

NEW FOREST NATIONAL PARK AUTHORITY

AUTHORITY MEETING – 28 FEBRUARY 2008

**RESPONSE TO THE FORESTRY COMMISSION'S CONSULTATION ON
THE CROWN LANDS MANAGEMENT PLAN**

Report by: Stephen Trotter, Director of Conservation, Recreation and Sustainable Development.

Summary:

The Forestry Commission has published for consultation a draft Crown Lands Management Plan. The Plan outlines the proposed management policies and objectives for the state-owned estate in the New Forest including the ancient and ornamental woodlands, heathlands, inclosures, recreational facilities and the wider Crown estate.

This report sets out the proposed National Park Authority's response to the consultation which closes on 7 March 2008.

Recommendation:

To approve the proposed response and authorise the Director of Conservation, Recreation and Sustainable Development to respond to the Forestry Commission's consultation

Paper:

NFNPA 237/08:	Cover paper
NFNPA 237/08 Annex 1:	Detailed comments on the draft Crown Lands Management Plan

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1. Introduction

1.1 The Management Plan for the Crown Lands is one of a number of plans prepared by the Forestry Commission covering their work in the New Forest. Figure 1 summarises these plans and shows the relationships with a range of policies, plans and legislation.

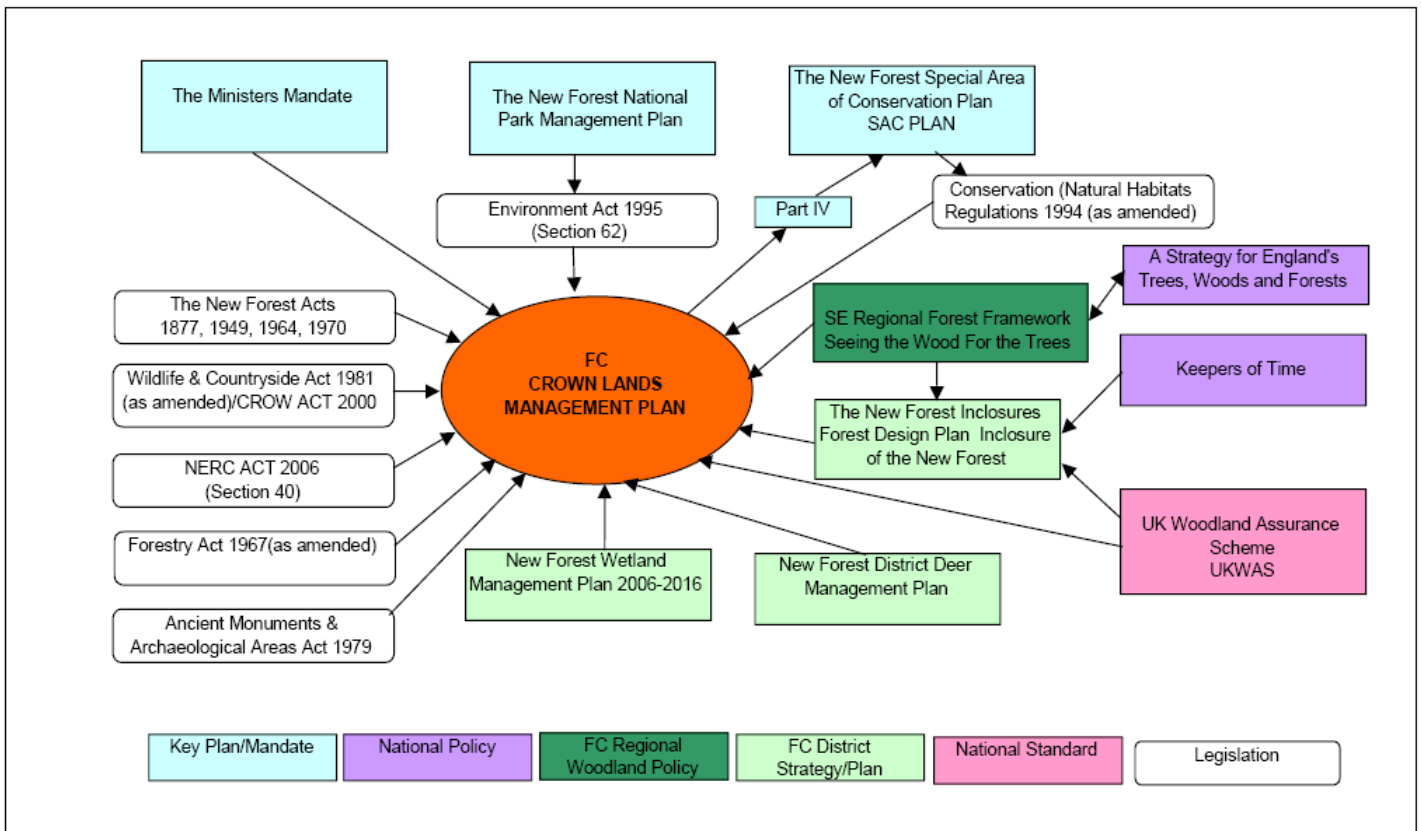
1.2 The Crown Lands Plan represents the 'implementation' section (or Part IV) of the Special Area of Conservation Plan which was prepared in 2001 as part of the LIFEII project. The first phase of this plan expired in 2006 and this consultation is seeking comments on a revision of this document that will guide operations from the date of adoption for the next five years (i.e. until 2013). The document can be read at www.forestry.gov.uk/newforest

1.3 The Forestry Commission describes the purpose of the Plan as follows: *"The current Management Plan for the Crown Lands of the New Forest was first produced in 2001. It is a component part of the Special Area of Conservation (SAC) Plan produced as part of the LIFEII Project. The SAC Plan has four parts:*

- *Description*
- *Evaluation*
- *Generic Prescriptions*
- *Implementation Plans*

An implementation plan was written for each LIFEII project partner's land holding within the SAC e.g. FC Crown Lands, Hampshire County Council and National Trust Commons etc. The implementation plans for each area at minimum set out the work that the respective "owner" will do to maintain and enhance the nature conservation interest of the area, and in some cases, including the Crown Lands, includes details of all work programmes to be undertaken."

Figure 1: Summary of plans and relationships to other policies and legislation (Source: Forestry Commission)



1.4 The Plan covers the whole of the Forest District administered from Queen’s House including other Commission estates in Dorset. Part B, under consideration here, relates specifically to the New Forest and includes the whole of the Crown Lands in the New Forest National Park – mostly comprising the Special Area of Conservation and Special Protection Area for birds designated under European legislation.

1.5 This consultation does not represent a major review of the work of the Forestry Commission in the New Forest and consequently “the core direction set out in this draft Plan remains unchanged from previously” (Foreword by M.Seddon). The intention has been to update the earlier document with changes in regional or national policy and to reference the key developments that have taken place since 2001 such as the establishment of the National Park.

1.6 The Plan outlines the Commission’s management objectives, policies, issues and actions under the following headings:

- The New Forest inclosures
- The ancient and ornamental woodlands
- The New Forest heathlands
- Archaeology and cultural heritage
- Recreation and community involvement
- Estates.

1.7 The document has been written primarily for an internal audience of Commission staff and it aims to have a “practical operational focus” and “to inform local Forestry Commission staff on the management direction to be adopted and actions that need to be implemented within the Crown Lands over the next five years to take into account the requirements of:

- The Minister's Mandate
- Special Area of Conservation Plan (SAC Plan)
- New Forest Acts
- National & Regional Forest Policy
- National Park Management Plan
- Other relevant legislation”.

It is also acknowledged that the Plan can be used to:

- Demonstrate that the requirements of UK Woodland accreditation Scheme are being met;
- and help stakeholders understand and find out more about the management direction and actions of the Forestry Commission.

1.8 As the Plan is long and has a complicated format, it is proposed to provide feedback at a general level although some additional points of detailed comment are also raised in **Annex 1**.

2. General comments

2.1 On the whole, the Crown Lands Plan is welcomed and supported, as it draws together a number of significant issues and shows how the Forestry Commission intends to address them. Commission staff should be congratulated on their work in preparing the document.

2.2 We must acknowledge the extraordinarily difficult task that land owners face in drawing together their plans within the ever-changing context of national, regional and local policy and within the constraints of national and international legislation.

2.3 The state-owned land holding in the New Forest is not immune from these complexities and, additionally, the Commission have the challenge of satisfying the many demands from a range of stakeholders who have an interest in the outcomes of management. Many have deeply held views on how Crown Land should be managed and the task of balancing often contrary expectations is a difficult one. That said, the Forestry Commission has a greater duty than any private landowner to maximise the public benefit arising from the Crown Lands and has an obligation to find integrated, holistic solutions to the management problems and opportunities of the New Forest.

2.4 As the document is lengthy, the list of constructive comments and queries in Section 3 and Annex 1 need to be balanced against the large proportion of policies and actions which are strongly endorsed. For example :

- Of the 13 policies and 49 actions relating to **Inclosures** (Section B3), the Authority only has queries over 4 of the actions /details presented and otherwise strongly support many of the policies and remaining actions;
- In respect of the **Ancient and Ornamental Woodlands** (Section B4) we have queries on only 2 items out of some 9 policies and 36 actions and strongly support many of the policies;
- There are 11 policies and related 32 actions for **New Forest Heathlands** (Section B5). The Authority has comments on 2 items and strongly supports many of the policies and remaining actions;
- Within the **Archaeology and cultural heritage** (Section B6), there are 8 policies with 18 actions and the Authority has around 10 comments in relation to this topic area;
- The **Recreation and community plan** (Section B7) has 12 policies and 62 actions. The Authority has raised some 12 comments and points in this area and supports many of the policies and remaining actions.

2.5 The overall perspective (summarised in Table 2) is therefore very positive and the Authority warmly welcomes the Commission's major contribution to the special qualities of the New Forest, its support for and the delivery of National Park purposes and its willingness to consult with stakeholders as expressed through this Plan.

Table 2: Summary of National Park Authority Comments

Topic area	Number of policies presented	Number of actions presented	Authority comments / queries
Inclosures	13	49	4
Ancient and ornamental Woodlands	9	32	2
Heathlands	11	32	2
Archaeology and cultural heritage	8	18	10
Recreation and community plan	12	62	12
Estates	8	19	2
Total		212	35

3 Proposed general response to the Plan

Evaluation of the features and attributes of the Crown Lands

3.1 The Authority considers that an overarching and comprehensive statement which describes those features that have the greatest importance and are distinctive of the Crown Lands, would be a helpful addition to the document. This '**statement of significance**' of the Crown Lands should underpin and justify the objectives and actions of the management plan. It would also evaluate or grade the features according to their local, regional, national or international significance. Such a statement would need to clearly identify and define the *genius loci* or 'spirit

of the place' of the New Forest Crown Lands so that it can be protected effectively for the future.

- 3.2 The statement would provide an overarching context for the Management Plan in terms of clearly defining what is important and special about the Crown Lands – and most critically it would inform the direction and actions adopted. The Plan is full of excellent and well intentioned policies and actions which the Authority strongly supports but they need to be linked back to a rationale and show how they deliver an overall vision for the Crown Lands.
- 3.3 Some significant features are partly described within sections of the draft document but the relative importance of a number of other key elements deserves greater coverage. Whilst European designated sites are rightly highlighted, other important attributes such as landscape, cultural heritage, soils conservation, environmental protection, the relationship of the Crown Lands with people, partnership working and the connections with wider issues beyond the Crown land boundary have a lower profile.
- 3.4 A statement of significance should capture the widest possible range of views through a full and comprehensive consultation with stakeholders. The Crown Lands are owned by the state and it is important to capture the interest that people may have in its management. Currently the overall direction is set within the framework provided by the Minister's Mandate.
- 3.5 Great strides have been made by the Commission in recent decades to strengthen the level of consultation and public involvement in the way the Crown Lands are managed. The Authority welcomes these steps to develop and reinforce the links between people and this very special place through greater involvement in the decision-making process.
- 3.6 The Plan does not include an overall vision statement for the Crown Lands although it does outline some 'aspirations' that guide Commission staff on the purpose and expected approach for each chapter. There is an opportunity, in future Plans, for the Commission to adopt the National Park vision (currently in preparation as part of the National Park Management Plan). The Plan would then clearly be focussed on delivering National Park purposes across the Crown Lands.
- 3.7 Whilst the future aspirations for the Crown Lands as a whole are set out briefly, external stakeholders would benefit from some further explanation and definition of what these actually mean in practice. For example, what does 'world class' sustainable woodland management mean and how do we know when it has been achieved?
- 3.8 It would be helpful to define the ideal condition or state of the key features so that monitoring could track the health or otherwise of the critical attributes. This has been done for forestry production and nature conservation objectives (through the *common standards monitoring* approach) but not for any of the other special features. This would enable the public to see whether the Crown Lands are in good heart and

therefore be assured that the Commission is doing an exemplary job in managing them.

Management direction

- 3.9 This is a 'business as usual' plan and does not re-examine any of the options for taking a different approach to management at the strategic level. The Plan only represents year 6 to 10 of the implementation of the Special Area of Conservation Management Plan and, with significant levels of stakeholder involvement, has taken two years to prepare. The level of resource invested in preparing the Plan has therefore been substantial and so the Commission has decided to substantially roll-over the document for the time being. So that whilst it may be disappointing that there is no fundamental review, this would seem to be a reasonable approach to take within the context of limited public funds and the need to strike a balance between planning and getting on with delivering actions on the ground.
- 3.10 The Authority and a number of stakeholders would welcome an opportunity to look more fundamentally and holistically at the high level strategic management objectives of the Crown Lands. These strategic objectives are set out by the Minister's Mandate which expires in 2008. The Commission are about to seek the views of stakeholders on whether and when the Mandate should be reviewed. When this takes place this will be an opportunity to join up the various high level plans for the National Park and the Crown Lands. The exercise to refresh the Crown Lands Plan is unfortunately out of synchrony with the review of the Minister's Mandate.
- 3.11 This is also the case with the preparation of the National Park Management Plan as the Crown Lands Plan will be finalised in advance of the National Park Management Plan. The National Park Management Plan could ultimately obviate the need for a Minister's Mandate if the Commission adopt the National Park vision, purposes and management plan. The relationship of this document with the National Park Management Plan therefore needs to be resolved and clarified.
- 3.12 Successful management of the Crown Lands will require the Commission to not only achieve high standards within its boundary but also to look more widely at the challenges and opportunities beyond. An external focus is not apparent in the document as it stands.

European Wildlife Legislation

- 3.13 The 'business as usual' approach described by the Plan involves the production of significant and increasing volumes of timber from Inclosures on the European protected site over the next five years.
- 3.14 This commercial activity raises the question of whether an appropriate assessment is required for the plan. Regulation 48 of the Conservation (Natural Habitats, &c.) Regulations 1994, requires an appropriate

assessment to be made of all 'plans and projects' which may adversely affect the integrity of a European designated site unless the plans are part of the site management and contribute to the delivery of its conservation objectives.

- 3.15 The Forest Design Plan for the Inclosures has already been 'screened' against the European criteria for the sites and the conclusion of that evaluation was that an appropriate assessment is not necessary as the plan is considered to be delivering beneficial conservation management. Consequently, the Forest Design Plans have now been approved by Natural England. As the Crown Lands Plan represents Part IV (the 'implementation' plan – see Section 1 above) of the Special Area of Conservation Management Plan and relates to ongoing management operations, the same conclusion is likely to be reached in respect of this plan. Some individual activities are recognised as potentially requiring appropriate assessment and these are identified (such as new recreational facilities under B7-21 Key Action II).

Accountability and the Minister's Mandate

- 3.16 The Plan identifies the Minister's Mandate as a key high level policy driver for the Commission in the New Forest. An evaluation of what has been successfully achieved to conform with the Mandate since 2001 would be welcomed (including how the Mandate's hierarchy of priorities has been implemented).
- 3.17 In order to make such evaluations possible and more transparent in future, it would be helpful to have a suite of clear targets and outcomes linked to the National Park Management Plan and a statement of significance of the New Forest Crown Lands so that progress against these can be monitored and measured. Apart from the concept of favourable condition, there is no means of assessing the extent to which the Forestry Commission is fulfilling its strategic responsibilities in an holistic and rounded way.

Monitoring and review

- 3.18 Whilst the proposed monitoring arrangements are supported, they are complex and varied. An overall summary of monitoring activity would be helpful.
- 3.19 If the resource implications are high, it may be more appropriate and cost effective for the Plan to monitor a few simple aspects of the plan linked to the key outcomes.

4. Conclusions

- 4.1 The National Park Authority largely supports the draft Crown Lands Management Plan but has identified a number of areas where the Plan could be strengthened.

- 4.2 The Crown Lands Management Plan will help to deliver many of the National Park's objectives and provide support to sustain many of the special qualities, and has much to be supported on that basis.

Recommendation

To approve the proposed response and authorise the Director of Conservation, Recreation and Sustainable Development to respond to the Forestry Commission's consultation

Detailed comments on the draft Crown Lands Management Plan

1 Queries on some of the Figures and Maps:

B1.2	Appears to shows Inclosures that are now open Forest, i.e. Applemoor, and 'unlawful' new Inclosures as open Forest, i.e. Irons Hill.
B1.3	Picks up on Ramsar and SPA – but not the River Avon SAC?
B1.4	Implies policy/statutory issues from Ramsar and SPA and Avon are not integrated into the Plan.
B3.4	What is the data source for this map? Compare and contrast this to the survey and report by Sanderson 2007.
B3-5	The table is difficult to understand
B6.1	is dated 15 November 2007 and does not include accurate English Heritage data. This is particularly important as several Scheduled Monuments on the Forestry Commission's GIS had been incorrectly plotted and this was only picked up and rectified after the 22 November.

2 Section B1 Introduction

- 2.1 On page B1-10: the Special Protection Area for birds is not identified.
- 2.2 B1-11: Natural Environment and Rural Communities Act, 2006 (NERC). The Biodiversity obligations are mentioned but there is no indication of how this obligation is translated into the Plan - which is relevant when considering future of Inclosures. The NERC Act is a significant yet overlooked driver?
- 2.3 There is no reference to the National Park's duty to foster the social and economic well being of local communities.

3 Section B3: The New Forest Inclosures

- 3.1 B3-8: The Ministers Mandate is clear and it would be useful for the Plan to show how it conforms with these instructions.
- 3.2 Under policy B3-8: European Protected Species. The accompanying text and actions are ok but would suggest the policy itself is setting a low standard for a government agency with statutory responsibilities for biodiversity, merely operating within the law with regard to European Protected Species is a low standard and one that should be expected in any event. The Authority would suggest that the policy should state that work will seek to enhance the conservation status of European Protected Species in the New Forest. There is very good work underway in many

areas, for example, on birds of prey, reptiles and for bats in partnership with Hampshire Bat Group.

- 3.3 Under policy B3-9: It is appropriate to refer to the New Forest Biodiversity Action Plan as well as the Hampshire Biodiversity Action Plan. We welcome the support for the Biodiversity Action Plan process in the actions but it would be even better if it could also commit to partnership working to implement relevant actions that arise.
- 3.4 Under policy B3-9: the list of Biodiversity Action Plan species associated with Inclosures cites otter and greater horseshoe bat - clarification of these records would be helpful. The Authority would express caution in respect of this policy in that it gives priority to managing inclosures for specific species rather than Biodiversity Action Plan habitats?

4 Section B4: The Ancient and Ornamental Woodlands

- 4.1 Policy B4-1: the cyclical nature of the natural woodland areas has been described by many ecologists and so it may be more appropriate not to intervene to promote regeneration at the centre of these woods.
- 4.2 B4-26 Map B4-10: These are potentially controversial proposals to 'enrich' Ancient and Ornamental woodlands by planting and other interventions. We understand that much of the work here has not taken place and that these maps show potential options that could be implemented if it is felt necessary to do so. It may be helpful to clarify this in the document and note the criteria and process by which these decisions might be taken.

5 Section 5: Heathland

- 5.1 B5 pg 4 – The proposed burning timetable extends into March and there is some concern that this may pose a risk to reptiles, birds and insects when spring weather is early. We recognise that the Commission is already aware of this issue which can be addressed through sensitive operational management. A number of practical measures to reduce the risks are already being implemented according to the prevailing weather conditions (such as burning earlier in the winter/spring and being prepared to halt the burning programme sooner than the timetable would suggest when necessary). We would also welcome a greater emphasis on finding resources for alternative methods of vegetation management.
- 5.2 Biodiversity is only mentioned in passing in this section. Whilst Special Area of Conservation Management Plan and SSSI condition are the major drivers, the plan could acknowledge the gains for Biodiversity Action Plan targets in implementing the actions.

6 Section B6: Archaeology and Cultural Heritage

- 6.1 B6-1: In general the Plan's emphasis seems to be on Scheduled Ancient Monument's and single features rather than the wider historic and archaeological landscape. It would be helpful to broaden out the focus. The Forestry Commission has, in other National Parks such as the North York Moors, developed and adopted its own local cultural heritage strategy that includes this wider perspective. We would welcome the involvement of the Forestry Commission in developing the New Forest National Park's *Cultural Heritage Strategy* document which could fulfil this role in the New Forest. There also needs to be recognition in the Plan that the national policy context for Heritage is likely to change during the period of this Plan (a draft Heritage Act is due for consultation in mid 2008).
- 6.2 A greater recognition of the many nationally important archaeological sites that have not been scheduled would be welcome. Unscheduled but nationally important sites are recognised through the civil planning process in Planning Policy Guidance Note 16 and the Authority would expect that where non-designated sites of national importance occur, they should be treated as scheduled sites. Policy B6-2 page B6-8 action ii could include wording that these sites should be treated as if they were scheduled. Action iii should also accommodate a greater degree of on-site monitoring to reduce potential damage to archaeological sites.
- 6.3 There is also a significant issue in that only a small proportion of the Crown Lands have been systematically surveyed and recorded according to modern archaeological standards. It would be helpful if the Plan acknowledged the incomplete record and looked to work with others to develop a schedule of survey and assessment to fill the gaps in survey coverage. Surveys should seek to understand and determine the significance and context of the known archaeological sites on the Crown Land.
- 6.4 Forestry Commission staff undertake detailed 'Operational Site Assessments' before work commences in any particular compartment. The Authority strongly supports this practical approach as it includes an evaluation of the archaeological interest and the management needs of the historic environment within a site unit. Whilst the system is welcome, it is important to emphasise that the right information, training and equipment must be available to the key staff at the relevant time. Some detailed examples of where this is important include:
- Policy B6-2: a reference to local archaeologists and the system of grading of sites which has been maintained by Hampshire Field Club over many years could usefully be included. This methodology, which is already incorporated on Forestry Commission maps, is very useful and is the only system we presently have to assess the significance of New Forest sites;

- Policy B6-4, action i - the use of *mechanical means* needs to be carefully managed to avoid damage to monuments and will depend upon operators and contractors having a detailed appreciation of potential impacts – and good information about the location of vulnerable features;
- B6-12 Issue 7: the infilling of man-made excavations. This needs to be clearly separated from those excavations made by burrowing animals and the Authority does not necessarily support proposals to infill man-made excavations;
- Policy B6-8: Action *i. Retaining certain earth banks when Inclosure fences are removed as part of fencing plan.* We would rather see a presumption that all banks should be retained with removal only in exceptional circumstances;
- Page B6-12: increasingly the use of permeable membranes is being resisted for archaeological conservation purposes. Whilst locally sourced materials should be used in reinstatement, these materials ought to be distinctly different from the parent material of the monument and they should be ecologically inert. It may be necessary further to refine the methodology with English Heritage;
- B6-7 iii: Provision of on site interpretation to restored sites may attract erosion and, whilst interpretation is often welcome, the approach needs to be carefully defined on a site by site basis. As the Commission recognises, other non-invasive techniques for interpreting these sites might be appropriate e.g. events / leaflets / guides etc and generally the Authority would be in favour, for example, of minimising the number of signs and restricting those notices that are necessary to existing car parks.

The National Park Authority would be happy to support the Commission by providing training and additional resources to assist field staff, if and when necessary.

7 B7: Recreation

- 7.1 B7-2 / 1.2 Visitor Numbers. The figure of 13.5M figures is quoted in paragraph 1.2 as relating to day visits. It should read visitor days as it includes overnight and long stay visitors so is technically not 'day visits'. Again on the above, the figure quoted is visitor days to the New Forest National Park, and not the New Forest as quoted in 1.2. Neither does it represent visitor days to Crown Lands, this figure would be lower.
- 7.2 The Plan gives the impression that in the New Forest, the Forestry Commission 'allows' the public free access to its lands whereas there is a statutory right of access. Although the Crown Lands are exempt under s.15 of the Countryside and Rights of Way Act, 2000, the Law of Property Act, 1925, gives a statutory right of access. Where Forestry Commission woodlands have been dedicated under section 16 of the Countryside and Rights of Way Act, 2000, there is also a statutory right of access.

- 7.3 B7-9 2.4: there is a concordat of agreement with Sustrans that is not listed.
- 7.4 B7-9 2.5 the Environment Act should read Section **62** not 61. This paragraph could also usefully mention the National Park Management Plan.
- 7.5 B7-5 The schedule of notification identifies fox-hunting as in 'item to be notified' does this need amending to 'drag hunting'?
- 7.6 B7-17: the actions on page 17 include increasing and providing additional car parking spaces in some other car parks. The action does not appear to be linked to a wider rationale and it is not clear whether consideration has been given to how the changing visitor pressure on the European sites will be assessed and managed. PROGRESS is mentioned in the box but it does not indicate what actions will result from the work and how the scientific research supports the proposed action.
- 7.7 B7-24 Issue 11. There is no mention of the Forestry Commission funding contribution to the New Forest Transport Strategy post.
- 7.8 Section 3.1 identifies the New Forest Access Forum as one of the consultative mechanisms. The Access Forum is an independent body, facilitated by the National Park Authority. We suggest re-wording this section to read "The New Forest Access Forum [which normally meets on a quarterly basis] will be the main advisory body for helping to identify priorities for action, and to give advice on major proposals, for access and recreation. Specialist focus groups can be set up to evaluate and advise on specific areas."
- 7.9 Page B7-17 states "given the impacts posed by visitor pressure" without explaining what these impacts are, or the extent to which they occur. It should not be assumed that visitors necessarily equate to negative impacts. Similarly on page B7-18 point v – a definition of the 'difficult issues' would be helpful.
- 7.10 Page B7-17, bullet point list – it is not clear why lay-bys are being closed? Perhaps it is because the lay-bys provide relatively quick and easy access to more sensitive areas, but this is not clear. What is a 'better' use of car parks?
- 7.11 Page B7-19 point ii – It would be useful to see the Accessibility Plan.
- 7.12 Page B7-25 Key Action v could also look at developing a network that better meets the needs of users.

8 B8: Estates

- 8.1 Many of these sites, particularly where they include fields; have high value features, which are usually not designated. An audit of what value features are in the estate is required so provision can be made to manage them.
- 8.2 The Authority would encourage the Commission to do all it can to reduce the carbon footprint of its buildings and operation and achieve the highest possible standards of environmental management within the constraints of budgets and landscape considerations.

9 Climate change

- 9.1 The coverage of climate change issues is welcomed.

10 Landscape issues

- 10.1 The Authority would like to see a more detailed long-term analysis of how the Crown Lands Plan contributes to the wider landscape of the New Forest – especially how the edges of inclosures are dealt with. We welcome the commitment in Action ii of Policy B3-1 to work with the National Park Authority to incorporate landscape objectives and considerations into the Forest Design Plan. This is a cross-cutting issue relevant across all aspects of the Plan and the wider landscape.
- 10.2 Passages and access infrastructure – these are very welcome but sometimes there is visual intrusion from their design and the materials used in construction – perhaps this might be considered in the landscape context in the future e.g. the use of more sympathetic materials than plastic piping – or hiding them if there is no alternative.