3.1 Key principles and the mixed model

### The Public Bodies Bill



The Government is seeking a range of powers through the Public Bodies Bill (which is currently being debated by the House of Lords) to enable this mixed-model approach. The 1967 Forestry Act sets the current framework for forestry policy. This places a legal obligation on Ministers to have regard to maintaining and expanding the forest resources. While the Government is committed to woodland creation and management, we do not agree that this has to be achieved through the Secretary of State owning or managing a significant forest resource.

The 1967 Act also places restrictions on how, and with whom, the Secretary of State and Forestry Commissioners can work.

However, new ways of maintaining these important public benefits mean we need to work flexibly with a wide range of partners. And new challenges facing our forests, environment and society mean we need to be able to broaden how we manage these forests to meet a diverse set of objectives.

We intend to use these powers to introduce more flexibility in how the public forest estate is managed and owned, in line with the policy objective of increasing the involvement of the private sector and civil society in the public forest estate. The detail of this approach will be helped by this consultation.

## 3.2 Management and ownership by a charity

Subject to the outcome of this consultation, the Government proposes to transfer the ownership or management of the large heritage sites on the public forest estate to a charity or charities, via a trust arrangement or lease. The transfer would be at no cost to the new owner. The charity is likely to require ongoing funding from Government in return for the public benefits and would be expected to become less reliant on Government support over time. A substantial part of the public forest estate has very high conservation, heritage and recreation value. As such, these are special and important places.

### Types of forests suitable for this model

Dependent on the criteria applied, the area involved could be between 50,000 and 80,000 hectares. The criteria for a forest which would be suitable for the model could include:

#### forests of national historical, biodiversity or cultural significance.

This would include areas like the New Forest and the Forest of Dean.

### Question 5a

Do you agree or disagree that the following criteria are right for deciding whether a particular area of the public forest estate is suitable for transfer to a charity?

Please tick whether you agree or disagree in Section 5.

#### Forests of national historical, biodiversity or cultural significance.

### Question 5b

What other criteria might the Government use?

Please use the space given in section 5 to give your response to this question.

### Case study

#### British Waterways

British Waterways is currently a public corporation with a statutory responsibility for operating and maintaining the waterways for which they are the navigation authority. The Government's intention is for British Waterways to become a new charity, similar to a National Trust for the waterways.

The intention is to give waterways' users and the communities that live alongside a greater involvement in how the waterways are managed. Key stakeholders will be able to have a role in the waterways' governance. Greater community engagement is particularly important as this will help local communities to recognise what the waterways can offer in terms of public health and well-being and enable regeneration in both inner city and rural areas. A consultation on this will be launched shortly.

## 3.2 Management and ownership by a charity

### Proposed approach

Ownership of these special forests by a charity would mean that they would continue to be managed in the national interest, while providing a route for stakeholders to have a far more significant role in their care and protection. New or existing charities could take on the management. A charity could take on the management of some or all of the relevant forests. Careful consideration would need to be given to the governance of a recipient charity to make sure they were clearly accountable for the management and care of the forest.

The forest land would be passed to the charity in the form of either a trust or a lease. Using a trust arrangement would mean that the charity would become its 'trustee', restricted by a range of obligations which would be imposed when setting up the trust. This would fall under the supervision of the Charity Commission. Land could be passed either freehold or leasehold through a trust arrangement. Using a leasehold arrangement would mean that the charity would become the leaseholder and the Government would maintain a more significant role in the management of the lease. Restrictions could be placed on the lease to protect public benefits.

These are the high-level principles which would guide the design of this approach.

- A recipient charity would be expected to manage the forests to maintain and enhance a variety of public benefits, as set out in the charity's objectives.
- The charity would have to comply with rules relating, for example, to its governance arrangements which would need to make sure stakeholders are represented.
- The charity would meet existing legal commitments, for example tenancies and timber supply contracts, and partnership agreements.
- Subject to securing any necessary State Aid clearance, the forest would be transferred to the charity at no charge for the new owner.
- The charity is likely to continue to require continuing funding from Government in return for the public benefits. The charity could apply for forestry grants.
- The charity would be expected to become less reliant on Government grants over time, and in some cases move towards financial self-reliance. The charity could pursue income generating activities in the forest, consistent with the delivery of public benefits.

**Questions on next page.**

## 3.2 Management and ownership by a charity

### continued

#### Question 6a

Do you agree or disagree that these are the right principles to guide the design of this approach?

Please tick whether you agree or disagree in Section 5.

- A recipient charity would be expected to manage the forests to maintain and enhance a variety of public benefits.
- The charity would have to comply with a set of agreed rules.
- The charity would meet existing legal commitments, for example tenancies and timber supply contracts, and partnership agreements.
- The forest would be transferred to the charity at no charge for the new owner.
- The charity is likely to continue to require continuing funding from Government in return for the public benefits.
- The charity would be expected to become less reliant on Government grant over time.

#### Question 6b

What other principles should we consider?

Please use the space given in section 5 to give your response to this question.

## 3.2 Management and ownership by a charity continued

### Public benefit protection

Any new or existing charity which wished to take on the ownership and management of one of these special forests would need to have specific objectives to make sure they provide public benefits in the national interest. These commitments could include:

- high quality access and information for visitors;
- certification by managing the wood to an independently audited standard;
- safeguarding and enhancing biodiversity benefits, for example restoration of plantations on ancient woodland sites; and
- balancing interests of timber production with those of conservation and recreation.

### Question 7a

Do you agree or disagree that these are the right objectives for any charity which manages one of these forests?

Please tick whether you agree or disagree in Section 5.

- High quality access.
- Certification of woodland management.
- Safeguarding and enhancing biodiversity benefits.
- Balancing interests of timber production with those of conservation and recreation.

### Question 7b

What other objectives should the charity have to ensure that public benefits are protected?

Please use the space given in section 5 to give your response to this question.

## 3.3 Community or civil society right to buy or lease



Subject to the outcome of this consultation, we propose to give community or civil society groups the opportunity to have first option to buy or take a long lease over parts of the public forest estate. Communities and civil society groups can bring high levels of expertise, local knowledge and enthusiasm to the management of woods and forests. By 'communities and civil society groups' we mean local community informal groupings, local or national interest groups, local government and other public bodies. This is not an exhaustive list and we want to create new opportunities for these groups to manage woods and forests.

### Types of forests suitable for this model

Where forests and woodlands are not selected for transfer to a charity, community bodies or civil society organisations may want the opportunity to buy or lease them. This could apply to areas under consideration for leasing to commercial investors. We expect that that this option, which would need to be to an agreed timetable, is most likely to be taken where communities or civil society groups are keen to manage relatively small areas of forest that have significant local value for recreation or the environment. This could include parts of larger forests that can be divided without causing significant management problems. Depending on the uptake of this model, the area involved could be between 13,000 and 26,000 hectares.

### Question 8a

Do you agree or disagree that all forest sales, apart from land which is transferred to a charity, and those sales which form part of the 2010/11 – 2014/15 programme, should be offered for sale to community or civil society organisations first?

Please tick whether you agree or disagree in Section 5.

### Question 8b

What other approach might the Government adopt?

Please use the space given in section 5 to give your response to this question.

### Proposed approach

Ownership by community and civil society groups will give those groups and individuals which care most about the forests, control over them.

The new Community Right to Buy provisions in the Localism Bill, currently being considered by Parliament, aims to give communities the power to buy assets that are important to them. Under the new powers contained in the Bill, local communities could, for example, nominate their important forests or woods as a 'community asset' to be placed on a list of community assets to be held by the local authority. If this asset then comes up for sale, community groups would be given a window of opportunity to express their interest in buying the asset and put a viable bid together. The owner of the asset would

### 3.3 Community or civil society right to buy or lease

not be able to enter into a binding agreement to sell until the window of opportunity is over, when they would then be free to sell the asset to whomever they chose. However, it is envisaged that it would be possible for an owner to sell to a community group within the window of opportunity, if they wished.

Exact details of how the Community Right to Buy scheme will work (for example, how long the window of opportunity would be) will be consulted on from February to April 2011 and set out in secondary legislation later this year. The Department of Communities and Local Government's website has further details on this.

Where a forest or woodland which is part of the public forest estate and is not 'listed' as an asset of community value through the Community Right to Buy process and comes up for sale, we would seek to implement the same kind of process. Before any forest is put on the open market, community groups would be given time to prepare to bid for the land should they wish to. Any sale would be at the open market value, but – should a community or civil society group wish to purchase the land – then the sale would not proceed to open market competition. There would need to be a clearly defined policy on what sort of group or groups would be eligible, and how they would make sure that the various interests in the forest were balanced. The design of the sales process will be informed by the Community Right to buy approach.

These are the high-level principles which would guide the design of this approach.

- Community or civil society groups would be given extra time to prepare to bid for the forest, and groups could also approach the Forestry Commission to discuss buying land which is currently not on the market.
- Provided that these assets could be sold or leased separately from other adjoining assets (if any), the Forestry Commission will provide a valuation and timetable for decision by the organisation.
- The forest would be sold or leased at the market rate (as advised by an independent valuer).
- The groups could apply for forestry grants.
- Should the group be wound up, the land would be returned to the ownership of the Secretary of State.
- If the community or civil society group purchase or lease the forest then they will be free to manage it under their own objectives, subject to statutory obligations and any lease conditions which could be used to ensure continued delivery of public benefits.
- If the community or civil society groups chose to not purchase or lease the forest, then the land could be leased on the open market.

**Questions on next page.**

## 3.3 Community or civil society right to buy or lease continued

### Question 9a

Do you agree or disagree that these are the right principles to guide these sales?

Please tick whether you agree or disagree in Section 5.

- Extra time to prepare to bid for the forest. Groups can also approach the Forestry Commission to discuss buying land which is currently not on the market.
- The Forestry Commission will provide a valuation and timetable for decision by the organisation.
- The forest would be sold or leased at the market rate.
- The groups could apply for forestry grants.
- Should the groups be wound up, the land would be returned to the ownership of the Secretary of State.
- Any community or civil society group would be free to manage the forest in accordance with their own objectives (subject to any lease conditions imposed by the Government to protect public benefits).
- If community or civil society groups chose not to purchase or lease the forest, then the land could be leased on the open market.

### Question 9b

What other principles should we consider?

Please use the space given in section 5 to give your response to this question.

### Case study

#### The National Forest Land Scheme

Under the National Forest Land Scheme, which is operated in Scotland, community bodies may buy or (since October 2010) lease land from the Forestry Commission. To be eligible, community bodies must be constituted as a company limited by guarantee, members of the community must have overall control of the company, and any surplus assets or funds must be used for the benefit of the community. Transactions must take place at full market value. In its application to buy or lease land the community body is expected to demonstrate its capacity to provide long term sustainable management. One example of where a community has bought their local forest is Abriachan, near Loch Ness in the Scottish Highlands. Here the local community established the Abriachan Forest Trust and acquired over 500 hectares of forest land from the Forestry Commission in 1998.

### 3.3 Community or civil society right to buy or lease continued

#### Public benefit protection

The community group would be required to meet the statutory obligations which protect forests [see Section 2.3 on these]. They would also need to respect access rights and ensure that they meet the biodiversity obligations. The land would also be protected from inappropriate development by the local planning regime. There would be no requirement on the group to provide additional benefits. As such, benefits like improvements in conservation value would be decided by the community or civil society group. If we were to lease the land, then we could use the lease conditions to ensure the delivery of additional public benefits (as per the charity and commercial lease models).

#### Question 10a

Is this approach for the protection of public benefits sufficient?

Please tick whether you agree or disagree in Section 5.

#### Question 10b

What else could be required of local community groups?

Please use the space given in section 5 to give your response to this question.

## 3.4 Leasehold for commercial forests

 Subject to the outcome of this consultation exercise, the Government proposes to lease large scale production forests to the private sector while retaining as landlord, mechanisms to safeguard key public benefits during the lease. This approach will generate significant receipts for the Government and improve commercial focus in managing these commercial forests. In contrast to freehold sales, leasing the land enables the Government to set standards for access or environmental management that go beyond the legislative minimum.

### Types of forest suitable for this model

A substantial part of the public forest estate has high commercial value due to the production of timber, or other commercial activities. As well as large parts of Kielder Forest, this could include other production forests and some parts of the multi-purpose forests. Dependent on the criteria applied, the area involved could be between 90,000 and 130,000 hectares. The criteria for forests that would be appropriate for this approach could include:

 where the primary purpose and benefit delivered by the woodland is timber production and other commercial opportunities; and

 scope for using lease conditions to safeguard public benefits.

### Question 11a

Do you agree or disagree that these are the right criteria for deciding whether a particular area of the public forest estate is suitable for leasing to the private sector?

Please tick whether you agree or disagree in Section 5.

 Where the primary purpose and benefit delivered by the woodland is timber production and other commercial opportunities.

 Scope for using lease conditions to safeguard public benefits.

### Question 11b

What other criteria might the Government use?

Please use the space given in section 5 to give your response to this question.

### 3.4 Leasehold for commercial forests continued

#### Proposed approach

These forests could generate significant revenue for the Government and deliver an improved commercial focus, while the leasehold conditions could continue to protect the public benefits. Prospective bidders could include institutional investors, timber users, major landowners and individuals.

We envisage selecting lessees through a competitive dialogue process. A schedule of forests identified for leasing would be published as part of a prospectus, together with the main terms of a lease. The prospectus would also give details of other important requirements, including existing wood supply contracts that would be assigned to the lessee. The pre-qualification process would require lessees to have a proven track record in sustainable forest management and a commitment to marketing timber. As part of the lease negotiation, consideration would need to be given to apportioning any development value or sporting rights. Leases would be awarded on the basis of securing best value for the sale and for providing public benefits.

Lease conditions would be applied to make sure that particular public benefits were safeguarded. It is possible to use lease conditions to require management in accordance with the UK Forestry Standard and the UK Woodland Assurance Standard, and continued provision of particular types of recreational access (such as cycling or horse riding). The Forestry Commission would need

to make sure that the terms and conditions of the lease were being observed. This model could also be used to help timber production. A long lease of 150 years would give the lessee a long-term interest in securing replanting for the second and third rotation. In addition, the Commission could retain a right to gather the information required for producing accurate timber production forecasts.

These are the high-level principles which would guide the design of this approach.

- Lessees would be identified through a competitive dialogue process.
- Leases would last for 150 years and impose conditions where needed to safeguard public benefits. These could include for example the need to maintain certification against the UK Woodland Assurance standard, to continue to allow current levels of public access, to restore areas of plantation on ancient woodland sites; and to continue to implement the open habitats policy.
- That, where practical, smaller parcels of land which have particular public value (for example plantations on ancient woodland sites) would be considered for separate sale.
- Consideration will be given to the potential impact on the supply of timber into the wood-processing industry, in particular during any transition period.

**Questions on next page.**

## 3.4 Leasehold for commercial forests continued

### Question 12a

Do you agree or disagree that these are the right principles to guide the leasing of productive forests?

Please tick whether you agree or disagree in Section 5.

Lessees would be identified through a competitive dialogue process.

Leases would last for 150 years and impose conditions where needed to safeguard public benefits.

Where practical, smaller parcels of land which have particular public value would be considered for separate sale.

Consideration will be given to the potential impact on the supply of timber into the wood-processing industry, in particular during any transition period.

### Question 12b

What other principles should we consider?

Please use the space given in section 5 to give your response to this question.

### Case study

#### Queensland

In 2010, the Queensland Government's plantation timber business was sold through a 99-year plantation licence. The Crown land under the plantations has not been sold and public access for recreational activities such as sight-seeing, bushwalking, horse riding and car rallies will continue as it has in the past. Certain agreements relating to existing business commercial activities, such as grazing, have been transferred to the licensee. The Department of Environment and Resource Management has custodianship of the State plantation forest lands and will perform a regulatory or contract administrator role to make sure they comply with the conditions of the plantation licence and other agreements that support the sale. These include a requirement to maintain accreditation under the Australian Forest Standard or another internationally recognised sustainable forest management system.

### 3.4 Leasehold for commercial forests continued

#### Public benefits protection

In contrast to freehold sales, leasing the land enables the Government to set specific requirements for access or environmental management. For example, the lease could ensure continued certification of timber supplies to standards of sustainable forest management. Possible conditions could include:

- the need to maintain certification of forestry management standards;
- to provide high quality access;
- to restore areas of plantations on ancient woodland sites; and
- to continue to grant sporting rights.

While the lease would not impose constraints on timber marketing, other than a requirement to maintain certification and secure normal felling approvals, we would expect the lessee to secure a return on their investment by continuing to market the timber in a commercial way.

#### Question 13

Are there other safeguards that the Government could consider outside the scope of the provisions of an individual lease?

Please use the space given in section 5 to give your response to this question.

## 3.5 Timescales and land which does not fit into any of these approaches



The proposals set out in this consultation document could take up to ten years to implement fully. This is partly because of the complexity of the estate and also because of the need to secure value for money and safeguard public benefits. In addition, there are some sites which cannot be completely transferred out of Forestry Commission management because they are leased – and the lessors may refuse to resume them. We estimate that this residual estate could amount to perhaps 20,000 to 25,000 hectares. Subject to the terms of individual leases, approaches for managing these areas could include:

the management of the legacy estate could be let as a single contract or a series of more local contracts; and

management of the legacy estate could be transferred to local community or civil society bodies who showed an ability to properly manage these sites.

Our proposed approach would be to publish a list of these sites, once negotiations with existing leaseholders were at an end, and invite expressions of interest from communities or civil society bodies where lease conditions allow. Where there is no interest, we would outsource the management. Any forest or wood, for which a suitable owner or manager cannot be identified, will remain as part of the legacy estate.

### Question 14a

Do you agree that this is the right approach for managing the residual estate?

Please tick whether you agree or disagree in Section 5.

### Question 14 b

What other approach might the Government adopt?

Please use the space given in section 5 to give your response to this question.

**Section 4 includes the consultation questions alongside the explanatory text.**

**There is one question within this section. It has an 'a' and 'b' section.**

**You do not have to respond to every question if you do not wish to.**

**Please fill in your responses to the questions in **Section 5** or use the survey online at**

**[www.forestry.gov.uk/england-pfeconsultation](http://www.forestry.gov.uk/england-pfeconsultation)**

**Guidance on how to respond to the consultation is in Section 1.3.**



## 4. Future focus of Forestry Commission England

## 4. Future focus of Forestry Commission England

 The process of transferring ownership and management of the estate in the ways outlined in this consultation is likely to take a number of years. During this time the Commission will need to carry on managing it to current high standards. Looking ahead, however, the role of Forestry Commission England will change. These changes will also be influenced by the Government's recent review of its Arm's-Length Bodies.

### Change in role as an estate manager

At present 1200 staff are employed by the Forestry Commission England, but this number will reduce due to the efficiency savings agreed for the spending review period. More than 80% of Forestry Commission England staff are engaged in managing the estate. This involves work such as forest planning, harvesting and marketing timber, forest restocking and management, recreation and forest education, wildlife management and conservation. This requires a wide range of expertise. Subject to the outcome of this consultation, it is likely that current staff could transfer to a new organisation under the Transfer of Undertakings (Protection of Employment) Regulations 2006 (often referred to as TUPE). There will need to be detailed consultation with staff representatives about implementation of any agreed proposals.

### Arm's Length Body Review

The changes to the Forestry Commission will also be influenced by Government's recent review of its network of arm's-length bodies (ALBs). Defra, like all other departments, examined its network of over 90 arm's-length bodies as part of the Government-wide review of public bodies which took place in summer 2010. The intention of Ministers is to simplify the ALB landscape to increase accountability, improve efficiency and reduce their number and cost.

1. Does the body perform a technical function?
2. Does it need to be politically impartial?
3. Does it act independently to establish facts?

In addition, the Government's view that it should only carry out those functions that only Government can do, and that policy-making should be done by the Department. As part of this work, we agreed that:

-  the Forestry Commission (England) should be retained but substantially reformed; and
-  two of the statutory committees which Ministers have a commitment to maintain (the Home Grown Timber Advisory Committee and the Regional Advisory Committees in England) should be abolished.

## 4. Future focus of Forestry Commission England

### Future focus of Forestry Commission.

Looking ahead, Forestry Commission England will focus on delivering forestry policy in England through:

- protecting the woodland resource and increasing its resilience to pests, diseases and the impact of climate change;
- improving the woodland resource to enhance delivery of public benefits;
- expanding the woodland resource through promoting and creating incentives for planting and naturally regenerating trees, woods and forests of the right type in the right place;
- empowering and enabling people to determine and deliver the public benefits which they want from woodland; and
- promoting a competitive, thriving and resilient forestry sector.

Key functions will include carrying out statutory regulatory functions, for example for tree felling, plant health and environmental impact assessment, managing grant schemes and providing expert advice, both nationally and locally. In addition there are new or increasing areas of activity, such as biosecurity, the Big Tree Plant, the work of the Woodland Carbon Task Force and engagement with Big Society.

Key functions of the Forestry Commission that currently operate across Great Britain would continue. These include providing research and meeting other evidence needs, Great Britain-wide plant health responsibilities, and custodianship of the UK Forestry Standard.

### Question 15a

Do you agree or disagree that Forestry Commission England should focus on the delivery of forestry policy through:

Please tick whether you agree or disagree in Section 5.

- protecting the woodland resource and increasing its resilience to pests, diseases and the impact of climate change;
- improving the woodland resource to enhance delivery of public benefits;
- expanding the woodland resource through promoting and creating incentives for planting and naturally regenerating trees, woods and forests of the right type in the right place;
- empowering and enabling people to determine and deliver the public benefits which they want from woodland; and
- promoting a competitive, thriving and resilient forestry sector.

### Question 15b

What other priorities should Forestry Commission England focus on?

Please use the space given in section 5 to give your response to this question.

**This section gives you all the consultation questions with tick boxes and spaces to fill in with your comments.**

**There are 15 questions in total.**

**You do not have to respond to every question if you do not wish to.**

**Please either print out this section (pages 44-60) and fill in your responses by hand or fill in the survey online at:**

**[www.forestry.gov.uk/england-pfeconsultation](http://www.forestry.gov.uk/england-pfeconsultation)**



## **5. Consultation questions**

### Question 1a

Do you agree or disagree with each of these key principles which Government proposes to abide by when making decisions on new owners for the public forest estate?

 **Protect and enhance biodiversity to contribute to a network of wildlife corridors across England.**

Agree  Disagree

 **Maintain public access for recreation and leisure.**

Agree  Disagree

 **Ensure the continuing role of the woodland in climate change mitigation and adaptation**

Agree  Disagree

 **Protect nationally important landscapes.**

Agree  Disagree

**The bar below indicates progress through the consultation questions, there are 15 questions in total.**

**All except Question 13 have an 'a' and 'b' section. You do not have to respond to every question if you do not wish to.**

### Question 1b

What changes would you recommend making to this list of principles?

If you need more space please use an additional sheet of paper.

Q1	Q1	Q2	Q2	Q3	Q3	Q4	Q4	Q5	Q5	Q6	Q6	Q7	Q7	Q8	Q8	Q9	Q9	Q10	Q10	Q11	Q11	Q12	Q12	Q13	Q14	Q14	Q15	Q15	
a	b	a	b	a	b	a	b	a	b	a	b	a	b	a	b	a	b	a	b	a	b	a	b	a		a	b	a	b



### Question 3a

How likely are the proposed models to result in efficiency gains?

- very likely
- likely
- don't know
- unlikely
- highly unlikely

### Questions 3b

Do you have any evidence or reasons to support your view on the impact on efficiency, and any thoughts on how any barriers to efficiency could be addressed?

If you need more space please use an additional sheet of paper.

Q1 a	Q1 b	Q2 a	Q2 b	Q3 a	Q3 b	Q4 a	Q4 b	Q5 a	Q5 b	Q6 a	Q6 b	Q7 a	Q7 b	Q8 a	Q8 b	Q9 a	Q9 b	Q10 a	Q10 b	Q11 a	Q11 b	Q12 a	Q12 b	Q13	Q14 a	Q14 b	Q15 a	Q15 b
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### Question 4a

Do you agree or disagree with this characterisation of the public forest estate?

Agree  Disagree

### Question 4b

What other factors might the Government consider when characterising the public forest estate?

If you need more space please use an additional sheet of paper.

Q1 a	Q1 b	Q2 a	Q2 b	Q3 a	Q3 b	Q4 a	Q4 b	Q5 a	Q5 b	Q6 a	Q6 b	Q7 a	Q7 b	Q8 a	Q8 b	Q9 a	Q9 b	Q10 a	Q10 b	Q11 a	Q11 b	Q12 a	Q12 b	Q13	Q14 a	Q14 b	Q15 a	Q15 b
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### Question 5a

Do you agree or disagree that the following criteria are right for deciding whether a particular area of the public forest estate is suitable for transfer to a charity?

 Forests of national historical, biodiversity or cultural significance.

Agree  Disagree

### Question 5b

What other criteria might the Government use?

If you need more space please use an additional sheet of paper.

Q1 a	Q1 b	Q2 a	Q2 b	Q3 a	Q3 b	Q4 a	Q4 b	Q5 a	Q5 b	Q6 a	Q6 b	Q7 a	Q7 b	Q8 a	Q8 b	Q9 a	Q9 b	Q10 a	Q10 b	Q11 a	Q11 b	Q12 a	Q12 b	Q13	Q14 a	Q14 b	Q15 a	Q15 b
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### Question 6a

Do you agree or disagree that the following principles are the right ones to guide the design of a transfer of the public forest estate to a charity?

 A recipient charity would be expected to manage the forests to maintain and enhance a variety of public benefits.

Agree  Disagree

 The charity would have to comply with a set of agreed rules.

Agree  Disagree

 The charity would meet existing legal commitments, for example tenancies and timber supply contracts, and partnership agreements.

Agree  Disagree

 The forest would be transferred to the charity at no charge for the new owner.

Agree  Disagree

 The charity is likely to continue to require continuing funding from Government in return for the public benefits.

Agree  Disagree

 The charity would be expected to become less reliant on Government grant over time.

Agree  Disagree

### Question 6b

What other principles should we consider?

If you need more space please use an additional sheet of paper.

Q1 a	Q1 b	Q2 a	Q2 b	Q3 a	Q3 b	Q4 a	Q4 b	Q5 a	Q5 b	Q6 a	Q6 b	Q7 a	Q7 b	Q8 a	Q8 b	Q9 a	Q9 b	Q10 a	Q10 b	Q11 a	Q11 b	Q12 a	Q12 b	Q13 a	Q13 b	Q14 a	Q14 b	Q15 a	Q15 b
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### Question 7a

Do you agree or disagree that these are the right objectives for any charity which manages one of these forests?

 High quality access.

Agree  Disagree

 Certification of woodland management.

Agree  Disagree

 Safeguarding and enhancing biodiversity benefits.

Agree  Disagree

 Balancing interests of timber production with those of conservation and recreation.

Agree  Disagree

### Question 7b

What other objectives should the charity have to make sure that public benefits are protected?

If you need more space please use an additional sheet of paper.

Q1	Q1	Q2	Q2	Q3	Q3	Q4	Q4	Q5	Q5	Q6	Q6	Q7	Q7	Q8	Q8	Q9	Q9	Q10	Q10	Q11	Q11	Q12	Q12	Q13	Q14	Q14	Q15	Q15	
a	b	a	b	a	b	a	b	a	b	a	b	a	b	a	b	a	b	a	b	a	b	a	b	a	b	a	b	a	b



### Question 9a

Do you agree or disagree that the following principles are the right ones to guide the design of the sale of the public forest estate to community or civil society groups?

Extra time to prepare to bid for the forest. Groups can also approach the Forestry Commission to discuss buying land which is currently not on the market.

Agree  Disagree

The Forestry Commission will provide a valuation and timetable for decision by the organisation.

Agree  Disagree

The forest would be sold or leased at the market rate.

Agree  Disagree

The groups could apply for forestry grants.

Agree  Disagree

Should the groups be wound up, the land would be returned to the ownership of the Secretary of State.

Agree  Disagree

Any community or civil society group would be free to manage the forest in accordance with their own objectives (subject to any lease conditions imposed by the Government to protect public benefits).

Agree  Disagree

If community or civil society groups chose not to purchase or lease the forest, then the land could be leased on the open market.

Agree  Disagree

### Question 9b

What other principles should we consider?

If you need more space please use an additional sheet of paper.

Q1 a	Q1 b	Q2 a	Q2 b	Q3 a	Q3 b	Q4 a	Q4 b	Q5 a	Q5 b	Q6 a	Q6 b	Q7 a	Q7 b	Q8 a	Q8 b	Q9 a	Q9 b	Q10 a	Q10 b	Q11 a	Q11 b	Q12 a	Q12 b	Q13	Q14 a	Q14 b	Q15 a	Q15 b
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**Question 10a**

Is the approach proposed for sales or leases to community or civil society groups sufficient for the protection of public benefits?

Agree  Disagree

**Question 10b**

What else could be required of local community groups?

If you need more space please use an additional sheet of paper.

Q1 a	Q1 b	Q2 a	Q2 b	Q3 a	Q3 b	Q4 a	Q4 b	Q5 a	Q5 b	Q6 a	Q6 b	Q7 a	Q7 b	Q8 a	Q8 b	Q9 a	Q9 b	Q10 a	Q10 b	Q11 a	Q11 b	Q12 b	Q12 a	Q13	Q14 a	Q14 b	Q15 a	Q15 b
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### Question 11a

Do you agree or disagree that these are the right criteria for deciding whether a particular area of the public forest estate is suitable for leasing to the private sector?

 Where the primary purpose and benefit delivered by the woodland is timber production and other commercial opportunities.

Agree  Disagree

 Scope for using lease conditions to safeguard public benefits.

Agree  Disagree

### Question 11b

What other criteria might the Government use?

If you need more space please use an additional sheet of paper.

Q1 a	Q1 b	Q2 a	Q2 b	Q3 a	Q3 b	Q4 a	Q4 b	Q5 a	Q5 b	Q6 a	Q6 b	Q7 a	Q7 b	Q8 a	Q8 b	Q9 a	Q9 b	Q10 a	Q10 b	Q11 a	Q11 b	Q12 b	Q12 a	Q13	Q14 a	Q14 b	Q15 a	Q15 b
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### Question 12a

Do you agree or disagree that these are the right principles to guide the leasing of productive forests?

● Lessees would be identified through a competitive dialogue process.

Agree  Disagree

● Leases would last for 150 years and impose conditions where needed to safeguard public benefits.

Agree  Disagree

● Where practical, smaller parcels of land which have particular public value would be considered for separate sale.

Agree  Disagree

● Consideration will be given to the potential impact on the supply of timber into the wood-processing industry, in particular during any transition period.

Agree  Disagree

### Question 12b

What other principles should we consider?

If you need more space please use an additional sheet of paper.

Q1	Q1	Q2	Q2	Q3	Q3	Q4	Q4	Q5	Q5	Q6	Q6	Q7	Q7	Q8	Q8	Q9	Q9	Q10	Q10	Q11	Q11	Q12	Q12	Q13	Q14	Q14	Q15	Q15
a	b	a	b	a	b	a	b	a	b	a	b	a	b	a	b	a	b	a	b	a	b	b	a		a	b	a	b

### Question 13

Are there other safeguards that the Government could consider outside the scope of the provisions of an individual lease (when offering leasehold of commercial forests)?

If you need more space please use an additional sheet of paper.

Q1	Q1	Q2	Q2	Q3	Q3	Q4	Q4	Q5	Q5	Q6	Q6	Q7	Q7	Q8	Q8	Q9	Q9	Q10	Q10	Q11	Q11	Q12	Q12	Q13	Q14	Q14	Q15	Q15	
a	b	a	b	a	b	a	b	a	b	a	b	a	b	a	b	a	b	a	b	a	b	a	b	a	b	a	b	a	b

**Question 14a**

Do you agree that the proposed approach is the right approach for managing the residual estate?

Agree  Disagree

**Question 14 b**

What other approach might the Government adopt?

If you need more space please use an additional sheet of paper.

Q1 a	Q1 b	Q2 a	Q2 b	Q3 a	Q3 b	Q4 a	Q4 b	Q5 a	Q5 b	Q6 a	Q6 b	Q7 a	Q7 b	Q8 a	Q8 b	Q9 a	Q9 b	Q10 a	Q10 b	Q11 a	Q11 b	Q12 a	Q12 b	Q13	Q14 a	Q14 b	Q15 a	Q15 b
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### Question 15a

Do you agree or disagree that Forestry Commission England should focus on the delivery of forestry policy through:

 protecting the woodland resource and increasing its resilience to pests, diseases and the impact of climate change;

Agree  Disagree

 improving the woodland resource to enhance delivery of public benefits;

Agree  Disagree

 expanding the woodland resource by promoting and creating incentives for planting and naturally regenerating trees, woods and forests of the right type in the right place;

Agree  Disagree

 empowering and enabling people to determine and deliver the public benefits which they want from woodland; and

Agree  Disagree

 promoting a competitive, thriving and resilient forestry sector.

Agree  Disagree

### Question 15b

What other priorities should Forestry Commission England focus on?

If you need more space please use an additional sheet of paper.

Q1 a	Q1 b	Q2 a	Q2 b	Q3 a	Q3 b	Q4 a	Q4 b	Q5 a	Q5 b	Q6 a	Q6 b	Q7 a	Q7 b	Q8 a	Q8 b	Q9 a	Q9 b	Q10 a	Q10 b	Q11 a	Q11 b	Q12 a	Q12 b	Q13	Q14 a	Q14 b	Q15 a	Q15 b
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**Additional comments**

Please use this box to add any other comments you may have on the consultation.

If you need more space please use an additional sheet of paper.

## 6. Next steps and times

### Stakeholder events

As part of the consultation process, the Forestry Commission England will host a number of local stakeholder workshops as well as one national stakeholder event. These workshops will provide a forum for discussion about the options for moving the public forest estate out of public ownership and management and how to do this. These discussions will include stakeholders with varied objectives and interests in the public forest estate. The day will focus on discussing the options being proposed and follow up questions so that stakeholders leave feeling they understand what the consultation is about, have an appreciation of others' view points and can individually respond to the consultation.

More information about the workshops will be made available on [www.forestry.gov.uk/england-pfeconsultation](http://www.forestry.gov.uk/england-pfeconsultation) There will also be information about the consultation in Forestry Commission visitor centres in England.

### Sales Programme

A timetable for the 2011-15 programme of sales, and a list of sites to be included in the first year's programme will be published on [www.forestry.gov.uk/england-pfeconsultation](http://www.forestry.gov.uk/england-pfeconsultation) The programme will continue each year to achieve the level of sales required.

The Government expects to publish its response to this consultation in the summer of 2011.

## 6. Next Steps and times

## 6.1 About you

### Voluntary information form

This is a voluntary form and you do not have to fill in this information if you do not wish to.

If you are completing this form, please fill in the details below and return it with your response. This information will not be published with your response to the consultation.

You can also fill in this information as part of the on-line consultation at:  
[forestry.gov.uk/england-pfeconsultation](http://forestry.gov.uk/england-pfeconsultation)

#### Which of the following best describes the capacity in which you are responding to this consultation

- Member of public
- Representative of a private timber industry organisation or business
- Representative of a private non-timber organisation or business
- Representative of a Non Governmental Organisation (NGO)
- Representative of a Local Authority
- Representative of a government department or body
- Statutory adviser to Government
- Representative of a community group
- Representative of a university or research organisation

#### Please indicate your geographical location

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> North West England | <input type="checkbox"/> North East England | <input type="checkbox"/> Yorkshire & Humber |
| <input type="checkbox"/> West Midlands      | <input type="checkbox"/> East Midlands      | <input type="checkbox"/> South West England |
| <input type="checkbox"/> South East England | <input type="checkbox"/> East of England    | <input type="checkbox"/> London             |
| <input type="checkbox"/> England (national) | <input type="checkbox"/> Wales              | <input type="checkbox"/> Scotland           |
| <input type="checkbox"/> Northern Ireland   | <input type="checkbox"/> United Kingdom     |   |

## 6.1 About you

### Equality and Diversity Monitoring

If you are responding as an individual, we would be very grateful if you could answer the following model questions. This is part of our commitment to equality and diversity. The information will help us judge how well we are doing and whether we need to change the way we do things.

The information you provide will be treated in the strictest confidence. It will only be used to produce statistical information for the consultation and will not be linked to personal data. This monitoring form will be destroyed within 12 months.

#### 1. Ethnic origin – Please indicate the ethnic group with which you most identify

Asian or Asian British

Chinese or British Chinese

White

Black or Black British

Mixed Ethnic background

Any other ethnic background

#### 2. Gender – Please indicate your gender

Male

Female

Transgender

Prefer not to say

#### 3. Disability

The Disability Discrimination Act 1995 defines disability as any long-term illness, health problem or disability which limits your daily activities or the work you can do.

Do you consider yourself to be a disabled person?

Yes  No

#### 5. Age – Please indicate which age bracket you fall within

Under 16

16-24

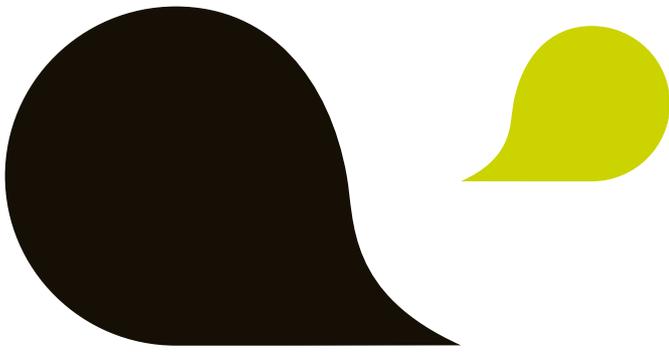
25-34

35-44

45-54

55-64

65+



**Please send hard copy responses to:**

Public Forest Estate Consultation Co-ordinator,  
Forestry Commission England, 620 Bristol Business Park,  
Coldharbour Lane, Bristol BS16 1EJ

**Online survey available at:**

[www.forestry.gov.uk/england-pfeconsultation](http://www.forestry.gov.uk/england-pfeconsultation)

If you need this publication in an alternative format, for example in large print or in another language, please contact:

The Diversity Team  
Forestry Commission  
Silvan House  
231 Corstorphine Road  
Edinburgh  
EH12 7AT

Telephone: 0131 314 6575  
Email: [diversity@forestry.gsi.gov.uk](mailto:diversity@forestry.gsi.gov.uk)

If you want to ask about the content or scope of this consultation please contact

**By post**

Public Forest Estate  
Consultation Co-ordinator,  
Forestry Commission England,  
620 Bristol Business Park,  
Coldharbour Lane,  
Bristol,  
BS16 1EJ

**By email**

[publicconsultation@forestry.gsi.gov.uk](mailto:publicconsultation@forestry.gsi.gov.uk)

