

A Forest Charter

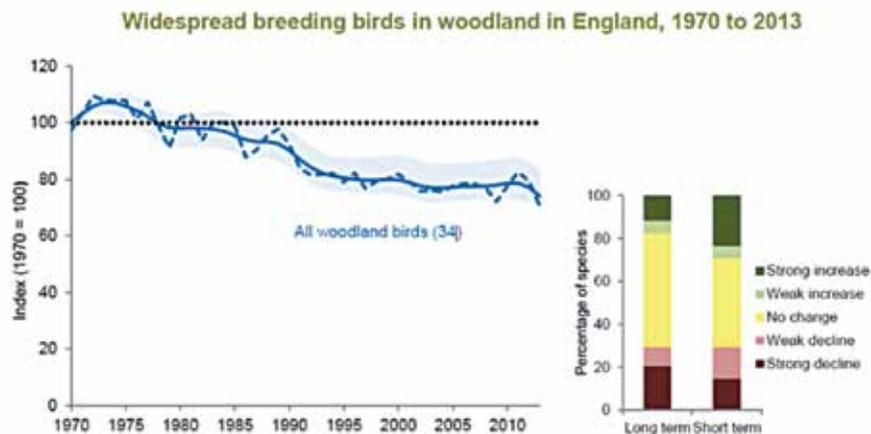
Pointers to the future from lessons of the past

This article reviews the challenge of making progress on wildlife protection amidst governments fixated by growth at all costs. It argues that a new Forest Charter would help care for woodlands and recognise the public's desire for closer connections with woods and forests.

FRANCES WINDER

Toothless targets and tools?

Following the signing of the Convention on Biological Diversity in Rio in 1992 the UK was an early adopter of the biodiversity action planning process. Plans were created for all manner of species and habitats felt to be of conservation concern, and a complex web of governance and delivery was developed. Unfortunately, despite some high profile successes, we failed to meet our own targets or fulfil our international commitments and much of our important wildlife is still in serious decline. Many of the existing biodiversity planning processes have now been dismantled and the national biodiversity strategy has been recast, but in 2015 – half way through the international decadal biodiversity plan – little progress will have been demonstrated in England. The rest of the UK has fared no better, and the trend in breeding birds in woodland, depicted below, is one example of evidence which should give rise to concern.



Defra (2014) Biodiversity 2020: a strategy for England's wildlife and ecosystem services, Indicators

The UK is, however, justifiably proud of its history of environmental and nature protection with over 100 years of species and habitat legislation culminating in the Wildlife and Countryside Act 1981, but there has been no real development, effectively, since then. We have a tendency to stick to the tried and trusted mechanisms which could largely be described as the "thou shalt not" school of legislation. Unfortunately this can lead to two major misapprehensions: on the one side that the act of listing a species or habitat for protection automatically confers successful wildlife outcomes; and on the other side the perception that any provision of protection is a barrier to development, even when there is little or no evidence to support this view.

Where governments have sought to be less prescriptive in environmental legislation and followed a more enabling mechanism, such as the biodiversity duty under the 2006 Natural Environment and Rural Communities Act, the outcomes have been distinctly underwhelming. The biodiversity duty has been treated with disrespect, has been largely ignored, and unenforced. This has been both as a result of, and contributed to, the feeling that nature is a barrier, something that is nice to do but only when we can afford it. And so we are caught between a rock and a hard place.

Not only that. The drive to release the constraints and to lubricate the machinery of development is in conflict with the gradual starvation of the necessary resources required to monitor, advise and where necessary control that development. Whilst the previous Coalition government's tenure started with some very positive statements such as those within the Natural Environment White Paper there have been no real resources allocated to implement them. The situation is not helped by continuing declines in relevant expertise. Research from 2004 showed that in total only 35% of all English planning authorities employ an ecologist.¹

This story is replicated by the situation within the statutory licensing authorities. Gaining planning permission where protected species are involved is time consuming but gaining the necessary licences once permission has been granted can take even longer; how can it be anything else when there are so few staff left to assess and administer the processes?

Biodiversity - a block on business?

Where legislation has got bite it is being continuously undermined by the very people who should be defending it. The announcement in 2011's Autumn budget statement by the then Chancellor of the Exchequer that there was going to be a review of the implementation of the Habitats Regulations in England was a bit of a shock to everyone (including Defra it seemed), though it had been building for a little time. There was a lot of talk about how these EU-originated regulations were both a burden and a ridiculous cost to British business. The terms of reference for the review referred to compliance cost, delays, and regulations being applied too rigorously. The overall message was that this piece of wildlife legislation was a major obstacle in the way of getting Britain back to growth.

In the end the results were not announced as part of the 2012 budget but were put out the following day. Why? Well it turns out that there was little or no evidence

that the Habitats Regulations are causing problems! The report had a list of 28 measures for improvement, some of which were about holding more meetings to discuss things in more detail but others included making sure that we improve ecological knowledge in planning authorities so that better informed decisions can be made, providing better guidance for applicants, sharing of data and monitoring of impacts once permissions have been given so that we can learn from the process.

New narratives needed?

If you have developed a convenient mantra that if it wasn't for those pesky EU regulations we would all be rich and happy (the pursuit of money as the answer to contentment is inextricably linked in this argument) then the lack of evidence to support your view does not mean the battle ceases. Hence the current push from the UK, now supported by the Netherlands, to have the EU Nature Directives reviewed by the EU.

The point here is that we need a new discourse, for two reasons: the hierarchy of site protection leads to a separation of "nature" from the rest – even where this is a totally false understanding of species and habitat interactions – and because we have allowed the negative message to become the most commonly heard, when the science is beginning to show that we must consider ourselves to be a part of the environment if we are to maximise our gains from it.

Politics old and new

So where does nature conservation find itself after the May 2015 General Election? In an alternative view on the mantra that in today's society '50 is the new 30', perhaps we should look further into the past, to make 2015 the new 1215: perhaps the circumstances and solutions of exactly 800 years ago might provide a way forward!

In the years leading up to 1215, natural resources (and freedoms) were being appropriated for a singular economic purpose, perhaps not unlike today. Disaffection with the resultant divestment led firstly to the sealing of the Magna Carta by King John, but perhaps more importantly there followed in 1217 the 'signing' of the Forest Charter – perhaps our first piece of environmental law. At that time the word "Forest" referred to land reserved by the king for hunting. Much was wooded, but it also included open areas, including heathland and areas that were farmed. Norman Kings had taken control of this land, removing rights of access and use from their current owners and from local people, and the 1217 Charter set out the rights of Free Men in England to enter these areas and use them, for example for grazing or collection of fuel.

Fast forward, then, back to the present, when once again our trees, woods and forests give us so much: timber and fuel, clean air and water, places to play and refresh our souls. But they are also facing unprecedented threats in the form of climate change, pests and diseases, pollution, invasive species, and inappropriate or damaging land uses. And when the previous coalition government proposed the disposal of some of the public-owned forest in 2010, over half a million people and hundreds of communities rose up and objected. It became clear how much woods

and trees matter to people and that they want more say in how we can all enjoy, use and guarantee an accessible future for them.

The case for a new Forest Charter

Following the public reaction in 2011, the Government asked an Independent Panel to report on the future care of England's forests. That Panel recommended a new Charter for the Public Forest Estate, refreshed every 10 years, setting out rights and responsibilities and a plan of action, but we have seen nothing since that commitment was made. Also, its proposal was much more of a governance document for the future of the Forestry Commission than a revisit of the original rights of people drawn up in The Forest Charter.

The Woodland Trust suggests that we need something much more fundamental: a new Forest Charter that looks in a holistic way at our relationship with all woods and trees and across the whole of the UK. We need this because the meaning of the word "forest" has changed through the centuries and we now use it to refer to woods. More extensively, woodland cover in the landscape has been steadily eroded over centuries, with the UK now one of the least wooded parts of Europe, and people no longer have the same direct connection with woods and trees that they had in the past.

Yet we have not lost our love for trees or indeed our need of them. The history of our trees, woods and forests is inextricably linked with our own story, and they have shaped us as much as we have shaped them. They are the backdrop to countless legends and fairy tales, and the inspiration for some of our oldest traditions. Ancient, venerable trees, some over one thousand years old, stud our landscape like no other country in Europe, and with ancient woodlands, they provide a direct, living connection to our most distant past, from the un-documented world well before even 1217 and the Wildwood. In short they are central to our sense of who we are, our sense of place and our sense of national identity. Using more modern analysis the Natural Capital Committee demonstrates other values:²

"Carefully planned investments in natural capital, targeted at the best locations, will deliver significant value for money and generate large economic returns. These are competitive with the returns generated by more traditional infrastructure investments..."

Woodland planting of up to 250,000 additional hectares. Located near towns and cities, such areas can generate net societal benefits in excess of £500 million per annum"

Local identity, local values, local control...

The Woodland Trust feels it is time to go back to the original values of The Forest Charter and seriously assess how this could or should relate to the twenty first century. However, this is also going to need to tackle a core obstacle in previous regimes - that local people have a place in the management of important national resources; well the existing experts have not always done a great job! We need to release the reins of control from the centre. This occurs both because there is a fear that that the only knowledge which is of value is that which occurs in the



Life in the forest: woodland ventures can lead to new skills, livelihoods and social skills.

centrally controlled agencies, but also a fear of not using public money in the most efficient way.

Encouragingly, there is a growing body of evidence that where the knowledge is generated within stakeholders and land managers, rather than imposed from outsiders, then it may provide a level of social legitimacy to conservation knowledge. And maybe we should reconsider the economic models we use to assess “value”; if the money is raised locally, used locally and the democratic responsibility stays local then is “number of jobs created” really better as a means of measurement than well-being of the constituency?

Without demonstrable strong public support for our trees and woods, very little is likely to happen, though. We could start this by enabling people who already care about forests, trees and woodlands and who know about the less tangible but essential benefits they still provide for us today to reach out to others – friends, family members and people at work, college or school – and help create a moment when the nation once again focuses on what we need forests to do for us, and what we need to do for forests.

There will be a need for involvement from the Government, forestry industry and the public at large – those communities and individuals who add the local flavour of

why the Charter and the local woods it represents are so important to society. It also needs the backing of opinion-formers, decision-makers, thought-leaders and where beneficial, political figures who can help secure the Charter's success through policy change, as politically trees and woods become more demonstrably relevant to our daily lives.

Shaping the Forest Charter

So what would a new charter look like? We don't know. The commoners' rights enshrined in the original Charter still live on in historic Forest areas such as the New Forest and Forest of Dean, which also happen to be well-wooded, containing woods dating back to medieval times. A new Charter, refreshed every 10 years, would set out rights and responsibilities and a plan of action. We need to develop a mechanism that enables this to be possible and the answers are likely to be as variable as the habitats, geography and people which make them. In the longer term there may be a need for legislation but it is more likely to be in the form of enabling legislation, perhaps to allow community ownership or conservation covenants.

The Charter could enable local communities to take over management of neglected woods – the right to access being given with the responsibility for management for future generations. The Charter could restrict changes to locally designated valued woodland without a public vote. In the same way that allotments were once an integral part of life for many people without their own gardens, perhaps land could be designated as woodland crofts to enable the planting of trees for wood production for woodland crafts; the Charter would enable residents to identify the need and have an expectation that land would be identified. Urban residents could use a new Forest Charter to identify green lungs in the city and work to create and manage networks of street trees to connect them.

In a time of ideological shift from government to governance, the idea of increasing social empowerment – perhaps even letting go – is politically scary for many. It is of no surprise, then, that idea of a Forest Charter is increasingly finding favour within local communities but resistance within government. Perhaps, though the models of community-owned or managed woodlands should be more fully embraced and bundled-up into something more universally democratised (how about, even, a Wildlife Charter?) rather than legislatively and centrally protected.

Ultimately, the job of the Charter is to act as the catalyst for a ‘social movement’, which sees woods and trees being increasingly valued for the cultural and practical benefits they bring. Imagine a UK rich in woods and trees, enjoyed and valued by everyone for everyone, and all backed by a Charter.

References

1. ALGE (2004) *Measuring The Momentum - Biodiversity Services In Local Government A Baseline Study*.
2. Natural Capital Committee (2015) *The State of Natural Capital, Protecting and Improving Natural Capital for Prosperity and Wellbeing*. Third report to the Economic Affairs Committee

Frances Winder is Conservation Policy Lead at the Woodland Trust.
franceswinder@woodlandtrust.org.uk, charter@woodlandtrust.org.uk