

**TONBRIDGE & MALLING BOROUGH COUNCIL**

**PLANNING and TRANSPORTATION ADVISORY BOARD**

**22 February 2011**

**Report of the Director of Planning Transport and Leisure**

**Part 1- Public**

**Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)**

**1 THE FUTURE OF THE PUBLIC FOREST ESTATE IN ENGLAND: A PUBLIC CONSULTATION**

**DEFRA and the Forestry Commission are currently consulting on The Future of the Public Forest Estate in England. This sets out options for the future ownership and management of the 18% of England's woodlands currently run by the Forestry Commission. There is one such area in the Borough.**

**1.1 The Consultation**

1.1.1 In December 2010, Ministers announced that approximately 40,000ha of land currently managed by the Forestry Commission England would be sold between 2011/12 to 2014/15.

1.1.2 DEFRA and the Forestry Commission are currently consulting on The Future of the Public Forest Estate in England. This sets out options for the future ownership and management of the 18% of England's woodlands currently run by the Forestry Commission.

1.1.3 The woodlands that comprise the estate have been categorized under four broad types based on their economic value, and the social and environmental public benefits they provide. These categories are Large Commercial, Small Commercial, Multi-purpose and Heritage assets. The proposals for the future management and ownership of the estate include;

- Inviting new and charitable organisations to take on ownership and management of heritage woodlands,
- Creating opportunities for community and civil society groups to buy or lease forests that they wish to own or manage; and
- Find commercial operators to take on long-term leases for the large scale commercial forests.

The document recognises that any forest or wood for which a suitable offer cannot be achieved will continue to be part of the publically owned forest estate.

- 1.1.4 The criteria for determination of the sales programme for 2011/12 have been approved and once sites have been identified a list will be published on the Forestry Commission website. The sales criteria for 2012/13 and beyond are to be determined following this consultation period.
- 1.1.5 A series of general issues and concerns come out of the consultation document. These are set out below.

## **1.2 General Issues**

### Management

- 1.2.1 There is a general concern about the potential quality of future management of woodland. If sites are transferred into alternative ownerships, there is a question as to who will have responsibility for the sites' management and whether they will have the expertise to do so? Alternatively, management could be transferred to a management company such as that at Upper Lodge Wood/North Frith, or to an organisation such as the National Trust or Kent Wildlife Trust. If so, the question is where will the funding for these organisations and any management regimes come from?
- 1.2.2 Furthermore, where a site is to be managed by a community or civil society group, will any guidelines be provided to ensure some consistency in approach with similar work being undertaken by specialist land management companies or organisations?

### Habitat Networks

- 1.2.3 Any reduction in quality of woodland assets through poor management may have a detrimental impact on the wider woodland habitat network.

### Ancient Woodland

- 1.2.4 Although reference is made to preventing the sale of a site where 10% or more is Planted Ancient Woodland Sites (PAWS), nothing similar on Ancient Semi-Natural Ancient Woodland (ASNW) appears to be included in the consultation document. In TMBC 2141ha are ASNW (78%), and 480ha are PAWS (22%) (Ancient Woodland Survey 2010).
- 1.2.5 Although the document 'seeks to agree the restoration' of PAWS with new managers and owners, this wording is not necessarily sufficiently robust to actually secure their restoration.

### Economic Viability of Small Commercial Woodland

- 1.2.6 There is a question as to how economically attractive Small Commercial Woodlands will be to commercial operators? If these sites are not purchased by commercial operators, then they are likely to transfer to charitable or community organisations (under the new Community Right to Buy provisions in the Localism Bill) which may result in a loss of small scale forestry/timber businesses.

### Rights of Way

- 1.2.7 The document states that statutory Rights of Way and dedications under the right to roam legislation will remain in place. However, current permissive access, will sought to be secured as part of any transfer rather than be a requirement. It is not clear as to whether this would include associated facilities such as car parks.

## **1.3 Woodland in Tonbridge & Malling**

- 1.3.1 The Forestry Commission have confirmed that only one site is identified as being part of the Public Forest Estate in the Borough and this is at Dene Park to the north of Tonbridge, which is identified as a 'small commercial' woodland. Dene Park is almost entirely a PAWS and therefore should not be eligible for sale under the criteria set out in the Ancient Woodland section of the consultation document. However, this does not exempt it from alternative management from an organisation other than the Forestry Commission.
- 1.3.2 ***The Council should seek reassurance that there will be no diminution in public access at Dene Park, or loss of the on site car park should the site be transferred to an alternative management regime.***

## **1.4 Legal Implications**

- 1.4.1 None.

## **1.5 Financial and Value for Money Considerations**

- 1.5.1 None.

## **1.6 Risk Assessment**

- 1.6.1 The potential replacement of Forestry Commission management at Dene Park could possibly result in deterioration of habitat and public access.

## **1.7 Equality Impact Assessment**

- 1.7.1 See 'Screening for equality impacts' table at end of report

## 1.8 Recommendation

1.8.1 That the issues set out in paragraphs 1.2.3 to 1.3.2 should be transmitted to the Government as this Council's response to the consultation.

Background papers:

contact: Jenny Knowles

Nil

Steve Humphrey

Director of Planning, Transportation and Leisure

<b>Screening for equality impacts:</b>		
<b>Question</b>	<b>Answer</b>	<b>Explanation of impacts</b>
a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	No	This is a response to Government consultation.
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	No	This is a response to Government consultation.
c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		

*In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above.*