

**Submission
to the
Independent Panel
on Forestry**

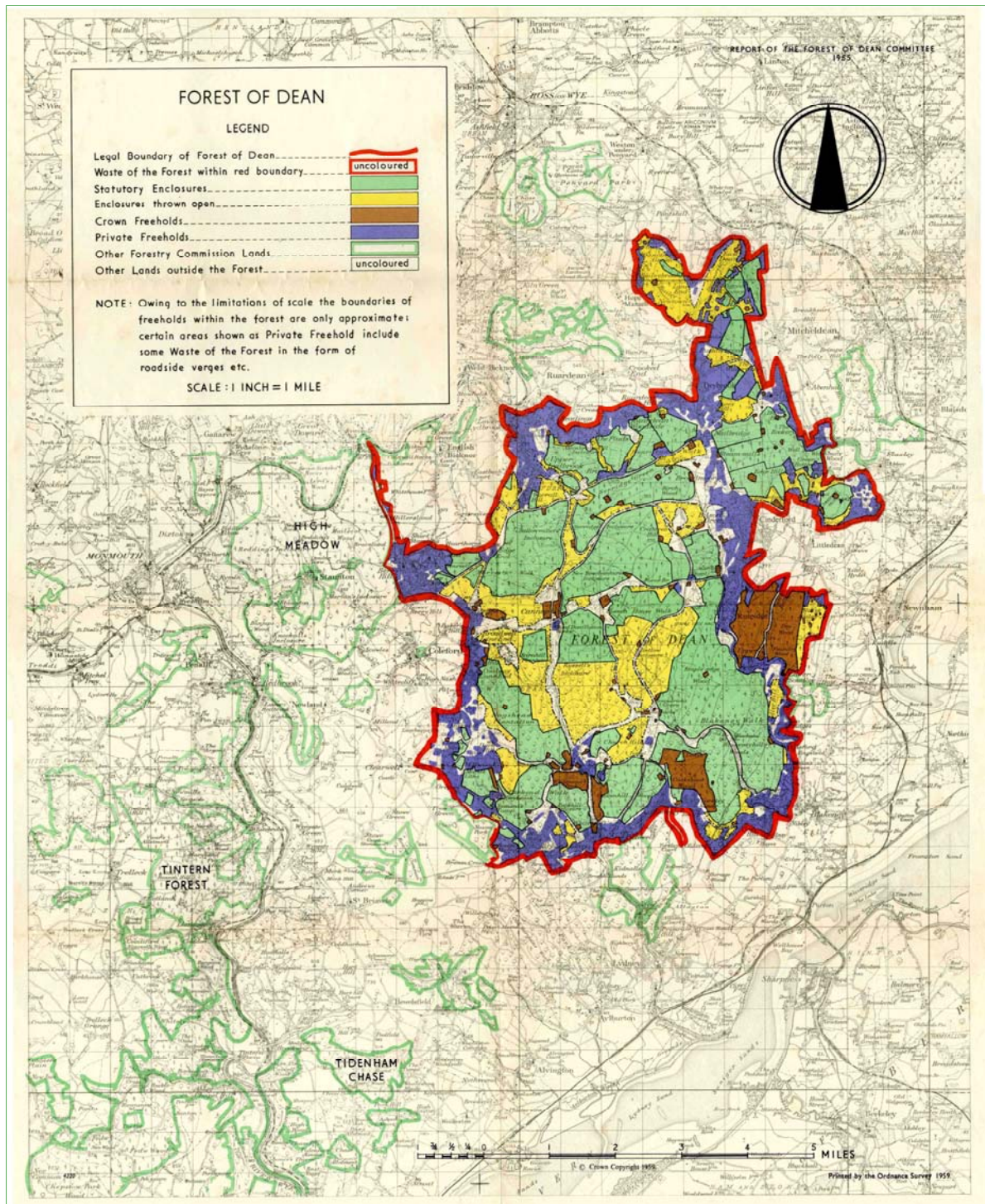


Hands off our Forest

June 2011

The Statutory Forest in 1958

Reproduced from the Report of the Forest of Dean Committee 1958 (the Creed Report)



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The Forest Cathedral

The Future Direction of Forestry and Woodland Policy in England and the Role of the Forestry Commission in Implementing that Policy

Submission to the Independent Panel on Forestry Policy in England

This submission is made by HOOF - “Hands off our Forest” - a non-political campaigning group of individuals and organisations who have come together with the aim, firstly, of preventing the alienation of the Forest of Dean and other woodlands, together with the Public Forest Estate, from public ownership and, secondly, of preventing the removal of these from the guardianship of the Forestry Commission.

HOOF has had wide support from the Forest of Dean community as evidenced by the large attendances at public meetings and the 3000 people who attended our rally in wintery conditions on the 3rd January 2011.¹ On the 8th December 2010 the Forest of Dean District Council resolved, inter alia, that “This council aligns itself with the local campaign to prevent the sale or transfer of ownership of the Forest of Dean, (Hands Off Our Forest)”.

Hands off our Forest
Hon. Secretary
Mr Ian Standing
Ellwood Lodge
Little Drybrook
Coleford
Gloucestershire
GL16 8LP

June 2011

¹ For a list of HOOF supporters and membership of the HOOF Steering Group see page 72.



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Preface by the Chair of HOOF

Why such a reaction from Foresters?

Perhaps the clue is in the title. Those of us who live and work here in the Forest of Dean call ourselves, and are referred to by others, as “Foresters”.

When a newspaper article informed us that the government of the day wished to dispose of our Public Forests to the highest bidder, or as our MP said “simply give them away to charities”, the hearts of Foresters sensed robbery. Then followed the Public Bodies Bill to do exactly that, without any consultation; a bill that would take away at a stroke our hard fought for 1981 exemption from sale of the Forest of Dean. It demonstrated a profound disconnection of government from its people. How many more times must Foresters rise up each time a threat arises as it has in 1874, 1981 and 1993/4. Now we must add 2010/11.

Government then told us we could buy back what we already owned, our Public Forests, and that they would “chop it up” into neat packages (fragmentation) to enable an easy sale. Furthermore, for those of us reluctant to purchase, or unable to raise the cash in 30 days, or reside in new “Heritage Forests”, all would be fine because they would give us away to charities instead. Charities of which we know nothing: their name, objectives, management or accountability.

During the Autumn and the New Year, Foresters were bombarded by government with negative descriptions of the Forestry Commission’s performance; statements which certainly were not recognised here in the Forest of Dean. With the Forestry Commission unable to comment, it fell upon local people to register their concern.

They formed the Hands off our Forest Campaign (HOOF) to expose the myths and bring balance to the debate. Later, after the Defra Consultation was withdrawn, the mood was not improved when Foresters and the public (the owners of these woods and forests) were denied a seat on the Independent Panel. Failure to include a grassroots representative on the panel is such a huge loss of opportunity. Once again this has done little to allay the fears which many people have, with regard to the intention of government.

It is of little wonder to Foresters, “Why such a reaction?” The Panel’s visit to the Forest of Dean is welcomed. Members will be able to engage with Foresters and experience our forest. The value we place on our Forest and the Public Forest Estate, all managed by the Forestry Commission, will be very clear.



What makes the Forest of Dean special to the people who live and work here?

This is a challenging question; challenging but essential for anyone considering how they might influence future direction. Not to consider the views and opinions, the thoughts and feelings of “Foresters” would be to repeat the mistakes of the past.

In other parts of this submission it is described how this Forest is a living working entity with its inhabitants within it. Such is that sense of inclusion that it has engendered a character of fierce independence both in mind and spirit, coupled with a deep rooted protectiveness of the Forest. Foresters perceive that it is “our” Forest for all people to enjoy.

Polls were carried out during the last attempt to privatise the Public Forests. In 1994, a poll of over 1,000 local people showed that 96% wanted the Forest to remain publically owned and 93% wanted it managed by the Forestry Commission. It demonstrates that the high regard and value people placed on the Public Forest estate and the Forestry Commission is not new.¹

More recently in 2011 a YouGov national poll found 84% strongly agreed with keeping the woods and forests public. Only 2% strongly disagreed with keeping woods and forests in Public ownership for the benefit of future generations.²

As stated previously the Foresters’ belief in public ownership is partly historical but this is by no means the only reason. It is a fact that for many people the Forest is part of them from their very earliest years. Growing up here or coming to live here, with no barriers to access over thousands of acres of woodland, engenders a deep appreciation and understanding. Many, who as children roamed these woods from dawn to dusk, would agree “that the Forest soaks into you.”

This protectiveness and ownership was clearly demonstrated when the most recent challenge arose to our Forest. The potential sale or transfer to charities produced a massive response against it from the people. This response was not only born from the threat but also from their knowledge of the Forest of Dean and its complexity. Lack of that knowledge was demonstrated by those proposing to sell or transfer ownership.

The response of the people manifested itself in the formation of HOOF by a diverse mixture of groups and individuals. Whilst campaigning for a reconsideration of the proposals from Government, public meetings filled venues to capacity and overflowing. As a demonstration of what the Forest

¹ Source: “The Forester” 18th Feb 1994

² Source: YouGov Poll Feb 2011

means to its inhabitants the rally organised by HOOF on January 3rd, saw over 3,000 plus people turned out in a snow storm to make their feelings known. At a shambolic meeting held by the local MP, 200 people crammed into an inadequate meeting room, while 300 more stood for 2 hours outside in the wind and rain to sing and chant in protest against government plans.

The HOOF website www.handsoffourforest.org received 12,000 hits a day. It exposed weak arguments and demolished untruths. Of note were the large numbers of young people and young families registering their concern and being active in the campaign. Supporters painted murals on their homes, recorded a CD of protest music and put up hundreds of posters (and removed them when the time was right).

Much has been made of the historical context of the Forest of Dean. History is a powerful reminder to all of what and who has gone before. However to think that this spirit is consigned to history would be grossly misplaced.

The question “What’s Special about the Forest of Dean” has been asked before. During an initiative to identify an appropriate “Special Status for the Forest of Dean”, the previous government instigated an Integrated Rural Development Project through the Countryside Agency costing over £1m. The purpose was to assess the landscape, heritage, biodiversity and cultural traditions of the Forest of Dean with a view to determining how to protect these aspects and the environment whilst promoting economic development. The project included an investigation of the “What’s Special – Dean by Definition”¹. A voluntary team was assembled and trained. It undertook 1256 one-to-one interviews. 84% of the respondents identified the key factor as being a combination of a sense of place and its community that made it special. More detail from one of the baseline studies is given in Appendix 1.

Summary

The Forest of Dean is a complex and fascinating place. Its inhabitants are independent, strong willed and knowledgeable about the ways of their Forest. The majority of those people are asking the panel to listen to what they say and convey it to the government.

Please keep our Forest of Dean, and all our public woods and forests, publically owned and managed by the Forestry Commission for our future generations to enjoy.

Rich Daniels

Chair of the HOOF Campaign
June 2011

¹Countryside Agency: Forest of Dean Integrated Rural Development Programme 2003-05.



A Note on Terminology

Confusingly the Forestry Commission calls the grouping of public forests and woodlands in the South-west (of which the Forest of Dean is part) the Forest of Dean Forest District. It may therefore be helpful to clarify certain of the terms used in this submission:

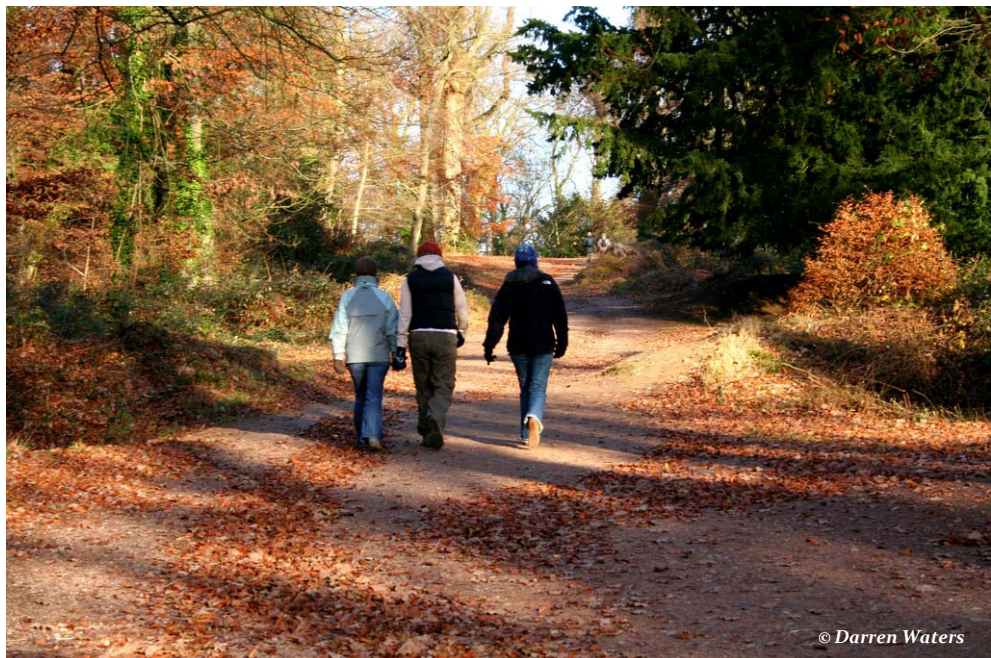
The Forest of Dean, Dean Forest, the Dean, or the Forest: these are synonymous and may refer to the Statutory Forest but when used by a Forester more often than not mean the Statutory Forest and some or all of the surrounding woodlands within the Forest of Dean District.

The Statutory Forest - The Forest as defined by perambulation under the Dean Forest Commission Act 1831. See Section 3.

The Forest of Dean, as extended - the Statutory Forest as proposed to be extended by this submission. See Section 3.

The Forest of Dean Forest District - the wider Forestry Commission administrative area comprising forests and woodlands within Gloucestershire, Worcestershire, Herefordshire, Wiltshire and Somerset. See Section 8.

The Forest of Dean District - the local government administrative district within which the Forest of Dean lies.



The Forest in Autumn

Introduction

Following a visit to the Forest of Dean in 1802 Horatio Nelson persuaded the Crown of the navy's need for timber. The oak trees then planted (under the Dean Forest (Timber) Act of 1808) are now providing Italian craftsmen with high class veneer.

There is a lesson to be learned from this. Timber production is entirely dependent, perhaps uniquely so, on long-term cycles of between 30 and 150 years and the eventual consequences of decisions now taken cannot be foreseen with any clarity. More than usual care is required.

The provision of timber for ship building necessitated the inclosure within the Forest of Dean of the full 11,000 acres permitted by the 1808 Act. This was achieved by 1838, but not without difficulty. By 1830 the local inhabitants and Crown officials were in conflict over the denial of "rights" of common by the inclosure of the forest beyond the period necessary to safeguard the growing timber. In June 1831 two thousand inhabitants, men, women and children, tore down the enclosures such that hardly a mile of fencing or walling remained. The Forest had been thrown open. This was a recurring theme during the nineteenth century and demonstrates the proprietorial urge felt by the Forest community towards their forest and the strength of feeling engendered by any threat to it.

As Lord McNair recognised in 1981, "The difference between a Royal forest like the Forest of Dean and a great deal of the windswept coniferous uplands which the Forestry Commission administer is simply that this part of Gloucestershire is fairly densely inhabited. ... It is, in other words, a human habitat. People live there. The forest is the environment in which they live. ... The long history of the Forest of Dean ... is a story of a centuries old conflict between the interests of the people who happen to live there and the interests of the succeeding authorities of Crown and state who have seen it (and who sought to exploit it) first as an amenity and later as a national asset." [HL Deb 15 April 1981 vol 420]

The Forest Community has existed for nigh on a thousand years and in the last 100 years there has been created a harmoniously symbiotic relationship between Foresters and the Forestry Commission. However, in 1981, 1994 and more recently, the people of the Forest have felt, in Lord McNair's words "uniquely disadvantaged and therefore uniquely endangered" by proposals to transfer the Dean out of public ownership.

Today we do things differently from our forebears and rallies and petitions have replaced direct action. But it would be folly to believe that the Foresters' identification with the Dean is any less potent now than it was 180 years ago.



© Ben Locke

Flaxley in the Forest of Dean

The Forest of Dean

Section

1

The Forest of Dean is one of the few surviving former royal forests created by William the Conqueror before 1086. At 9372 hectares (23159 acres) it is the second largest ancient forest in England and lies within the Hundred of St Briavels on the Welsh Marches, between the Severn and Wye Rivers immediately to the north of Chepstow and the Bristol Channel. It was once considerably larger than it is now, extending from Chepstow to Tewkesbury.

By grants, encroachments and assarts going back to medieval times a forest community has settled within the Forest and on its margins, a community which shared the Forest and, no doubt clandestinely, its venison, with William I and succeeding monarchs. Today this community numbers about 35,000 souls.

The Forest of Dean, then, is not to be seen merely as a plantation of trees. The Forest community has a thousand years of recorded history; their ancestors worked the scowles for iron ore in pre-Roman times. Forest miners were sappers on the Scottish border, at Berwick, and fought at Crecy, Poitiers and Agincourt and were suitably rewarded by the Plantagenets for their resourcefulness and bravery, being given by charter the exclusive right to work the iron ore in the Dean and, later, coal and stone; a right confirmed by the Dean Forest Mines Act of 1838. A right Lord Eversley (founder of the Commons Preservation Society) described in his "Commons, Forests and Footpaths" as not elsewhere known in England.

Like the other royal forests created by William I the Dean was administered under Norman forest law; it produced revenue for the king and functioned as a royal larder. Many of the early royal forests declined over time and became farmland. Dean Forest is a rare survivor.

16th Century Spain knew about the Forest. Commanders of the Armada are said to have been instructed not to leave a single tree growing between the Severn and the Wye.

In 1640 Charles I, during a lean financial period, sold to a court favourite, Mr Secretary Pepys's friend, Sir John Wintour, the rights to the Forest's minerals and timber. This amounted to the sale of the Forest though the Crown was wise enough to retain the freehold. Needing a quick return from his investment Wintour promptly began felling and selling the timber. So many oaks were felled that the stock of timber was at risk and the King found himself forced to revoke the grant.

The Crown failed to learn from the experience and on the restoration of Charles II Wintour's grant was revived. Once again Wintour ravaged the Forest and in 1667 it was reported that of 30,233 trees sold to him only about 200 remained standing. On the 30th June 1668 he was relieved of his grant a second time.



Warren James leading the rebellion against the enclosures in 1831

These events and the recognition that valuable ships' timber had been lost led to the 1668 Dean Forest Reafforestation Act. The Act provided for the inclosure at any one time of 11,000 acres for timber production, the inclosures to be "freed and discharged of and from all manner of common, estovers, herbage or pannage and other rights, ... for so long as the same shall remain and continue enclosed" (Section 4). Section 10 of the Act effectively precluded the possibility of any person acquiring rights of common by prescription.

The history of the Dean from the 1668 Act to the late 19th century records very many acts of trespass, the opening and breaking of gates and the depasturing of sheep, cattle and pigs within the Forest boundary (and the occasional riot). And of numerous commissions and select committees to enquire into these such that Foresters are well used to standing up for themselves and defending their "patch" against over-centralised authority.

In 1875 a Bill was introduced in Parliament which was in effect an Enclosure Bill. It was an attempt by the Commissioners of Woods to extinguish commoning and freemining but met with such fierce resistance from commoners and freeminers that the Bill was withdrawn.

Despite the successful resistance of the inhabitants to proposals of this kind no rights were established over land within the Statutory Forest and in 1896 James Wood of Lincoln's Inn and author of "The Laws of the Dean Forest" (whose opinion was described by the 1958 Creed Committee as of "unrivalled authority") pronounced that "This at least is quite certain, that no occupier of any lands within the perambulation of the Forest itself is entitled, in respect of such lands, to any common rights whatever."

By the Forestry (Transfer of Woods) Orders of 1924 and 1926 the Forest of Dean, along with other Crown woods, was gifted by the Crown Commissioners to the Forestry Commissioners, under whose aegis it has remained ever since.

The Status of the Forest of Dean

In 1938, in recognition of its importance, the Forest of Dean was designated England's first National Forest Park, a designation which imposed on the Forestry Commission a duty to have regard to amenity and to provide recreational facilities. In consequence the Dean became an exemplar of community provision, well in advance of the designation of National Parks and Areas of Outstanding Natural Beauty.

The 1947 Hobhouse Report identified the Forest of Dean together with the Leadon Vale and Wye Valley as "areas of high landscape quality, scientific interest, and recreational value". Nevertheless, the Dean was not subsequently considered for designation as a National Park under the National Parks and Access to the Countryside Act 1949 as it was considered that Forestry Commission guardianship afforded adequate protection. In the late 1960's,

however, the National Forest Park designation fell into abeyance and in consequence the Forest enjoys no special protective status.

National protective status would have been achieved in 1971, as part of a Wye Valley and Forest of Dean AONB, but at that time only the Wye Valley was designated. It continued to be argued that Forestry Commission management of the Dean made designation unnecessary.

In 1999 the Countryside Agency issued the report “Forest of Dean Review of Special Status” which confirmed the Hobhouse findings and recognised the Forest’s great diversity of landscapes ranging from the Statutory Forest core to the District’s many “green necklaces”. Many of these landscapes were described as fragile and in urgent need of conservation. The report concluded that existing policies and the Forest’s designation as a Special Landscape Area were insufficient to safeguard it and that some form of special status was required. The report also noted the important part that the Forestry Commission had played in the landscape management of the afforested areas and its continuing role in the future.

In the absence of any protective designation arising from the 1999 report and later considerations by the Countryside Agency the landscapes of the Forest of Dean have unreasonably low weighting in planning terms, below that of Grade 1 farmland. In consequence it is inadequately protected against inappropriate development.¹

Summary

The history, natural and cultural heritage, and landscape of the Forest of Dean warrant greater protection from inappropriate development than is currently the case.

RECOMMENDED

That the Government be urged to give consideration to designating the Forest of Dean, as extended, and such areas adjoining it as merit it, special protection of a weighting not less than that afforded an Area of Outstanding Natural Beauty.

¹For a fuller exposition of this matter see “Why Does the Forest of Dean Need Protecting” at <http://www.friendsoftheforest.co.uk/>

Defining the Forest of Dean

Section

2

The Statutory Forest of Dean, is the remnant of a once larger royal forest. The deeply incised and irregular boundary reflects the expansion into the forest of peripheral manors, other estates and encroachments. Today it is identified by the 1834 perambulation undertaken pursuant to the Dean Forest Commission Act 1831, some 241 marker stones delineating the 56 mile circumference. The Forest is not otherwise statutorily defined.

The status of surrounding woodlands in close proximity to the Dean, and commonly regarded and enjoyed by the community as part of it, is uncertain. In the House of Lords Forestry Bill debates of 1981 Lord McNair called these woodlands “peripheral plantations”. Lord Mansfield preferred the term “contiguous” woodlands and recognised that they had a long and intimate association with the Forest.

At Report Stage in the passage of the 1981 Bill, Lord Mansfield defined the Forest of Dean by reference to the 1834 perambulation and, at the behest of Lord McNair, went on to refer to “certain other old Crown woodlands which were also transferred to the Forestry Commissioners in the 1920s which do not fall within the area of the former Royal Forest of Dean as defined 150 years ago, although they are contiguous with the forest and are commonly regarded as part of it.”

He went on, “ Because of their former Crown status and their long and intimate association with the Dean Forest, I confirm for the record that in implementing the disposal powers these areas too will be treated in all respects as though they are part of the forest. These areas include High-meadow Woods, Clearwell Woods and Hope Woods”.

Lord Mansfield was stating Parliament’s intention that these three named woods (and, by using the word “include”, also other woods) should be exempted from disposal in the same way that the Statutory Forest is exempted, though his failure to identify fully the woods in question has subsequently led to difficulty in identifying which additional woods are intended to be protected by the exemption

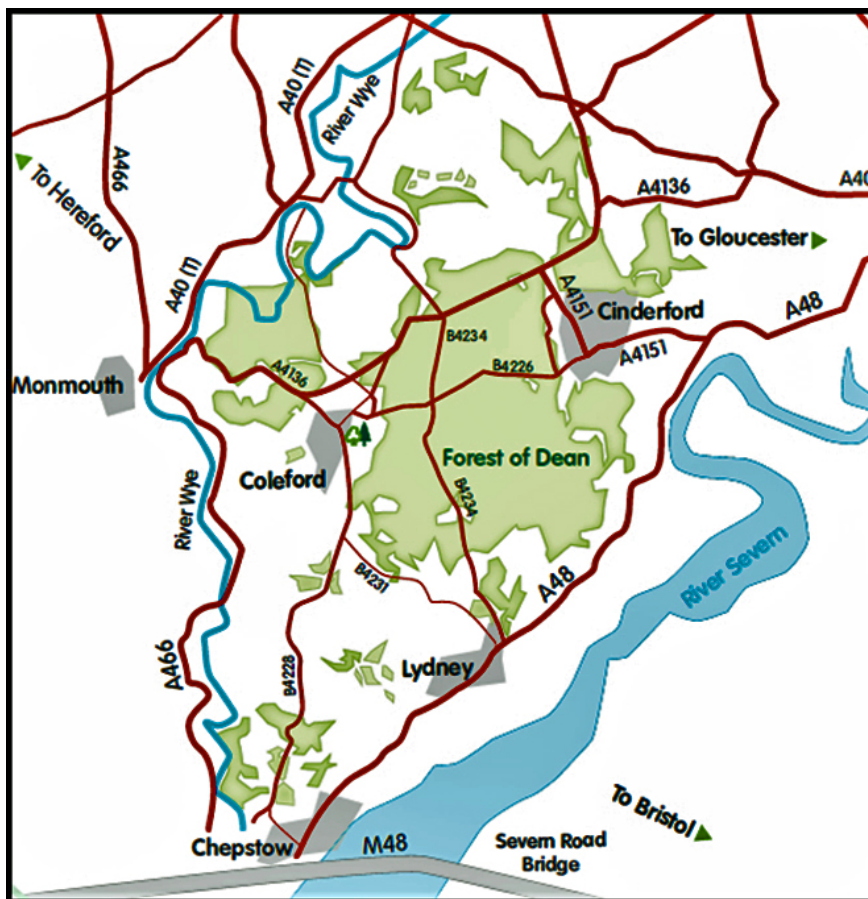
.
For sound ecological reasons (explained in Section 6), to avoid the adverse effects of fragmentation and having regard to Parliament’s intention there is merit in putting the question beyond doubt and incorporating into the Forest of Dean and treating as a single entity the Forestry Commission woodlands of the Dean and the Lower Wye Valley (as in the list following and shown coloured green on the map on the following page) together with the hedgerows, forest “waste”, grasslands and bog areas associated with them.

The Forest of Dean
Highmeadow Woods
Dymock Woods
Bearse/Slade
Tidenham and Wye Valley

Hope, Flaxley and Welshbury Woods
Clearwell Woods
Lords Wood
Clanna Wood
Kidnalls Wood

The enlargement should be subject to the privilege of commoning, specifically the grazing of free roaming sheep, being restricted to the Statutory Forest by amendment (if necessary) of The Forestry Commission Byelaws 1982 (without prejudice to any rights of common acquired over land outside the Statutory Forest).

In aggregate the Forest of Dean and the Lower Wye Valley woodlands total some 26,190 acres (10,600 hectares).



The Forestry Commission Woodlands of the Forest of Dean and the Lower Wye Valley

RECOMMENDED

That the Forest of Dean be defined as extended by the inclusion of the forests and woodlands mentioned.

The Uniqueness of the Forest and the 1981 Exemption

Section 3

“The rights of the foresters, the rights of access to the woodlands, the rights to graze sheep, the rights of vert and of pannage—or perhaps “privileges” is a better word for them—never had any very firm legal basis in law. As I understand it, that is the price that one pays for living in a Royal forest. The privileges have depended more on custom and usage than on law; but this only makes them all the more precious. It is these rights or privileges which the foresters fear may be eroded, set aside or even extinguished if this (Forestry) Bill becomes law in its present form” per Lord McNair [HL Deb 15 April 1981 vol 420].

In a debate on the 11th May 1981 Lord McNair described the position thus: “The legal position in the Royal Forest of Dean concerning the rights of common and access is obscure and, I think, unique. I am neither a lawyer nor a historian; but I do not think that I am over-simplifying the position if I say that in strict law there are no common rights at all within the perambulation of the Forest of Dean. That was the belief of the Forest of Dean Committee which in 1958 submitted what was called the Creed Report.

“If you were able to prove that your predecessors in title enjoyed rights of common in the Forest in or before the 10th year of the reign of Charles I and that on or before that date they did in fact hold and enjoy the privilege of running sheep in the forest, then you might be able to claim commoners' rights. However, I must warn the Committee that no such claim has ever successfully been lodged.

“The position was not improved by the Dean Forest (Timber) Act of 1808, which, freed and discharged of and from all rights of common, and from all manner of rights...or privileges or claims whatsoever ... However, we are not concerned with these archaic provisions of long ago but with the present and the future. The fact is that although they may have no de jure rights of access or of anything else, the foresters have traditionally enjoyed, and do enjoy at this moment, de facto rights of access and sheep-grazing which are recognised by the Forestry Commission.” [HL Deb 11 May 1981 vol 420]

The late Lord Bledisloe QC spoke in the debate as “one who lives on the very edge of the Forest of Dean and whose family have lived there for something more than 250 years; whose father and grandfather and more remote ancestors, I believe, have all been verderers of the forest.” Lord Bledisloe accepted “the general position that there should be powers to sell land which has been acquired for forestry purposes; that is, land which has been private before and which was acquired and planted as an investment.” But went on to say, “The Forest of Dean is wholly different. It is an historic Crown forest in

which an entire community has developed, using and enjoying the land in many ways which are not protected by legal rights. It is also an area in which nowadays visitors come from all over the country, and indeed from elsewhere, to picnic, to camp, and to do other things which do not exist as legal rights. It is those privileges which can be wholly lost if this land is sold to private persons.” [HL Deb 11 May 1981 vol 420].

This situation was reflected in Section 11 of the Commons Registration Act 1965 by which the provisions of the Act “shall not be taken to apply to the Forest of Dean”.

The sole exception to this absence of rights was the right of Freeminers (see Section 5).

So persuasive was the argument put by Lords McNair and Bledisloe that by report stage the Government, in the person of Lord Mansfield (the proposer of the Bill in the House of Lords), had come to share their view and was able to say “The Forest of Dean is a special case and it has a unique history. But, rather more importantly than that, it has an absence of established common rights which means that, to an extent, the inhabitants are, so to speak, rather vulnerable.” [HL Deb 09 June 1981 vol 421].

The Government adopted Lord McNair’s amendment to the effect that the Forest became exempt from the power of disposal. When the Bill returned to the Commons the amendment was accepted without opposition.

Section 39 of the Forestry Act 1967 therefore states:

Subsection (2) - “Subject to subsection (2A) below, the Minister may dispose for any purpose of land acquired by him under this section.”

Subsection (2A) - “Subsection (2) above shall not apply in relation to land acquired under this section which is in the Forest of Dean; but the Minister may sell such land if in his opinion it is not needed, or ought not to be used, for the purpose of afforestation or any purpose connected with forestry, and may exchange any such land for other land more suitable for either of the said purposes and may pay or receive money for equality of exchange.”

It should be noted that land not used for the purpose of afforestation or purposes connected with forestry can be disposed of and such land, “forest waste”, has been sold, usually for development. Over time this has caused the loss of much of the open green spaces which contribute materially to the character, the maintenance of biodiversity and the high quality landscape of the Dean. If these disposals are not stemmed the accumulative effect on the Forest will be severely detrimental to the whole. Accordingly, there is a need for such disposals to cease altogether.

Summary

The uniqueness of the Forest of Dean (and the surrounding woodlands) has received Parliamentary recognition and, accordingly, statutory protection. That protection should be extended to include “forest wastes” in order to preserve and protect the integrity of the Statutory Forest.

RECOMMENDED

That the uniqueness of the Forest of Dean be recognised.

That the Forest of Dean be protected from disposal, such protection to extend to all land, including forest wastes, within the Forest, as extended, whether or not it is used for the purposes of afforestation or purposes connected with forestry.



Forest Sheep

Protecting Customary Privileges and Public Rights

Section 4

In 1981 the sole exception to the absence of rights within the statutory forest was the right of Freeminers to take coal, iron and stone (of which more at Section 5). Since 1981, of course, rights of access and to roam have been extended to the Forest under the Countryside and Rights of Way Act 2000 (“CROW”) but the rights provided by the Act fall short of what local inhabitants and visitors have customarily enjoyed. CROW is concerned with public footpaths (of which notably few penetrate the boundary of the Statutory Forest as is well illustrated by the map at Appendix 2) and the right to roam on foot. It imposes no obligation on landowners to repair and maintain ways and tracks (as are now maintained by the Forestry Commission), it does not require the provision of cycle tracks or bridle-paths (as are presently provided and maintained by the Commission), it provides no rights for wheelchair users or for baby-buggies, it says nothing of the running of sheep or of the multitude of other activities pursued in the Forest. It says nothing of the customary privilege which, in the absence of estovers or fire-bote, permits the taking of fallen timber no thicker than a man’s forearm.

It will be noted that Lord Bledisloe made the point that the customary privileges to which he and Lord McNair referred “can be wholly lost if this land is sold to private persons”. In fact, as Lord Mansfield himself explained, they will be lost on a disposal (whether to private interests or any other person or organisation). Lord Mansfield’s explanation may be found at Appendix 3 but, put simply, it would not be possible to impose an enforceable obligation on future owners to permit the activities and provide the facilities now permitted and provided by the Forestry Commission.

The inhabitants of the Forest and visitors historically have relied exclusively upon the goodwill of the Forestry Commission for their use and enjoyment of all that the Forest affords and have been and remain acutely concerned at the prospect of losing them and with them their heritage and cultural traditions.

In her statement to the House of Commons on the 17th February 2011, in answer to questions from the members for St Ives and Wells (Andrew George MP and Tessa Munt MP) the Secretary of State stated that she would expect the Independent Panel to look at all the questions raised in the withdrawn consultation document, “The Future of the Public Estate in England”. As the document proposed that a “heritage” forest could be transferred out of public ownership by the disposal of either the freehold or the leasehold interest to a charitable trust it is important to consider these.

We readily accept that on a leasehold disposal the Lessor (the Secretary of State) may impose positive covenants and require the Lessee to permit and

make provision for public rights (including “higher” public rights) but such “higher rights”, as presently understood, fall well short of what the Forestry Commission has historically provided and allowed.

On the disposal of the freehold we would be at the mercy of the freeholder. As Lord Mansfield explained, the imposition of positive covenants would not safeguard our use and enjoyment of the Forest.

On a disposal to a charitable trust of either the freehold or a leasehold interest the incorporation within the trust instrument or lease of obligations to provide facilities commensurate with those now provided by the Forestry Commission, and to maintain and repair them to an equivalent standard, might give an illusory measure of comfort but:

- Trusts can be varied and in circumstances where the amount and duration of continued Government funding is entirely uncertain there can be no guarantee that the obligations could be met in the medium to long term. This is particularly so where the Government expects the charity to become less reliant on Government grant over time.
- Where a breach of the Charity’s obligations constitutes a breach of trust is it realistic to assume that supervision by the Charity Commission (as envisaged by Section 3.2 of the Consultation Document) will provide a timely and adequate remedy to the loss of public rights?
- Where enforcement of the covenants would fall on the Government, what incentive would it have in enforcing them when it has divested itself of responsibility for the Forest? (See Lord Mansfield’s comments at Appendix 3).
- Would the Government in fact require provision commensurate with that presently enjoyed within the Forest of Dean? As indicated above, “higher rights”, as presently understood, fall short of what the public now enjoy and a covenant for “higher rights” will not safeguard the benefits presently provided and maintained by the Forestry Commission.
- How would a charity or lessee control the roaming of free-grazing sheep? At present it is regulated by The Forestry Commission Byelaws 1982 (SI 648) (see Appendix 4) and by an agreement dated 17th December 2001 and made between the Forestry Commission and the Forest of Dean Commoners Association. It should be noted that in the view of the late Dr Cyril Hart, a former Head Verderer, author and authority on the Forest of Dean, the agreement “is not a legal Agreement *per se* but “a gentleman’s agreement” so that the conditions cannot be legally enforced”. (“The Commoners of the Forest of Dean” 2nd edition 2002 Page 188).
- What provision would be made on a disposal for the administration of

Freemining, the collection of mineral royalties and the role of the Deputy Gaveller, the Crown officer responsible for these and for keeping the official register of Freeminers? Would the office continue? Who would employ him/her?

Summary

On any disposal of the Forest of Dean, whether to a charity or otherwise or whether freehold or leasehold, there can be no certainty that the public's historic enjoyment of the Forest of Dean will be safeguarded.

RECOMMENDED

That there be no disposal or change in the management of the Forest of Dean, as extended, which might place the public's historic enjoyment of the Forest and the cultural traditions of the Forest at risk.



Freeminers in the Forest of Dean

Freemining, The Verderers and The Inclosure Commissioners

Section 5

Freemining

Edward I (“Longshanks”) (1272 - 1307) is reputed to have given Dean miners a Royal Charter to work the minerals within the Forest of Dean. They were sappers in his wars against the Scots and, later, rendered the same service against the French in the 14th and 15th centuries. Subsequently the right was extended to coal and stone.

To qualify to become a Freemaner it was, and remains today, necessary to have been born within the Hundred of St Briavels, to be over the age of 21 and to have worked in a coal or iron mine for a year and a day. As a Freemaner one is then entitled to open a “gale”. Historically, the Freemaners were largely self-governing, disputes being settled by the Dean Forest Mine Law Court.

The Industrial Revolution led, in the 18th century, to an increased demand for iron and coal and conflict between the Freemaners and those powerful mining interests wanting to realise the rich potential of the Forest’s coal and iron reserves. Disputes led to a Royal Commission in 1831 and the Dean Forest (Mines) Act of 1838. The Act restated the rules relating to Freemining, confirmed the Freemaners’ exclusive right to the Forest’s minerals and, importantly, permitted a galee to sell his gale to persons other than Freemaners. In that way deep mining was introduced into the Dean, the last deep mine closing in 1965.

Thanks to the Forestry Commission’s benign approach towards Freemining and the supervisory role of the Gaveller and Deputy Gaveller this traditional activity is alive and well in the Dean. The Deputy Gaveller, a Crown appointment, maintains the official register of Freemaners, collects mineral royalties and plays an essential role in maintaining the safety of the many discontinued mineral workings.¹

Our fear that a change in the ownership or management of the Dean will lead in time to attempts to extinguish this tradition is not unfounded. There are precedents, the most significant of which was the 1875 Bill (see Section 1), all of which have been successfully resisted.

The Verderers

In the discussion of the future of the Public Forest Estate little if anything has been said about the Verderers. The Forest of Dean, Epping Forest and the

¹ See Appendix 5 for details of the Deputy Gaveller’s Role and Responsibilities.

New Forest have Verderers Courts and while that of the Dean is administrative and advisory, and no longer judicial, its importance was recognised by Parliament when it enacted The Wildlife Creatures and Forest Laws Act 1971. The Act abrogated the forest law but in doing expressly provided for the continuing role of the Verderers

The appointment of Verderers in the Royal Forests dates from the Assize of Woodstock (1198) and there are almost unbroken records from 1216 of the names of the Verderers (“the Coroners of the Forest”) appointed to keep the laws of the Forest of Dean. They are unpaid¹, locally elected and independent of local and central government.

These days the Verderers consider issues of relevance to the vert (the woodlands and open lands) and venison (the deer) within the Statutory Forest. They advise the Deputy Surveyor on topical issues and make representations to other administrative bodies on issues affecting the Forest.

It is interesting to note that in 1958 a committee chaired by Lord Radnor, the then Chairman of the Forestry Commission, appointed to look into the administration of the Forest of Dean (which, incidentally, strongly opposed the sale of land “as being of vital importance to the future of the Forest and the safeguarding of its amenities”), recommended that the number of Verderers be increased. It is a recommendation that could be resuscitated to advantage in accordance with the Government’s Big Society policy, increasing community participation in the management of the Forest by giving locally elected representatives a greater say in the administration of the Forest.

The Inclosure Commissioners

As mentioned in Section 1, the Dean Forest (Reafforestation) Act of 1668 (since replaced by the Dean Forest (Timber) Act 1808) was enacted after Sir John Wintour had virtually destroyed the Forest. The Act permitted the Crown to inclose not more than 11,000 acres of the then 23,000 acre Forest at any one time and provided for the appointment of Inclosure Commissioners to oversee this. This practice of managing afforestation and balancing the requirements of timber production with the needs of the Forest community continues to this day.

The Inclosure Commissioners are unpaid and are appointed from time to time by the Queen’s Remembrancer. Their main purpose is to note the intention of the Forestry Commission to throw open the inclosures when the trees are sufficiently mature to be safe from damage and to authorise the inclosing of other areas for reforestation, subject to the 11,000 acre limit.

¹ Each verderer is entitled to a doe and a buck each year. By custom this is declined

The Inclosure Commissioners and the Forestry Commission necessarily work closely together such that in 1994, after a visit to the Forest to formally appoint new Inclosure Commissioners, the Queen's Remembrancer and Master of the Queen's Bench Division, Master Topley, felt able to observe in a letter to the Deputy Surveyor the love and commitment to the good management of the Dean displayed by the two bodies.

The future of the Inclosure Commissioners and a system of inclosure which has stood the Forest in good stead for very many years would be jeopardised by ownership or management by an organisation with priorities and demands different from those of the Forestry Commission, the Verderers Court or the Inclosure Commissioners.

RECOMMENDED

That the Freemining tradition be safeguarded and the post of Deputy Gaveller be retained.

That the Verderers Court be safeguarded and that consideration be given to increasing the number of verderers thereby increasing community participation in the management of the Forest.

That there be no change in the appointment and role of the Inclosure Commissioners.



Fallow Deer in the Forest of Dean

Geodiversity, Ecology, Biodiversity and Conservation

Section 6

Of the 500 sq. km of the rural landscape of the Forest of Dean District, some 110 sq. km are either afforested or are “forest waste”. Contained in it, together with conifers there are large areas of lowland mixed deciduous woodland and upland oak woods, interspersed with a mixture of lowland meadows, and a number of small to medium lakes and bog sites. Contrasting with this, towards the river Severn, the district is rich in coastal and floodplain grazing marsh, virtually all of which is used for farming. To the north of the district farming and horticulture are the main influences on the landscape, interspersed with small but important areas of wet woodland and lowland mixed woodland. The District is highly unusual overall in that it is made up of 15 different landscape character types and 42 different landscape character areas. The history of the district and its woodlands is long and complex and this has resulted in the high degree of landscape distinctiveness together with the strong heritage and cultural identity that remains to the present day.

The basis of its uniqueness lies in its geology. In this regard the Forest of Dean District should be considered to be the area between the Rivers Severn and the Wye, although to the north the Leadon Vale is influenced by the River Leadon that runs through it. These main rivers are fed by an host of small streams that run through quite steep sided valleys.

Geodiversity

The Dean’s geology is complex. It is the subject of the West Gloucestershire Local Geodiversity Action Plan. To date 13 Sites of Special Scientific Interest have been nationally designated for their geological importance and 38 sites are designated Regionally Important Geological Sites.

The oldest known rocks within the District are Silurian, but the majority are from the Devonian, Carboniferous and Triassic periods, with smaller amounts of Jurassic to the east of the District and Permian in the extreme north. Simplified, there is a central area of coal measures surrounded by limestone, then sandstone. The limestone is broader in the west and north, with just a narrow band in the east. The sandstone forms a broader band in the east. Some of the limestone has been worked to extract iron ore, leaving caves in some areas, and unique ancient iron workings known as scowles. The whole area is now interlaced with old mine workings and quarries, and nearly 50 km of natural cave systems are known, but many more are still to be explored.

The coal measures are intermixed with sandstones and clays and, where they break the surface, they are poor in nutrients and acidic. As a consequence only a limited range of flora grow in them. Oak does well. The trees limit the light,

so most varied and abundant flora is found in the glades, rides and new plantings. As an outcome a wide range of different flora occur, as do fauna, each reliant on the different habitats resulting from the surface geology of respective areas within the District.

Ecology

The government commissioned Making Space for Nature: A review of England's Wildlife Sites and Ecological Network, September 2010 (the Lawton Report), states a number of important points:

- England's wildlife reflects her geographical position as part of an island nation on the western edge of Europe.
- England's natural environment has been strongly influenced by the way people have shaped and farmed the landscapes over thousands of years, and as a consequence, technically, most are best described as "semi-natural" rather than "natural" habitats.
- Many of the most species-rich habitats of greatest conservation value, such as meadows, heathlands and woodlands, created by centuries of human activities, require ongoing management to retain their nature-conservation interest.

The woodlands, forest waste, and associated countryside of the Forest of Dean District are prime examples of just such landscapes which over the last 10,000 years since the last ice age have evolved to what remains today. A sixth of its afforested area is still semi-natural ancient woodland and a third of the rest is plantations on ancient woodland sites. Interspersed throughout the afforested areas are more open areas of forest "waste". A myriad of studies over the last century have revealed that as a consequence of the wide range of high quality habitats afforded by the afforested areas and the associated countryside, in terms of its biodiversity, the District is very rich.

Biodiversity

That richness of biodiversity, well above the national average, is recognised nationally and internationally. Most of the District's sixty two designated Sites of Special Scientific Interest (SSSI) and three National Nature Reserves provide national biodiversity recognition. Designated in recognition of the District's international importance for wildlife are its European Natura 2000 registered Wye Valley and Forest of Dean Bat Sites, the Wye Valley Woodlands, the River Wye, and the Severn Estuary which are all Special Areas of Conservation, and the Walmore Common and Severn Estuary which are Natura 2000 and RAMSAR registered, as well as Special Protected Areas. Meanwhile, at County level, several hundred other important local wildlife sites have been identified and logged by the Gloucestershire Wildlife Trust.

The majority of the SSSIs are situated within or adjacent to woodland, forest

waste, and associated grassland. Other sites are caves, quarries, old mine workings, and spoil heaps; or bogs, wetland and riverine sites. Collectively, they act as habitats for many rare or endangered species of fauna and flora. By way of an example, the afforested areas, forest waste and associated grasslands support a unique assemblage of woodland birds and bats. See Appendix 6 for more detailed information.

Conservation

Several landscape and biodiversity studies of the Forest of Dean District, conducted within the last decade, including The Forest of Dean Biodiversity Project and Forest of Dean Landscape Strategy (produced as part of the Countryside Agency's Forest of Dean Integrated Rural Development Project 2000 – 2004) have observed that a significant number of the designated habitats are fragile and susceptible to change and they and the wildlife they provide life support for are at risk, or are under threat.

Such threats to wildlife are not just local. Across the UK wildlife species are having to exist in habitats which are decreasing in size and suitability, and the sites are becoming increasingly isolated from each other. This in turn is resulting in a decreasing availability of food and/or nutrients, leading to a decrease in breeding stock and a reducing gene pool.

In addition to fragmentation of the nation's landscape, other factors are affecting the well-being and continued existence of some native English wild plants and animals. These include land eutrophication, illegal collection and persecution of wildlife, and threats from invasive non-native species such as Grey Squirrels, and Sudden Oak Death; and as the Lawton Report observes, problems caused by non-native species could increase because of climate change. As a consequence, many wildlife species are now only observable in “oases”, hanging on to life.

The Lawton Report noted that nationally the scale of anthropogenic changes leading to the present situation has been huge, particularly in the second half of the 20th Century, and it continues to be so.

Like other areas of the UK, the Forest of Dean has not escaped the effects of recent man-made change. There is clear evidence of fragmentation of the landscape leading to what is sometimes referred to as the “menagerie effect”, but it would appear that most probably due to the part that the Forestry Commission has played in the management of the land within public forest estate, the District has fared better than many other parts of England.

Keys to that evidence are the designated sites, the species contained in them and the priority habitats they provide, and the *Gloucestershire Nature Map* of March 2008 which identifies nearly 70% of the Forest of Dean District as capable of becoming Strategic Nature Areas. Much of the identified land is woodland, forest “waste” or associated grassland. Some woodland is privately

owned but the vast majority is forest estate under the management of the Forestry Commission.

Like the Lawton Report, the appendix to the Gloucestershire Nature Map identifies the increasing threats highlighted above, and both it and the Lawton Report set out a methodology to rebuild biodiversity. Key to both is what the Lawton Report refers to as the establishment of ecological networks. The aim of which, for both wild fauna and flora, is to secure a suite of high quality sites (Strategic Nature Areas) that collectively contain the range and area of habitats which respective species require, and ensure that ecological connections (wildlife corridors) exist to allow those species, or at least their genes, to move between them.

As the Lawton Report states, “It is this network of core sites connected by buffer zones, wildlife corridors and smaller but still wildlife-rich sites that are important in their own right and can also act as “stepping stones” that we call an *ecological network*.”

The Forestry Commission's *Environmental Status Report -The Public Forest Estate in England - December 2009*, identified the role it has committed itself to in contributing to the United Kingdom Biodiversity Action Plan by helping to deliver habitat and species action plans as well as having a lead role in taking forward Native Woodland Habitat Action Plans. The commitments it is making are set out in Aim 3 of the Forestry Commission's *Corporate Plan 2010 – 2011*.

Within the Forest of Dean over twenty candidate Strategic Nature Areas have already been identified. Although not all are within the woodland based landscape, a significant number are, and with the assistance of the Forestry Commission and other partners work is already under way. It is aimed at enhancing the District's local natural environment through the creation, expansion and maintenance of a network of sustainably managed woods, and associated open heathland/acid grassland habitats. Initially centred around the Statutory Forest of Dean, heathland is being enhanced and recreated, with the objective of establishing a resilient forest ecosystem with a diverse range of habitat types. It is also intended that the project will develop and promote new activities that celebrate the local culture, distinctiveness and biodiversity of this nationally important woodland landscape, support the local economy, and improve the quality of people's lives in a sustainable manner.

The UK has entered into international commitments to maintain, support, and enhance wildlife, and it has a moral and legal responsibility to fulfil them correctly. A great deal needs to be done in a carefully controlled holistic manner even to maintain the current situation let alone enhance it. However, at the parochial level of the Forest of Dean District work is under way, not just to maintain, but to improve the area's biodiversity. Nevertheless, the current project's chance of success, let alone the eventual aim of achieving the full Strategic Nature Areas potential of the District Forest of Dean, would be

seriously hazarded if the land currently managed by the Forestry commission was to pass into the control of others. This would particularly be the case if those “others” were organisations with a different agenda from that currently being pursued by the Forestry Commission or which lacked the resources or ability to see the current agenda through to fruition.

Many of the key species of fauna and flora observed in the Forest of Dean and in a section of the Wye Valley AONB are considered to be better protected and less fragmented than those in the rest of the District. But there are at risk species that have only been observed in specific landscapes types that occur outside the AONB. Examples are some lepidoptera, such as the Grayling (*hipparchia semele*), for which their only remaining habitats in the Forest of Dean are old mining spoil tips, some not even within current designated SSSIs. For their future well-being it is vital that such features are preserved. Some species are a direct link with pre-history. The Small Leafed Lime trees that survive on Welshbury and in the surrounding hedgerows are remnants of the post Younger Dryas stadial wildwood. The designation of the more rural landscapes areas of Forest of Dean District with appropriate national protection recognised in planning law would go a long way to assisting in achieving that objective, and there is Forest of Dean District Council and community enthusiasm for protection. Of particular importance for such national designation should be those areas of the District identified for their biodiversity importance in the UK Nature Map, with the afforested and forest “waste” portions continuing to be managed by the Forestry Commission, operating under a suitable management plan.

In the Defra Consultation Document the Government states as a key principle the protection and enhancement of biodiversity to contribute to a network of wildlife corridors across England. Studies have shown that forest fragmentation is inimical to this principle:

“... woodland fragmentation, coupled with the growing risk from climate change, is a serious threat to the conservation of woodland biodiversity.”¹

It follows that biodiversity and conservation are ill-served by policies which are conducive to fragmentation. See Appendix 7.

Bearing these points in mind there is merit in identifying as the “Forest of Dean” all those forests and woodlands identified in Section 1 to ensure that the habitats they provide are protected and enhanced as an ecological network together with the connecting ecological corridors. Treatment of these woods as a single entity would facilitate coordinated action in relation to the whole.

¹ Kevin Watts “British Forest Landscapes - the Legacy of Woodland Fragmentation”

See: [http://www.forestresearch.gov.uk/pdf/QJF_legacy_of_fragmentation_may06.pdf/\\$FILE/QJF_legacy_of_fragmentation_may06.pdf](http://www.forestresearch.gov.uk/pdf/QJF_legacy_of_fragmentation_may06.pdf/$FILE/QJF_legacy_of_fragmentation_may06.pdf)

Summary:

By virtue of its size and the variety of habitats within it the Forest of Dean makes a significant contribution to biodiversity, wildlife protection and ecological resilience. A greater contribution could be made by coordinated action in an enlarged forest.

RECOMMENDED

That the Forest of Dean Habitat and Species Action Plans and Native Woodland Habitat Action Plans continue to be implemented by the Forestry Commission and all identified strategic nature areas be enhanced and interlinked.



Bluebells in the Forest of Dean

The Forest of Dean and the Forestry Commission

Section

7

The Administration of the Dean

The Forest of Dean is administered from Bank House, Coleford. It forms part of the wider Forest of Dean Forest District, a total woodland area of 10,600 hectares (26,190 acres). The forest district presently includes the Dean, the Wye Valley AONB, the Malvern Hills AONB, the Cotswold AONB, the Great Western Community Forest, Severnake Forest, the North Wessex Downs AONB and the Mendip Hills AONB but is proposed to be enlarged to create a forest district running from Truro to the county boundary of Shropshire.

Since re-afforestation in the 19th century the Dean has been a mixed broadleaf and conifer forest. It is managed to clear silvicultural objectives whilst simultaneously having regard to the necessity to balance this with conservation, heritage, wildlife and recreational and amenity interests.

The Dean together with the Lower Wye Valley woodlands comprises 46% broadleaves and 44 % conifers. It has an annual timber production of 50,000 m³.

The woods are managed in accordance with the Forest Design Plan to which local stakeholders (including Conservation, Recreational and Archaeology Panels, parish councils and interested individuals) contribute. This reflects a recognition by Bank House of the needs of the local community.

It is important that the Forestry Commission staff, with first-hand knowledge of the area, are recognisable and accessible and it is this intimate association with the Forest community and the challenges posed by the woodlands themselves which attract experienced foresters to the Dean, and foreign delegations and visitors interested in the Commission's woodland management.

The Benefits of the English Forest Estate

The Dean benefits from being part of the wider forest estate under the Forestry Commission.

The marketing of the Forest's timber is secured by the Commission and is facilitated by the Commission's five-yearly timber production forecasts. These assist the timber industry in its forward planning and investment. The reliability of this supply may be contrasted with the less predictable supply from private woodlands where the vagaries of the market and the differing objectives of woodland owners make the supply far less certain.

Forest Enterprise maintains a common standard throughout the public estate and applies common protocols to forest design planning, contract procedures, tendering, purchase and supply and human resources. It complies with the UK Forestry Standard and the UK Woodland Assurance Standard being the first state forestry organisation to achieve these.

The costs of running the forest estate are distributed over the estate as a whole. Thus, for example, the provision of distributed support services and reliance on self-insurance serves to avoid significant expenditure by individual forestry districts. These economies of scale and the benefits of cross-subsidisation would be lost by the fragmentation of the estate and the disposal of highly profitable woodlands will have a detrimental impact on woodlands like the Forest of Dean which provide considerable public benefit but a modest financial return.

Fragmented ownership and a lack of consensus can frustrate large-scale projects. For example, such was the failure of private woodland owners to dedicate to the public access land under CROW that the Forestry Commission was instructed to dedicate all of its freehold estate. The same holds true for enhancing biodiversity, protecting heritage sites and enhancing landscapes; the pro-active implementation of appropriate policies is better assured under a single, benevolent ownership than disparate, sometimes reluctant, ownership. Nowhere has this been better illustrated than where attempts are being made to control the spread of *Phytophthora ramorum* in the South-west; the tardiness of the private sector's response to phyto-sanitary felling orders has not been universally helpful. As the disease has spread throughout the South-west and into Wales the Forest of Dean and the Wye Valley are potentially susceptible to it. Clearly we are best protected by the co-ordinated action of the Forestry Commission.

Conserving our Cultural Heritage

The area has a rich cultural heritage. It is home to many Scheduled Ancient Monuments and over 2000 recorded archaeological features, including a significant length of Offa's Dyke and two Iron Age hill forts. It contains noteworthy remnants of the nation's industrial history, including the Mushets' Dark Hill and Whitecliff Ironworks. The Forestry Commission, in liaison with the Forest of Dean Local History Society, has helped to preserve these and other heritage features, including the New Fancy Viewpoint, the Moseley Green Engine Mine site and the Dark Hill and Findall Mine Chimney sites. The Northern United Colliery near Cinderford, which closed in 1965, has been preserved as the only complete set of mining buildings in the Dean. Associated with these preservation projects has been the development of educational features such as the Geomap and a number of heritage trails.

The Forest Community

To appreciate the interdependency of the Forest and its community one must

have regard to the number of people who live within or in close proximity to the Dean. Approximately 47,500 people live within the Forest and the ring of settlements on its border. Of these, about 30,000 live within the Statutory Forest itself, a density of approximately 150 persons per km². This compares with a density of 69 persons per km² within Cotswold District and 60 persons per km² in the New Forest National Park (2001 census).

The following towns and villages lie within (or substantially within) the Statutory Forest:

Bream	Ruardean	Woodside	The Pludds
Pillowell	Whitecroft	Yorkley	Viney Hill
Parkend	Lydbrook	Cinderford	Sling
Ruspidge	Drybrook	Berry Hill	Brierley
Coalway	Broadwell	Soudley	Oldcroft

These urban pockets impose particular requirements of the Commission and add a further layer of complexity to the management of the Dean. For example, the Commission works in conjunction with the utility companies and the Highway Authority over roads and drainage, it facilitates access over 'forest waste' to a large number of residential properties, it combats and clears up fly tipping and unauthorised dumping, and, as mentioned, regulates mines and quarries.

Recreational Activities

The list below indicates the activities and events permitted and/or facilitated by the Commission within the Dean. It issues approximately 1600 permits for recreational activities within the Forest each year.

Wildlife and historical studies

Visitor Centres

Education for school children and family learning Research

Walking	Cycling
Fishing	Walking
Cycling (both track and mountain biking)	Horse Riding
Carriage Driving	Husky Racing
Marathon running	Car rallies (Wyedean Ralley)
Caving	Canoeing
Kayaking	Go Ape
Birdwatching	Nature trails
Picnicking and barbecues	Camping
Car and caravan parks	Llama trekking
Quarrying	Shooting (deer and boar)
Mining	Grazing of sheep
Turning out of pigs	Sculpture Trail
Rock Climbing	Orienteering

Abseiling	Dean Forest Railway
Cricket	Football and rugby
Wheelchair access	
The Cyril Hart Arboretum	
Adventure Tower and winter ice skating at Beechenhurst	
Filming for TV and cinema – “Harry Potter”, “Merlin”, “Autumnwatch”, “Wild Britain”, “Dr Who”, “Pennies from Heaven”.	

The Forestry Commission’s Beechenhurst Lodge Visitors Centre is the second most popular visitor destination in Gloucestershire. The Symonds Yat Rock viewpoint is also well visited.

In 2009 the Forest of Dean District attracted 221,467 trips by staying visitors and 1,525,333 day visitors. The Forest is within easy reach of Birmingham and the West Midlands, Bristol and the South West and its open spaces and attractive landscape provide an affordable alternative to more expensive coastal resorts.

The Financial Cost within the Forest of Dean Forest District

The Forest of Dean incurs a deficit in the Commission’s accounts of approximately £500,000.

In the financial year 2009/10 the Forest District had an operating deficit of £0.81m, as follows:

Income		Outgoings	
Timber income	£1.29m	Staff costs	£1.64m
Visitor income	£0.4m	Operating costs	£1.36
Other income	£0.5m		
Deficit	£0.81 m		

Forestry Commission accounts show that the cost of managing the trees within the forest district in 2009/10 was £1.79m, the cost of “managing people” was £1.09m and the cost of land management was £0.25m. The net cost of providing facilities and events for residents and visitors was £600,000. The cost of controlling deer, boar and pests was £196,000.¹

The Financial Cost within the Forest of Dean

The proportion of the income earned and expenses incurred in respect of the Statutory Forest is approximately $\frac{2}{3}$ rds of the total for the Forest District. The income from timber within the Dean was therefore approximately £850,000 and the deficit attributable to the Forest of Dean alone in the region of £500,000.

¹ Source: “Future Directions - Forest of Dean - November Forum 2010” Kevin Stannard

The cost of providing facilities to enable residents and visitors to enjoy the amenities of the Forest was in the order of £1.09m and accounts in large measure for the £500,000 deficit. However, it is very important to see that deficit against the benefit derived by the area as a whole from the Forest and the visitors it attracts.

The Financial Benefit to the Forest of Dean District

Tourism in the Forest of Dean district benefited the local economy to the tune of £110 million in the year 2009.¹ The VAT recovered from such expenditure alone far exceeds the £500,000 deficit.

The Risk of Transferring the Forest out of Forestry Commission Management

What might be the impact on the area of transferring the Forest out of public ownership? However willing, a charitable trust could match the Forestry Commission's stewardship only through substantial and long-term subsidy by the state or, alternatively, by charging for the use of all facilities at a level which would likely have a devastating effect upon the numbers of visitors and, hence on the annual spend within the district.

7.5% of employment within the Forest of Dean District is supported by tourism and a decline in tourism would necessarily lead to increased unemployment, this in a district which, in 2009/10 had an economically-inactive population of 22.8% (11,100).²

In 1981 Earl Bathurst told the House of Lords that "The Forestry Commission have earned a great reputation and are living extremely well with those in the Forest of Dean." [HL Deb 11 May 1981 vol 420]. That relationship continues today and is essential to the well-being of the Forest as the situation described by Lords McNair, Bledisloe and Mansfield is largely unchanged. Foresters and visitors to the Forest enjoy the customary privileges and the amenities of the Forest only by virtue of the Commission's respect for those historical privileges and it is solely due to the sensitivity of the Commission's local office at Bank House, Coleford to the needs of the Forest and the community that we are able to enjoy the facilities described. In effect, the local office has succeeded in honouring the Forest's historic customs and traditions whilst promoting the woodlands as amenity forest for the benefit of the public, without compromising the management of the Forest for efficient timber production.

The fragmentation of the public forest estate and the proposed divesting of the Forestry Commission of its land-holding role raises acute questions of considerable concern to the Forest community.

¹ Source: *Tourism Marketing Manager, Forest of Dean District Council.*

² Office for National Statistics "Labour Market Profile - Forest of Dean".

If the Forest of Dean were to be transferred to a charitable trust the trust would immediately assume a liability of not less than £500,000 per annum and, in reality, a sum considerably in excess of this. To the current deficit would have to be added the cost of third-party insurance, a sum we understand to be in the order of £250,000 p.a. Additionally, the charity would lose the economies of scale and cross-subsidies presently benefitting the Forestry Commission. If to avoid the deficit the charity increased charges for the facilities provided visitor numbers would inevitably drop with serious consequences for the Forest community generally.

The highly contagious *Phytophthora ramorum* (Sudden Oak Death) has infected oak and larch trees in Cornwall, Devon, Wiltshire, Gloucestershire and South Wales. Thousands of larch trees on the Quantocks are being felled and about 10 hectares of National Trust woodland in the South-west has been cleared to stop it from continuing to spread. There are approximately two million oak trees in the Dean and larch covers about 1,000 hectares. No charity would have the Commission's capacity to combat this threat.

The disposal of the Forest to a charity therefore raises a host of questions, including:

- Could a charity or other organisation safeguard the Forest in perpetuity in the face of diseases, of pests and climate change?
- Could they withstand the rigours of whole woodlands being devastated?
- What would be the future of the Forest of Dean if they could not?
- How much more likely is it that our woodlands will be devastated by disease with the fragmentation of ownership and an emasculated Forestry Commission's loss of responsibility for them?
- Would a charitable trust be as responsive as the Forestry Commission to the needs and wishes of the local community?
- Would a charity be democratically accountable and, if a nation-wide trust, would it be any less remote from the Forest and its community than Whitehall?
- Would a local charity within a close-knit community be free of conflicts of interest?

Contrast this with the present position where locally Bank House, Coleford, with the support and resources of the Commission, has withstood the worst onslaughts of pests and disease for ninety years, has consulted and responded to the wishes of the local community and has safeguarded the amenity of the Forest without compromising the production of timber.

Summary

By virtue of its amenity and the recreational facilities provided within it, as well as the undisturbed enjoyment of its high quality landscape and rich

biodiversity, the Forest of Dean makes a significant contribution to the health and wellbeing of individuals and the community. Nowhere are the multiple benefits of a forest better demonstrated.

The Forestry Commission's management of the Forest has proper regard to the requirements of forestry as well as the needs of the inhabitants and visitors and it has the resources and experience necessary to safeguard its future. The Commission's strategic plan for the period 2009 to 2019 may be found at Appendix 8.

Although the Commission incurs an annual deficit of £500,000 this is offset by the immeasurably greater benefit to the local economy and the Forest community and in the contribution made to community wellbeing.

RECOMMENDED

That no change be made to the ownership and management of the Forest of Dean or of the English Public Forest Estate which might expose the Dean and the Lower Wye Valley woodlands to risk such that their long-term future as treasured assets to the community and to the nation are not assured.



Mallards Pike Lake



© Diana Standing

Sawmills in the Forest of Dean

The English Public Forest Estate

Section 8

The Panel includes a Forestry Commissioner and the Secretariat has the Deputy Surveyor of the New Forest seconded to it. Accordingly, this section is limited to a few key observations.

In recent months, the quality of the English PFE and the Forestry Commission has been widely questioned. Some of the answers reaching both the public and the establishment have been misleading and sometimes based on inadequate knowledge. The following facts are important.

Woodland cover and coniferisation, England 2009

Hectares	Conifer	Broadleaved	Total	%
FC	146,000	55,000	201,000	17.8
Non FC	219,000	709,000	928,000	82.2
Total	365,000	764,000	1,128,000	

Much of the Forestry Commission's conifer plantings are on upland sites, particularly in the north east of England. Many stem from the 1919 founding objective of the Commission, to create a strategic reserve of timber. They are now productive forests that help to fund the broadleaved woodlands and recreational amenities, biodiversity, conservation and recreational amenities.

The partial coniferisation of broad-leaved woodlands in the 1960s and 70s, such as those in the Forest of Dean, was not a whim of the Commission. It was the direct result of tight financial targets set by Government.

Management standards

In 1999, the Forestry Commission became the first state forest service in the world to gain independent certification for its woods and forests as sustainably managed. 100% of the PFE in England is accredited by the Forestry Stewardship Council and Pan-European Certification.

The figure for private woodland in England is 15%.

Furthermore, as a single large owner the Commission is able to forecast future timber production, plan planting and harvesting accordingly, deal with plant diseases at a national level, run an effective research establishment that caters for the entire industry, liaise and advise on climate change and carbon sequestration and bring national standards to conservation and amenities at landscape scale. The Commission also carries its own indemnity against liability.

The fragmentation of the estate, or of the Commission, place all these functions at risk.

Timber production

From 18% of English woodland and forests FC produces 70% of the home grown timber.

Put another way, the 82% of non-publicly owned woods supply just 30% of home grown timber.

Wildlife and heritage

The PFE contains 67,772 ha of SSSIs. Of these the proportion managed to target condition by 2009 was 98%. The PFE also contains a myriad of local nature reserves. All these sites together with Ancient Monuments, Listed structures and local heritage sites together with the landscape are positively recognised and cared for by the Forestry Commission.

Access and recreation

“The importance of forests in contributing to local environmental improvement and providing recreational facilities is a key part of the Government’s strategy for forestry...”¹

Except where constrained by leases, the PFE is open to the public. Over 40 million people visit each year for recreation and well being. Around 50% of England’s population live within 10km of PFE woodlands. In an over-crowded country, the PFE provides critically important open spaces for enjoyment at modest cost. The low cost of short travelling distances, coupled with free entry to the woodlands, makes the PFE very accessible to families, and especially to those on tight budgets. In contrast, entry fees are substantial for private parks, historic estates run by trusts and outdoor theme parks. Most are beyond the means of people on low incomes.

Value for taxpayers’ money? A comparison with National Parks

The Public Forest Estate in England benefits rural employment, local timber-based industries, biodiversity, heritage, tourism, recreation and well being. Most of these benefits also underpin the reason for the creation of the National Parks.

Both the PFE and the National Parks have largely succeeded in achieving their objectives in providing open access to the countryside and conserving the landscape. Whilst accepting that National Parks have some costs that apply only to them, the relative costs are revealing.

¹ “Our Forests: The Way Ahead”. Forestry Review August 1994. HMSO

Forestry Commission Annual report 2009-10

£millions	Expenditure	Income	Surplus/ (deficit)
Forest Planning	£ 2.2		(2.2)
Timber Harvesting	£12.2	£24.5	12.3
Forest Roads	£ 3.1		(3.1)
Forest Regeneration & Protection	£14.5	£0.7	(13.8)
New Planting	£ 0.2		(0.2)
Estate management & development	£ 7.7	£8.8	1.1
Recreation, Conservation & Heritage	£32.5	£15.3	(17.2)
Sale of Properties		£2.5	2.5
Total	£72.3	£51.7	(20.6)

The cost (or subsidy) paid by taxpayers was £20.6 million.

There were 40 million visitors, costing £0.515 per visitor, including conservation & heritage.

National Parks 2008-09

Cost to the tax payer of the English National Parks in 2008-09 was approx. £66million.

The number of visitors was approx. 57.6million, or £1.15 per visitor.

An individual case

Forest of Dean Forest District 2008-09: **1.5 million visitors** cost to tax payer: **£0.81m.**

Exmoor National Park 2008-09: **1.4 million visitors** cost to tax payer: **£3.96m.**

Northumberland National Park: **1.7 million visitors** cost to tax payer: **£3.3m.¹**

¹Sources: Forestry Commission Annual Report, 2010 and National Park Authority 2009.

Summary

The Forestry Commission is performing very well with its remit to manage a multi-purpose public forest estate for the production of timber, to protect and enhance the environment and to provide access and facilities for public recreation and enjoyment. These achievements explain the public's high regard for the Forestry Commission. The PFE and its management provide excellent value for money to the taxpayer.

The multiple benefits ensured by retaining a properly balanced Public Forest Estate in public ownership are self-evident and should not be discarded or jeopardised.

RECOMMENDED

That the Public Forest Estate be retained in public ownership.

That the Forestry Commission continue to manage the Public Forest estate and be properly resourced to do so.

That the private forestry sector be encouraged and be given incentives to emulate within their woodlands the achievements of the Forestry Commission and realise the full potential of England's woodlands.

Conclusion and Summary of Recommendations

Section 9

The Independent Panel has a very wide remit. Advising “on the future direction of forestry and woodland policy in England” is taken to mean advice on the future of the English private woodland sector and the Public Forest Estate generally and, additionally, particular forests and woodlands within them. The Secretary of State has rejected the concept of “one size fits all” and anticipates different models for different types and locations of forests and woodlands. This submission therefore seeks to persuade the Panel of the need to safeguard for present and future generations both the greater Public Forest Estate and the Forest of Dean in particular. Given the particular circumstances of the Forest of Dean we recommend the adoption of policies which we believe will protect and enhance the role the Forest plays in the life and wellbeing of the wider community and the natural environment.

The Panel has the onerous task at a time of cut-backs and financial restraint to secure the long-term future of England’s forests and woodlands. It must resist the urgings of doctrinaire politics and short-term financial gain where these place that future at risk.

The Government’s key objectives are:

- a. To protect and enhance biodiversity.
- b. To maintain public access for recreation and leisure.
- c. To ensure the continuing role of the woodlands in climate change mitigation and adaptation.
- d. To protect nationally important landscapes.¹

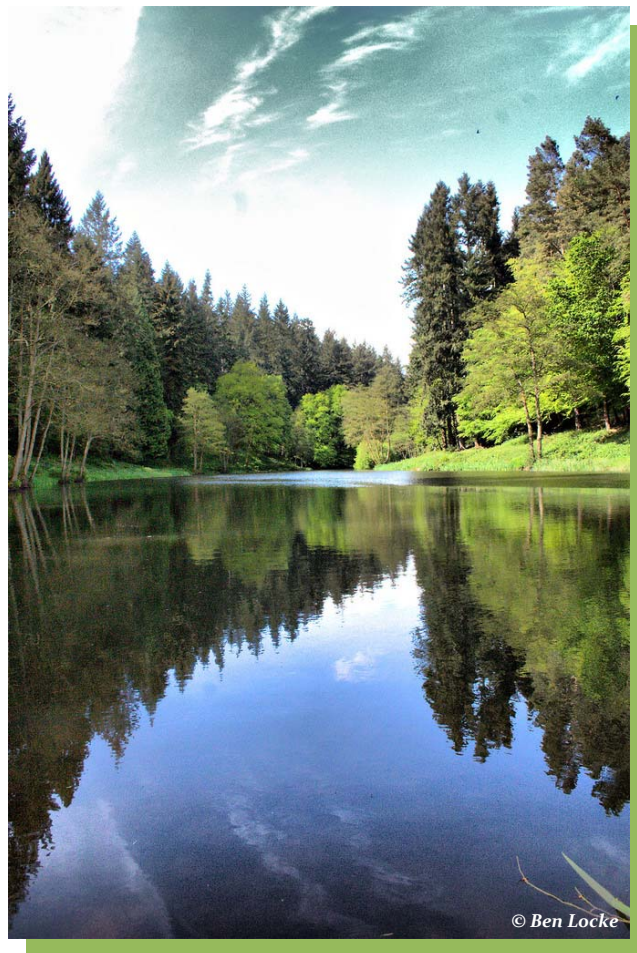
It is our contention that these are achieved most effectively by extending and consolidating Public Forest Estate woodlands rather than by fragmenting them, and by retaining them within a single, unified management structure with the skills and resources to achieve them, namely, the Forestry Commission.

HOOF is resolute in its conviction that no one is better qualified to run the Forest, to protect our unique customs and achieve the balance between a working forest and public amenity and recreation, than the Forestry Commission. The submission therefore seeks also to persuade the Panel that the Forestry Commission is better placed to safeguard the public forest estate and the Forest of Dean than any private organisation or charitable body.

¹ Defra Consultation Document Page 22

It has been said of “heritage forests” (including the Forest of Dean) that “these are complex, multi-purpose woodlands ... and putting them (heritage forests) out of the public sector, where the Forestry Commission has done a good job, poses risks”.² It is HOOF’s case that removing the Forest of Dean from the Public Forest Estate imperils the Forest and our heritage.

To emasculate the Forestry Commission and leave it without a forest base and timber- producing role is to invite the loss of the expertise, experience and outputs English forestry has accumulated since the late Nineteenth Century. Regulation in the absence of practical experience invites bureaucratic sterility to the disadvantage of both the public and private sectors. It will also undermine England’s standing in the international forestry community and the contribution the Forestry Commission makes to forestry world-wide.

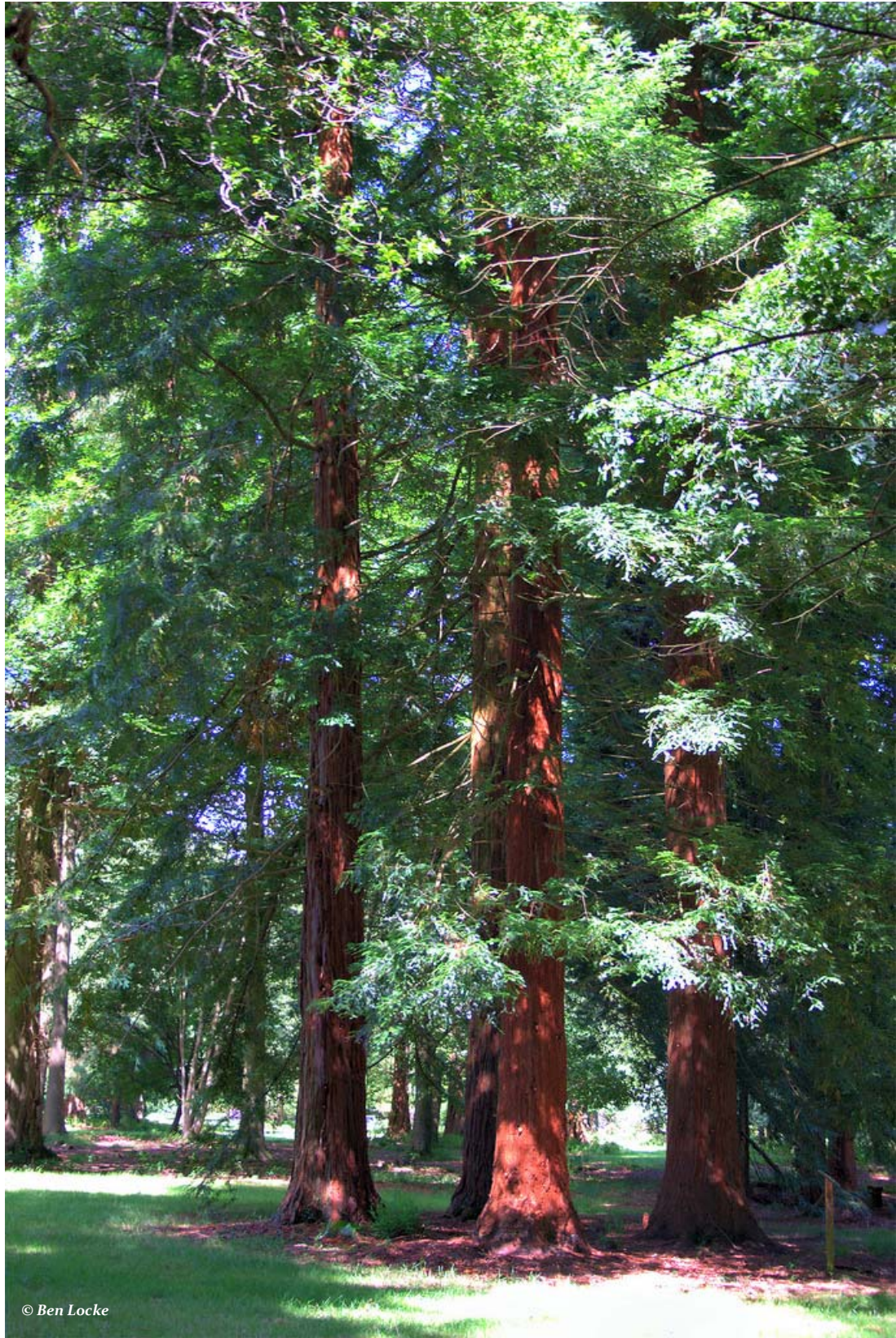


Soudley Ponds

² *The Director-General of the National Trust on Radio 4’s Today Programme 24th January 2011*

Summary of Recommendations

- That the Government be urged to give consideration to designating the Forest of Dean, as extended, and such areas adjoining it as merit it, special protection of a weighting not less than that afforded an Area of Outstanding Natural Beauty. (Section 1)
- That the Forest of Dean be defined as extended by the inclusion of the forests and woodlands mentioned. (Section 2)
- That the uniqueness of the Forest of Dean be recognised. (Section 3)
- That the Forest of Dean be protected from disposal, such protection to extend to all land within the Forest, as extended, whether or not it is used for the purposes of afforestation or purposes connected with forestry. (Section 3)
- That there be no disposal or change in the management of the Forest of Dean, as extended, which might place the public's historic enjoyment of the Forest and the cultural traditions of the Forest at risk. (Section 4)
- That the Freemining tradition be safeguarded and the post of Deputy Gaveller be retained. (Section 5)
- That the Verderers Court be safeguarded and that consideration be given to increasing the number of verderers thereby increasing community participation in the management of the Forest. (Section 6)
- That there be no change in the appointment and role of the Inclosure Commissioners. (Section 5)
- That the Forest of Dean Habitat and Species Action Plans and Native Woodland Habitat Action Plans continue to be implemented by the Forestry Commission and all identified strategic nature areas be enhanced and interlinked. (Section 6)
- That no change be made to the ownership and management of the Forest of Dean or of the English Public Forest Estate which might expose the Dean and the Lower Wye Valley woodlands to risk such that their long-term future as treasured assets to the community and to the nation are not assured. (Section 7)
- That the Public Forest Estate be retained in public ownership. (Section 8)
- That the Forestry Commission continue to manage the Public Forest estate and be properly resourced to do so. (Section 8)
- That the private forestry sector be encouraged and be given incentives to emulate within its woodlands the achievements of the Forestry Commission and to realise the full potential of England's woodlands. (Section 8)



© Ben Locke

Californian Redwoods, Forest of Dean

Dean by Definition

Appendix

1

A project undertaken through one-to-one interviews to shed light on the things that made Dean Forest a special place to them.

The results gave a strong sense of place and this featured strongly throughout the survey (1256 one to one interviews). 70% of responses included “Place” in combination with other factors. A massive 84% included either place or people in combination with other factors as compared with 10% for place only and 5% for people only. This reinforces the fact that it is the combination of factors that make the Forest of Dean Special to its residents, the mix and interrelationship between “the people” and “the place”

To clarify, responses were themed. “Place” included general answers such as wildlife, scenery and features like rivers and trees, as well as specific named places, flora and fauna such as oaks, bluebells and deer.

Other themes were “People”, which included responses like independent character, strong kinship, community spirit. “Process” included activities e.g. walking, bird-watching and sport. “Past, Heritage and Rights” covered aspects such as Freemining and commoning. “Presence and Abstract” covered tranquillity, pace of life and mystery.

The 1256 interviews were analysed by theme, giving approximate percentages as follows, showing that the majority felt that a mixture of ingredients made the Forest of Dean special to them.

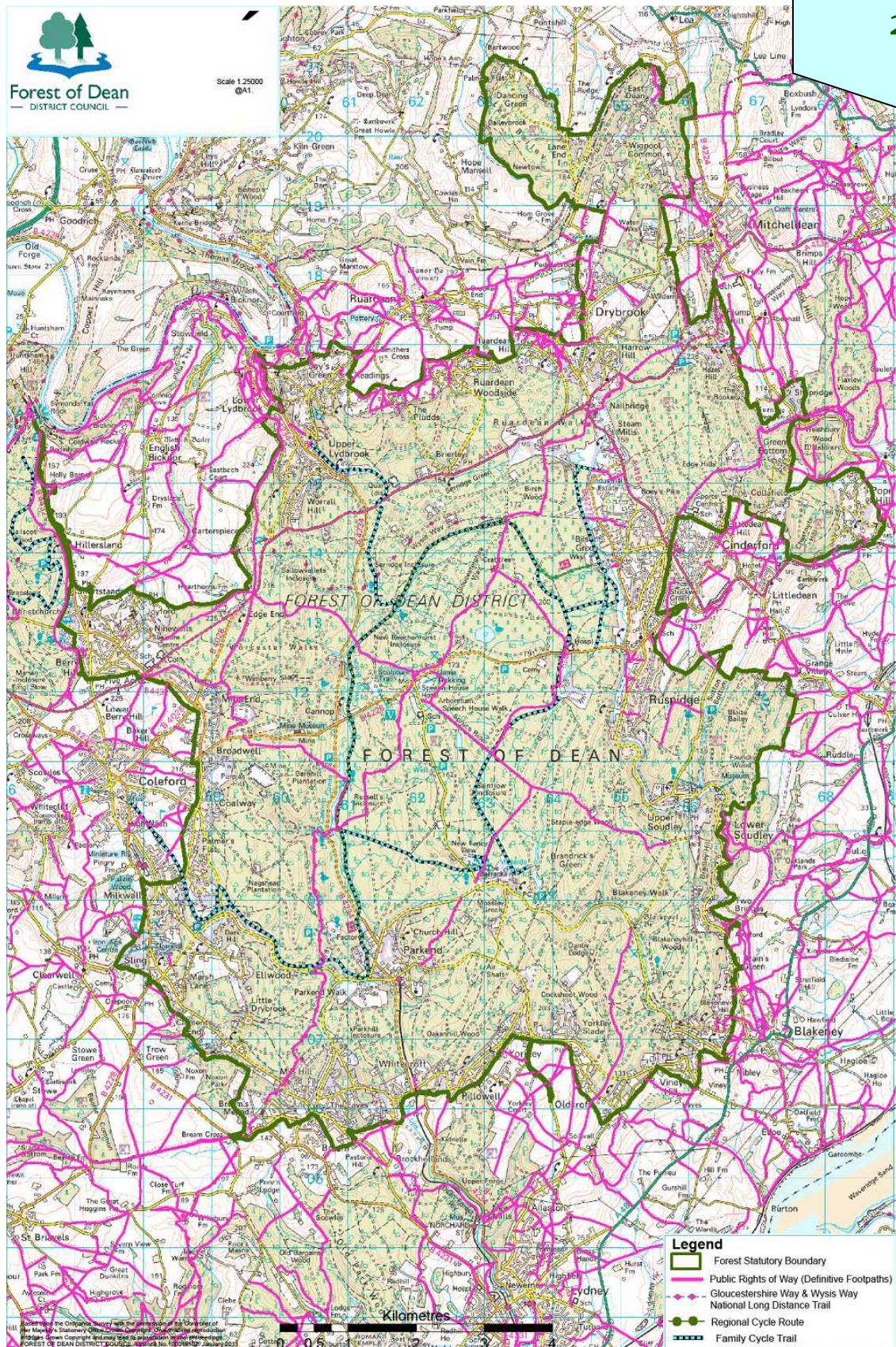
Place	70%
People	40%
Past/Heritage/Rights	30%
Presence/Abstract	30%
Process/Activities	20%

Please keep our Forest of Dean, and all our public woods and forests, publically owned and managed by the Forestry Commission for our future generations to enjoy.

Map of the footpaths and cycle tracks in the Forest of Dean

Appendix

2



Note the number of footpaths which terminate at the Forest boundary

Extract from Lord Mansfield's speech in the House of Lords on the 11th May 1981

Appendix 3

In response to Baroness Jeger urging the Government to make any sale of forestry land conditional upon the maintenance of existing access and amenity provisions, Lord Mansfield, explained:

“The trouble with the amendment moved by the noble Baroness, Lady Jeger, is that there are some major legal difficulties. If the purchaser were required to maintain, for instance, access and amenity provisions, that would be a duty for the benefit of the public at large and not to any one person. That really does not fit into our conveyancing system in this country, and that remark applies to Scotland just as well, because the system is concerned essentially with private rights. It would be difficult to define in detail these rights for the purposes of conveyancing. If they were not set down at very considerable length, there could be endless disputes as to what they meant and their precise extent.

The next difficulty would be the enforcement of the covenant by the public. Any action to do so would have to be taken by the relevant Minister because he would be the vendor; but by then he would have relinquished his interest and, since he would not have suffered any damage, it is difficult to see what form of redress would be available against the purchaser. The next point is that covenants of this type cannot be framed to bind successors in title to the original purchaser. In other words, whatever one might wish to achieve so far as what I might call the first generation is concerned, it certainly would not bind successors in title.

Apart from problems with the legal difficulties, I do not believe it is right to require someone to allow the public on to his land as a matter of legal right without any form of control; although as I have said, if there are rights of way then this legislation will make no difference to them. It would be an extremely odd and very difficult statutory requirement, for instance, to make a purchaser legally responsible for maintaining such facilities as picnic sites or way-marked trails. The Forestry Commission can, of course, vary its facilities and the way in which it makes them available according to its by-laws; that is very useful for the Forestry Commission, but those provisions would not be available to the purchaser. One control which is exercised by the Forestry Commission is that to prohibit the lighting of fires which, particularly in the case of young woodland, can be very dangerous indeed; no such control would be made available to the purchaser.” [HL Deb 11 May 1981 vol 420]

Extract from the Forestry Commission Byelaws 1982 (SI 648)

Appendix 4

12. No person shall in the Forest of Dean:-

(i) turn out in any area of plantations enclosed by the Commissioners to graze or feed or allow to remain therein any animal or fowl;

(ii) without lawful authority, turn out in any area of the Forest (not being an area of plantations enclosed by the Commissioners) to graze or feed or allow to remain therein any animal or fowl except such sheep as the Commissioners suffer to graze therein;

(iii) turn out in any area of the Forest (not being an area of plantations enclosed by the Commissioners) to graze or feed or allow to remain therein any sheep, other than a lamb, which is not clearly marked with the owner's identification marks being identification marks registered with the Deputy Surveyor of the Forest of Dean as the owner's.

The Role and Responsibilities of the Deputy Gaveller

Appendix 5

To administer, inspect and control all mines in the Hundred of St Briavels according to the 1841 Rules and Regulations, the Mines and Quarries Act 1954, the Health and Safety at work etc. Act 1974 and all subsequent legislation.

To keep safely and in good order all the books, assignments of gales and plans of the Deputy Gaveller.

To assist and control the rights and privileges of the Freeminers by the maintenance of their register, the tenure of all necessary plans and documents and by dealing with applications for gales according to custom and the Dean Forest Mines Acts 1838, 1861, 1871 and 1904.

To prepare accounts for the collection of all coal mine rents and royalties and their disbursement to the Coal Authority in accordance with section 5 and Schedule 10 of the Coal Industry Act 1994.

To liaise with the Coal Authority with regard to gales, galees and historical liabilities under the Coal Industry Act 1994.

To deal with Forest of Dean District Council and Gloucestershire County Council with regard to planning, land stabilisation and other matters.

To liaise with the Environment Agency in all matters regarding mine water and pollution.

To liaise with the Forest of Dean Cave Conservation Group.

To liaise and negotiate with Natural England in regard to their policies relating to mine SSSI's and Special Areas of Conservation.

To arrange for the safening of all shafts, adits, quarries and other safety hazards and keep a record of all such work.

To work closely at all times with HM Inspector of Mines in all matters relating to mines and mine rescues.

To provide information and services to HM Senior Verderer, journalists, students and others regarding the history of miners and mining and the geology of mines.

To liaise and collaborate with the Forestry Commission Area Land Agent as

required in all matters relating to mine surfaces, tips, quarries and the use of mines for non-mining purposes.

To prepare factual mining reports for solicitors, land developers and FC staff regarding historical and current mining activity, and to advise enquirers as to the Coal Authority's coal mining database.

To advise the Area Land Agent from time to time on mineral issues within the Forest of Dean District, outside the Hundred of St Briavels.

Key Biodiversity Issues

Amongst the landscape features of the Forest of Dean District are many which are key to supporting its rich biodiversity. They include:

Broadleaved and yew woodland
Mixed plantation woodland
Orchards and parkland
Lowland hay meadow
Lowland calcareous grassland
Lowland acidic grassland
Lowland heathland
Freshwater wetland
Rivers and streams
Hedgerows (ancient and/or species rich)

Contained within them are 62 SSSIs designated for their nature conservation importance. The majority of which are not in the Forest of Dean District portions of the Wye Valley and Malvern Hills AONBs. In addition, there are a number of international as well as national designated sites in the District. Amongst the wide range of the flora and fauna the District supports are Red Book, Nationally Scarce, and Species Action Plan species.

Probably the greatest uncertainty relating to the future health of many of these flora and fauna is climate change, but for many species and their habitats there are more immediate threats and objective opportunities that could affect them. No attempt has been made to address the effect of climate change, but the following attempts to throw some light on the other issues. Also listed are the Red Book, Nationally Scarce, and Species Action Plan species that live in or frequent the District. Most of the data have been extracted from Natural England's Reports -English Nature NA 61 Dean Plateau and Wye Valley and NA 56 Severn and Avon Vales.

Potential Threats Affecting the Natural Features and Wildlife

Woodlands

A great variety of issues are in play in respect of woodland habitats:

- Loss of natural composition of ancient semi natural woodland - *e.g.* by planting.
- Neglect of woodlands and loss of open habitats.
- Need for non/minimum intervention in some areas.
- Loss of deadwood habitat.

- Deer/sheep grazing -effects on regeneration of woodlands.
- Fragmentation and isolation of woodlands of high wildlife value.
- Recreation -impact on habitats and species.
- Lack of markets and skilled labour for coppice management.
- Lack of knowledge of the resource.
- Landscape implications of active management.

Orchards and parklands

Issues affecting these habitats include:

- Grubbing-up and conversion to intensive agriculture.
- Neglect and loss of traditional management and use of orchards.
- Loss of parkland trees (complete hulks and dead limbs, considered to be dangerous) and mature and deadwood habitats (and their associated lichen, bryophyte and invertebrate communities).
- Loss of unimproved grassland within orchards and parklands.
- Lack of comprehensive knowledge of the resource.

Semi-natural grasslands and heathlands

Grasslands and heathlands are a very sensitive habitat and have suffered drastic decline over the last century. Present issues include:

- Continued loss to agricultural improvement and forestry.
- Decline of traditional grassland and heathland management skills.
- Loss through neglect.
- Fragmentation and isolation of habitats of high wildlife value.
- Abandonment of grazing on common land -conflict with public access (dogs versus sheep), problems of livestock on roads.
- Drainage of seasonally wet, ornithologically important, semi-improved and improved grassland.
- Loss of spoil heap communities through mineral reclamation.

Rivers and streams

Rivers and streams are affected by direct and indirect influences:

- Loss of or changes to natural channel and bank structure/vegetation due to river engineering works and/or agricultural land use practices.
- Low flows -water quantity reduced by abstraction for domestic, industrial and agricultural purposes.
- Deterioration in water quality due to direct and diffuse pollution from industrial, domestic and agricultural sources.
- Recreational pressures and conflicts (land and water based).
- Navigation.

Wetlands

Freshwater Wetlands, Flood plain/basin meadows are affected by:

- Land drainage.
- Agricultural improvement -move towards silage making instead of traditional hay cutting.
- Eutrophication.
- Lack of management – *e.g.* abandonment of fens.
- Water shortage -loss of traditional flooding regime (or over abstraction).

Saline Wetlands are affected by:

- Flood/sea defence schemes.
- Agricultural improvement and drainage.
- Lack of management -cessation of grazing on traditionally grazed saltmarsh.

Open Standing Water

Lakes, Ponds and other stretches of open standing water as habitats are affected by:

- Water quality -eutrophication and diffuse pollution.
- Recreation -angling, water sports.
- Over abstraction.
- Development in the catchment.

Hedgerows/road verges

Issues affecting these habitats include:

- Eutrophication from fertiliser run-off.
- Grubbing out of hedges.
- Neglect or mismanagement (*e.g.* inappropriate cutting regimes).
- Herbicide use.

Plants

- Habitat loss/degradation -through agricultural intensification, urban development etc.
- Herbicide use (threat especially to arable weeds, road verge species).
- Pollution -fertiliser run off, nitrogen loadings in rain (particularly affecting aquatic/grassland plants).
- Inappropriate management/neglect.
- Isolation of populations and inability to recolonise after local extinctions.

Invertebrates

- Habitat loss/degradation -through agricultural intensification, urban development etc.

- Pesticide use.
- Decline of coppice management.
- Neglect of woodlands particularly management of rides, edge habitats and open spaces.
- Removal of deadwood habitats.
- Hedgerow loss and mismanagement.
- River/stream channel and bank management.
- Water quality -pollution, sedimentation and nutrient enrichment.
- Recreational disturbance/degradation of habitats -angling, canoeing, navigation.

Fish

- Loss of water quality through pollution -from industrial, domestic and agricultural sources, sediment loading and eutrophication.
- Low flows -water quantity reduced by abstraction for domestic, industrial and agricultural purposes.
- Loss of feeding and spawning grounds through river engineering works.
- Angling/fisheries -river channel and bankside management and pressure on fish populations.

Birds

- Loss of deadwood habitats (feeding and breeding sites) through commercial forestry and removal of old trees.
- Loss of heathland, wetland and open areas for specialist bird species.
- Loss of wetland habitats and open areas for specialist bird species.
- Disturbance/recreational pressures and conflicts (land, water based, and animals; e.g. dogs on breeding waders).
- Navigation/water sport (e.g. on River Severn).
- Loss of high water quality affecting food sources of riverine birds.
- Shooting -"control" of fish-eating birds.
- Loss of feeding and breeding habitats of farmland birds due to agricultural practices.
- Lack of woodland management, especially coppicing.

Amphibians and Reptiles

Newt/Frog/Toad:

- Water pollution -affecting availability of food sources.
- Degradation of habitats -loss of suitable feeding/breeding habitat.
- Recreational disturbance.

Lizard/Snake:

- Pollution-affecting availability of food sources.
- Degradation of habitats -loss of suitable feeding/breeding habitat.
- Recreational disturbance.

Mammals

Otter/Water Vole:

- Water pollution -affecting availability of food sources.
- Degradation of riparian/bankside habitats -loss of suitable feeding/breeding habitat.
- Recreational disturbance.
- Predation of water vole by mink.

Dormouse:

- Fragmentation of suitable habitats.
- Loss and neglect of suitable coppice woodland.
- Inappropriate woodland management practices.
- Competition for food with grey squirrel.

Bats:

- Loss of summer roosts (through development/conversion, timber treatment of buildings and disturbance, loss of suitable tree roosts)
- Loss of winter roosts (blocking of caves, cellars *etc.*)
- Loss of feeding habitat/decline of insect prey (changes in land use, pesticide use, agricultural intensification, woodland loss, coniferisation, *etc.*)
- Lack of information on the location of key roosts/hibernation places (though the Forest's iron and coal mines house Western Europe's most important Lesser and Greater horseshoe bat hibernation sites).

Conservation opportunities and objectives

Within the Wye Valley AONB there is a relationship between national biodiversity objectives and the AONB Management Strategy. The establishment of a national forest park within the Forest of Dean provided no such arrangement. As a designation in planning law terms it provided no real legal standing, and it was a missed opportunity to identify and protect the area. Such protection could have provided opportunities, coordination, and have built support for action to deliver both conservation and landscape/habitat protection objectives, by the development of specific targets, action plans and the identification of key partners willing to share the objectives.

Typical opportunities and objectives that are still relevant include the ability to:

- Maintain and where possible enhance the geological and geomorphological features and resources for research, study, enjoyment and for the benefit of the biological species for which they provide habitat.
- Prevent loss or degradation of ancient woodland and where appropriate restore or enhance the resource.
- Engage in amelioration measures against fragmentation of biodiversity

habitats.

- Prevent further loss or degradation of parkland and traditional standard tree orchards and where appropriate restore, enhance or expand them.
- Prevent loss or degradation of semi-natural grassland and heathland and where appropriate restore, expand or enhance the resource.
- Prevent deterioration of wetland habitats and where appropriate reverse past degradation and re-create wetland habitats within areas of high water table or subject to winter flooding.
- Prevent deterioration of water quality and riparian habitat, and where appropriate reverse past degradation.
- Prevent further loss or degradation of other habitats of wildlife value which contribute to the character of the Natural Area and where appropriate restore, enhance or expand them.
- Maintain and enhance the characteristic biodiversity associated with man-made features and semi-natural habitats not covered above.

Key Biodiversity Species

Maintaining and wherever practicable enhancing the landscapes of the Forest of Dean District is vital for the continued well-being of the District's biodiversity species. Amongst them there are many that are nationally and/or internationally acknowledged to be most at risk. Some are Red Book species, others are nationally scarce, and several are the subject of their own Species Action Plan. The following table sets out a brief list of the types and numbers of the relevant species.

Notes:

- (a) Several fish species are covered by EC Directives including Atlantic Salmon, Bullhead, and Brook lamprey, and Sea lamprey and River lamprey have been observed in the Severn/Wye and or minor waters
- (b) Several bat species observed in the District are also covered by EC Directives including Lesser horseshoe bat, Greater horseshoe bat, Pipistrelle bat, Bechstein's bat, and Barbastelle bat.

Type	Red Book	Nationally Scarce	Species Action Plan
Higher plants	12	10	3
Fungi/lichens	-	1	3
Butterflies/ moths	2	-	4
Flies	15	-	-
Beetles	26	1	2
Bees, wasps & ants	2	-	1
Slugs & Snails	2	-	3
Mayflies	4	-	-
Caddis flies	5	-	-
Other invertebrates	4	-	2
Fish (a)	-	-	2
Amphibians	-	-	1
Breeding birds	10	-	3
Wintering wildfowl	8	-	1
Mammals (b)	-	-	7

A SUMMARY OF FOREST FRAGMENTATION AND ITS EFFECTS - *George Peterken*

Appendix

7

British woodland has been fragmented for millennia. Before the Neolithic, trees covered most of the land and other habitats existed on the margins and as “islands” within the wooded matrix. Well before the Romans, this had been reversed, leaving woods as islands in a matrix of open ground. This fragmentation has been mitigated to varying degrees by trees and hedges within farmland, and by wood-pasture (such as survives on a large scale in the New Forest).

One consequence is that populations of woodland species have also been fragmented into separate sub-populations, each isolated within individual woods. Some species move easily from wood to wood, but many are inherently poor colonists, which survive well enough in ancient woods (i.e. fragments of the original forest cover), but have difficulty colonising any new woodland that becomes available. These species have been popularised as “ancient woodland indicators”, and they are the ones that need most protection. Isolation has other effects: for example, it reduces genetic diversity of isolated populations and further reduces ability to colonise.

Fragmentation also affects forest management. For example, small woods are less likely to be managed and, if managed, more likely to be treated to alternations of blitz and neglect. Nature conservation also requires that species be protected in the sites they now occupy, i.e., induces a safety-first approach.

Given these diverse consequences of fragmentation, efforts are now being made to reverse the process by creating more woodland in places that efficiently reduce isolation, i.e., by expanding small woods and linking nearby woods. Once this process has reached a certain threshold, species will again be able to colonise new woodland and react quickly to changes in woodland structure brought about by forestry operations. Moreover, larger woods are more likely to be managed sustainably, i.e. on a regular programme of felling and restocking.

This “defragmentation”, otherwise known as generating a forest habitat network, will have several benefits:

- Wildlife populations will be more resilient.
- Woods are more likely to be sustainably managed.
- Conservation designations will be less restrictive, i.e., foresters will have more freedom to manage.

- The public will come to accept regular, but moderate forestry operations, which produce a dynamically stable forest landscape.
- More timber will be yielded. Floods can be alleviated and water quality improved if some of the additional woodland is in riparian locations.

Sale of forests will not necessarily lead to further woodland fragmentation, but dispersing the ownership will make this more likely. Fragmentation of ownership could make co-ordinated forestry programmes impossible. Loss of a substantial public forest, yielding a predictable supply of timber, would expose the timber industry to increased “feast and famine” economic conditions.

George Peterken

17 May 2011

Forestry Commission

Forest of Dean & Lower Wye Valley

“Our vision for Forestry Commission Woodlands” 2009-2019

Appendix 8

The Forestry Commission estate in the Forest of Dean and lower Wye Valley amounts to some 10 600 hectares stretching from Ross on Wye in the north to Chepstow in the south. There are 46 members of staff directly employed by the Forestry Commission in the management of this area although contractors carry out most forest operations.

The Statutory Forest of Dean comprises the core area with woodlands to the west falling within the Wye Valley Area of Outstanding Natural Beauty. The majority of the area lies within Gloucestershire, but parts extend north into Herefordshire and westward into Monmouthshire. Approximately 35 000 people live in close proximity to Forestry Commission woodlands in this area. The history of the forest and its woodlands is long and complex and this has resulted in a high degree of landscape distinctiveness and a strong cultural identity. There are a number of unique local traditions including the grazing of free roaming sheep within the Statutory Forest of Dean and a range of mineral extraction activities.

The Forestry Commission manages three major visitor sites at Symonds Yat, Beechenhurst and Mallard's Pike. These have a combined number of annual visitors of around 500,000. Facilities at these sites include cafés, cycle trails, cycle hire, aerial ropes courses and a climbing wall. The Forestry Commission is a major partner in Forest Holidays, a public/private partnership that has a number of camping and caravanning sites across Britain. This includes the site at Christchurch, which currently contains 890 sites for tents, campers and caravans. The total value of access and tourism in the forest is estimated to be in excess of £100 million. The forest is therefore an important tourist destination with a well-developed green infrastructure.

The area is nationally important for its extensive woodland landscape and the unique assemblage of woodland birds that this supports. Of particular importance are the woodlands of the Wye Valley and the 800 hectares of oak trees that date from the early 19th Century.

The forest is rich in cultural heritage with 10 Scheduled Ancient Monuments (SAM), and over 2000 other recorded archaeological features. These reflect the whole range of human history in the British Isles and include two Iron Age hill forts, a major section of Offa's Dyke and over 2000 years of industrial and mining activity. The concentration of iron and coal mines have created of

the most important bat hibernation sites in Western Europe.

Facts and figures for Forestry Commission woodlands of the Forest of Dean & Lower Wye Valley:

Area of woodland (hectares)	10600
Proportion of Forest District	68%
Freehold area (hectares)	10335
Leasehold area (hectares)	265
Proportion of broadleaves	46%
Proportion of conifers	44%
Proportion of open space	10%
Area within AONB (hectares)	1862
Annual timber production (000 m ³)	50
No. of working quarries on FC land	20
No. of working coal mines on FC land	5
Sites of Special Scientific Interest (hectares)	505
No. of Scheduled Ancient Monuments	10
Car parks with visitor facilities (daily charge)	4
Car parks without visitor facilities (free)	16
No. of permissions issued annually for recreational activities.	1600

National Priorities for Woodlands

This document sits within the framework of the government's core delivery mechanism for woodlands in England; "A Strategy for England's Trees, Woods and Forests" produced by Defra in 2007. The strategy lays out the main themes through which woods and forests can contribute to society.

These are;

- Communities and Places
- Land and the Natural Environment
- Working Woodlands

The following vision for Forestry Commission woodlands in the Forest of Dean & Lower Wye Valley aims to complement and enhance the natural and cultural character of the landscape where they relate to the over-arching objectives above. While the impacts of longer term issues such as climate change are yet to be fully understood, the Forest of Dean is well placed to adapt to some of the predicted impacts due to its large size and landscape scale links. The following guiding principles will be implemented through the management planning system (Forest Design Plans) and associated activities. They define a future aspiration that will inform finer scale management activities without being tied to specific targets.

Communities and Places

- Seek to maintain the highly valued tranquil character across the majority of the forest while providing for a range of family and specialist activities at key locations.
- Promote the educational use of the forest and provide opportunities for environmental education within the forest and local communities.
- Work with agencies and local groups to conserve and promote the historic environment of the forest.
- Continue to support and promote the research and recording of the historic environment.
- Promote the local distinctiveness of the forest and support its diverse range of local customs and traditions.
- Continue to support and facilitate local activities that celebrate the local culture and distinctiveness of the forest.
- Promote opportunities for the health and wellbeing of the people living in and around the forest and beyond.
- Maintain and enhance the existing recreational facilities through partnership working and pursuit of funding opportunities.
- Develop a strategy for the future management of recreational facilities and services.
- Continue consultation and liaison with a diverse range of stakeholders over Forest Design Plans and topical issues.
- Seek opportunities for increasing income from recreational activities as a proportion of expenditure.

Land & the Natural Environment

- Continue with active and sustainable management of the woodland resource to benefit current and future generations.
- Increase the proportion of broadleaves by 10% of the total woodland area by 2028.
- Increase the area of non-woodland (open space) by 2% by 2028.
- Changes in species and conversion to open space will be focussed on delivering landscape, biodiversity or social benefits and will be identified through the Forest Design Plan process.
- Identify opportunities for the delivery of national and regional biodiversity targets (e.g. SSSIs, BAPs). The focus will be on sustainable forest management and effective targeted delivery.
- Continue to diversify the age class structure and the landscape design of woodlands through the Forest Design Plan process.
- Maintain the diverse range of habitat types through active management as identified in management documents and Forest Design Plans. Create a resilient forest ecosystem with strong links in order to mitigate some of the predicted impacts of climate change.
- Continue to carry out appropriate levels of protection of the forest environment against damaging agents.

- Continue to work with partners to deliver a range of key biodiversity benefits.
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Working Woodlands

- Continue to manage the forest in order to provide opportunities for local businesses to prosper.
- Sustain and promote the principle of the Forest of Dean as a “working forest”.
- Promote the Forest of Dean as an exemplar for the sustainable production of quality broadleaved and conifer timber.
- Continue to supply to the timber market approximately 50 000m³ per year of standing timber in order to sustain local markets and jobs associated with timber contracting and processing industries.
- Cultivate opportunities to provide new markets for fuelwood and small round wood.
- Seek opportunities for promoting the use of locally grown timber and other locally derived materials in local projects. The Forestry Commission continues to act as an exemplar for the use of local materials.
- Promote opportunities for the use of local materials by supporting traditional mineral winning practices.
- Promote opportunities for maintaining locally distinctive skills base by supporting local industries and traditions (e.g. free mining, wood working, forestry, quarrying).
- Promote opportunities for maintaining a locally distinctive skills base by offering direct employment and opportunities for contract employment.

SUPPORTERS OF THE HOOF CAMPAIGN

The HOOF Campaign is supported by many thousands of local residents and visitors to the Forest of Dean, from all walks of life and political persuasions.

The list below includes well known individuals, District and Parish Councils, local organisations, societies and businesses.

Andrew Taylor (crime novelist)
Andy Rouse (wildlife photographer)
Awre Parish Council
Baron Michael Bichard of Nailsworth (former CE of Glos.CC)
Baroness Jan Royall of Blaisdon (Labour Leader in the House of Lords)
Baroness Rennie Fritchie of Gloucester
Bill Bryson (author and president of the CPRE)
Bishop of Gloucester
Bishop of Guildford
Campaign to Protect Rural England
Cinderford Baptist Church
Cinderford Town Council
Clearwell Caves
Coleford Town Council
Commoners' Association, Dean Forest
David Bellamy (conservationist)
Dean Forest Voice
Drybrook Parish Council
Forest In Transition
Forest North Trefoil Guild
Forest of Dean & Wye Valley Clarion magazine
Forest of Dean & Wye Valley Review, weekly newspaper.
Forest of Dean Brass
Forest of Dean District Council
Forest of Dean Friends of the Earth
Forest of Dean Labour Party
Forest of Dean Local History Society
Forest Youth Forum
Forestry Commission Trade Unions
Fountain Inn, Parkend
Forest of Dean Freeminers' Association
Friends of the Forest
Gabriel Hemery (forest scientist, director of the Sylva Trust)
Gloucestershire Geology Trust
Jonathon Porritt (environmentalist, director of the Forum for the Future)
Lord Clark of Windermere (former chair of the Forestry Commission)

Lord Denis Healey (former Chancellor of the Exchequer, his late wife Edna was from Coleford)
Lydbrook Parish Council
Lydney District Council
Midcounties Co-op
Mike Warburton (Accountant, Grant Thornton and advisor to the Treasury)
Miners' Arms, Whitecroft
Monmouth & Forest of Dean SOS campaign (save our services)
Music Industry Services
Open Spaces
Play Gloucestershire
Prospect union
Public and Commercial Services Union
Rev Nick Bromfield (rector of Drybrook, Lydbrook and Ruardean)
Richard Wilson (actor, best known for Victor Meldrew of One Foot In The Grave)
Save Our Forests
Shoo Rayner (children's illustrator)
The Speech House Hotel
The Forester Newspaper
The Gallery Cinderford
Trade Unions Congress SW
Triangle FM
Tufthorn Inn, Milkwall
Unite the union
Viscount Bledisloe, Rupert Bathurst (family has owned Lydney Park Estate for 300 years)
Warren James Gang
Westbury-on-Severn Parish Council
West Dean Parish Council
West Gloucestershire Green Party
Wild Daffodil Project (of Kempley/ Dymock Forest)
Wyedean Mushing (sled dog racing)
Wye Valley & Forest of Dean Tourism Association

MEMBERS OF THE HOOF STEERING GROUP

Owen Adams	Freelance journalist
Ron Beard	FoD Local History Society
Mark Bristow	Editor, Forest and Wye Valley Review
Nigel Costley	Warren James Group
Rich Daniels	Chair of HOOF
Colin Evers	Glos C.P.R.E
John French	Web Master
James Greenwood	Lydney Town Council
Viv Hargreaves	Editor, The Forester
Bill Hobman	Former Chair of District Council
Bruce Hogan	District Councillor
Mick Holder	Commoners Association
Phil Horsley	Friends of Chestnuts Wood
Don Johns	Freeminers Association
Averil Kear	FoD Local History Society
Cheryl Mayo	
Henry Mills	Commoners Association
Graham Morgan	Cinderford Town Council; District & County Councillor
Keith Morgan	Dean Forest Voice
Eris Morris	Freeminers Association
Mary Newton	Friends of the Earth
Alan Robertson	Retired solicitor
Edwin Rowlands	Forestry Unions
Baroness Royall	House of Lords
Phil Saunders	West Dean Parish Council
Colin Smith	Friends of the Forest
Ian Standing	HOOF Secretary
Dave Sykes	Forestry Unions
Barten Venner	FC Retirement Assn
Jonathon Wright	Freeminers Association



Effigy of a Forest Free Miner
Produced from a Brass of the 15th century in Newland Church