

## Department for Environment, Food and Rural Affairs

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Helen Anderson  
Save Our Woods

**Our ref** RFI 4166  
**Your ref** OF290711

**Date** 6 October 2011

Via [hen@saveourwoods.co.uk](mailto:hen@saveourwoods.co.uk)

Dear Helen

### **Request for information: Public Forest Estate in England**

Firstly, may I take this opportunity to offer my sincere apologies for the delay in contacting you. We realise you have been waiting some time and so greatly appreciate your patience in this matter.

Thank you for your 29 July 2011 email requesting details of "all meetings, site visits and/or discussions ...held with any organisations .....concerning any of those organisations and bodies potentially taking on land currently falling within the Forestry Commission public forest estate". You have since confirmed that this request relates to the time period 1 January 2010 until the date of your request, i.e. 29 July 2011.

As you know, we are dealing with your request under the Environmental Information Regulations 2004 (EIRs).

You sought, or we have taken your request to have sought, information on:

- Which organisations (including those based overseas) the government and its officials may have met, visited and or held discussions with concerning those organisations taking on land currently falling within the Forestry Commission public forest estate
- Dates of any such meetings, site visits or discussions, and who attended/took part in them
- Copies of any notes from such meetings, either in paper or electronic format
- Average costs for the management of England's public forest estate, and how these costs vary under three different woodland management scenarios



I am aware that you also sent an identical request for information to Forestry Commission (FC) England officials on 29 July 2011 and understand that Richard Barker, FC England Executive Office, is dealing with this request and will soon be responding separately to you.

## **Defra's response**

We have interpreted the expression "taking on" as meaning "owning" or "managing".

### **1. Meetings, site visits and discussions**

Ministers and officials have many meetings and discussions with a wide range of stakeholders to inform policy development. This approach was used as normal to inform the government's proposals for the public forest estate and its decisions on the cancelled January 2011 The future of the Public Forest Estate in England consultation.

We have information that in those meetings and discussions which explored the policy options for the future of the public forest estate, an organisation's potential level of interest in owning or managing land currently falling within the Forestry Commission England's public forest estate arose on the following occasions:

1. 20<sup>th</sup> October 2010 meeting between Defra officials and the Woodland Trust. The Defra officials included Robin Mortimer, Tanya Arkle and Paul Green, and the Woodland Trust representatives were Sue Holden and Hilary Allison
2. 29<sup>th</sup> October 2010 telephone call between a Defra official (Tanya Arkle) and the Woodland Trust
3. 28<sup>th</sup> January 2011 telephone call between the Secretary of State and the National Trust
4. 1<sup>st</sup> February 2011 telephone call between the Parliamentary Under Secretary of State and the RSPB
5. 2<sup>nd</sup> February 2011 meeting between the Secretary of State and the Woodland Trust
6. 8<sup>th</sup> February 2011 telephone call between the Minister of State and the Country Land and Business Association

There were no site visits undertaken by Defra Ministers or officials to consider the above (or any other) organisations taking on land currently falling within the Forestry Commission England public forest estate.

## 2. Copies of meeting notes

Following careful consideration, the information you requested regarding Defra meeting/discussion notes is being withheld for the meetings/telephone calls identified and **numbered 2 to 6 inclusive above** as it falls under the following exception of the EIRs:

**Regulation 12(4)(e)** – information is being withheld under regulation 12(4)(e), which would involve disclosure of internal communications.

To clarify:

A public authority may refuse disclosure of internal communications. The information held engages this exception as it comprises internal documents relating to the halted Future of the Public Forest Estate in England consultation. In applying this exception we have had to balance the public interest in withholding the information against the public interest in disclosure.

We recognise that there is a public interest in disclosure of information concerning government meetings and discussions about the future of England's public forest estate. However, where incorrect assumptions are made or expectations raised through publication of discussions and views exchanged in earlier communications, government staff resources would need to be diverted to respond to any incorrect media stories and campaigning based on such stories. Given the ongoing heightened interest in forestry policy, there would be a clear risk of being drawn into a public debate on matters which are not government policy.

Therefore we have concluded that in most of the circumstances for this case, the information relating to notes of meetings and discussions should be withheld.

For the **meeting numbered 1 above**, we are releasing information in the form of two emails from Sue Holden and Hilary Allison from the Woodland Trust, which were sent to Defra on 22<sup>nd</sup> and 25<sup>th</sup> October 2010. This information related to the 20<sup>th</sup> October 2010 meeting between the Woodland Trust and Defra officials numbered 1 above. Both emails were received consecutively and are shown in a redacted format at Annex 3. The third paragraph of Hilary Allison's email of 22<sup>nd</sup> October has not been disclosed purely because this contains information that is not relevant to your information request.

## 3. Details of attendees

Information regarding the names of officials, other than the senior officials Robin Mortimer, Tanya Arkle and Paul Green, who took part in the above discussions is being withheld under regulation 13 (personal data) of the EIRs, as the information constitutes third party personal data. This information is also being withheld under regulation 13 for the names of those representing the organisations that Defra met with, apart from Sue Holden and Hilary Allison.

Regulation 13(1) of the EIRs provides that personal data relating to third parties is exempt information if disclosure would breach the Data Protection Act 1998 (DPA). We consider that disclosure of this information is likely to breach the first data protection principle in Schedule 1 of the DPA, which relates to the fair and lawful processing of personal data.

I can confirm that, with respect to Defra attendees, the personal data exception at regulation 13 has only been applied to the 20<sup>th</sup> October discussion with the Woodland Trust, and that for the discussions numbered 2 to 6 inclusive above, all government attendee details have been released (i.e. there was only one Minister or official representing government in these discussions).

#### **4. Average costs for managing England's Public Forest Estate**

You requested details of the average costs per hectare to Forestry Commission England for managing the woodlands and forests within England's public forest estate. You also asked what are the overall costs per annum to the UK tax payer for managing England's public forest estate. In respect of both this request, and the request which follows, Defra is obliged to respond to your request only to the extent that it holds information which contains the details requested: in other words, it is not obliged to obtain information which it does not hold.

*Clarification:* In response to this request, it may be most helpful if I respond to your request by informing you that the overall cost of the public forest estate managed by Forestry Commission England is provided in its Great Britain and England Annual Report and Accounts, which are published at: <http://www.forestry.gov.uk/corporatedocs>. The management cost per hectare for 2009/10 can be found in the performance indicators on page 28.

I understand that this webpage will soon be updated with the 2010/11 Report.

#### **5. Management costs per hectare for three different woodland management scenarios**

In response to this request, I can confirm that Defra does not hold this information, and therefore your request is, in this respect, exempt under regulation 12(4)(a) of the EIRs, which relates to information which is not held at the time when an applicant's request is received.

Regulation 12(4)(a) is a qualified exception, which usually means that a public authority is required to conduct a public interest test to determine whether or not information should be disclosed or withheld. However, the Information Commissioner, who is the independent regulator for requests made under the EIRs, takes the view that a public interest test in cases where the information is not held would serve no useful purpose. Therefore, in line with the Information Commissioner's view, Defra has not conducted a public interest test in this case.

However, under our duty to advise and assist applicants in pursuance of regulation 9, I can advise that this information is held by Forestry Commission England, who can be contacted at: Forestry Commission England, 620 Bristol Business Park, Coldharbour Lane, Bristol, BS16 1EJ. I understand that Richard Barker will be supplying you with a response to this particular request as part of a separate, identical information request that you have also submitted to Forestry Commission England. Richard can be contacted by email at: [Richard.Barker@forestry.gsi.gov.uk](mailto:Richard.Barker@forestry.gsi.gov.uk)

In keeping with the spirit and effect of the EIRs, all information is assumed to be releasable to the public unless exempt. Therefore, the information released to you in this letter may now be published on our website, together with any related information that will provide a key to its wider context.

I attach Annex 1, which explains the copyright that applies to the information being released to you, and also attach Annex 2, which provides contact details should you be unhappy with the service you have received.

If you have any queries about this letter, please contact me.

Yours sincerely

Andrew Crawford

**Direct Line** 0117 372 3552

**Email** [Andrew.Crawford@defra.gsi.gov.uk](mailto:Andrew.Crawford@defra.gsi.gov.uk)

## Annex 1

### Copyright

The information supplied to you continues to be protected by copyright. You are free to use it for your own purposes, including for private study and non-commercial research, and for any other purpose authorised by an exception in current copyright law. Documents (except photographs or logos) can be also used in the UK without requiring permission for the purposes of news reporting. Any other re-use, for example commercial publication, would require the permission of the copyright holder.

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Copyright in other documents may rest with a third party. For information about obtaining permission from a third party, see the [Intellectual Property Office's website](#).

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## Annex 2

### Complaints

If you are unhappy with the service you have received in relation to your request you may make a complaint or appeal against our decision within 40 working days of the date of this letter. Please write to Brendan Walsh, Head of Defra's Information Rights Team at Area 1B, Ergon House, Horseferry Road, London, SW1P 2AL (email: [informationrights@defra.gsi.gov.uk](mailto:informationrights@defra.gsi.gov.uk)) and he will arrange for an internal review of your case.

Details of Defra's complaints procedure are on our [website](#).

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. Please note that generally the Information Commissioner cannot make a decision unless you have first exhausted Defra's own complaints procedure. The Information Commissioner can be contacted at:

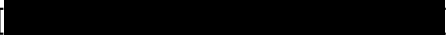
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

### Annex 3

Information relating to 20<sup>th</sup> October 2010 Woodland Trust and Defra officials meeting (numbered 1). The following information is released under the EIRs and concerns two emails that Defra received from the Woodland Trust following this meeting.

 = Redacted text

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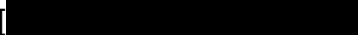
**From:** Sue Holden [  
**Sent:** 25 October 2010 12:57  
**To:** Hilary Allison; Mortimer, Robin (ERG); Arkle, Tanya (ERG-LOR)  
**Subject:** RE:  
**Importance:** High

Hi Robin and Tanya

Can I add my thanks for meeting, though there was plenty more we could discuss...

I would appreciate any insight as to the story which has appeared in the press this weekend – we're getting a lot of calls from journalists, supporters, trustees etc – it would be really helpful to know how much of the story is official and how much is journalists causing trouble!! What is DEFRA's line on it at the moment?

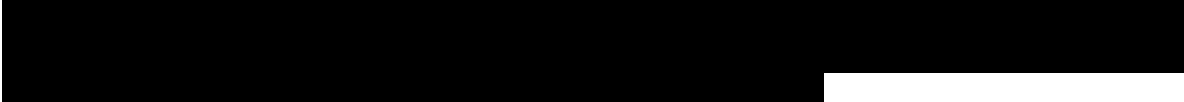
Thank you  
Sue

**From:** Hilary Allison  
**Sent:** 22 October 2010 06:29  
**To:** Robin Mortimer []; Tanya Arkle  
**Cc:** Sue Holden  
**Subject:**

Dear Robin and Tanya

Thank you both very much for meeting with Sue Holden and I on Wednesday. We were encouraged by your reaction to our proposals on the future of publicly owned Planted Ancient Woodland sites and we will continue to work up the economic case including the issue of sale price so that we have a substantive contribution to make to the public consultation when it is launched in the next few weeks.

On a slightly different note, we are holding a reception in Westminster on 9<sup>th</sup> November to continue our drive to raise the importance of woodland creation and I have pleasure in attaching an invitation for you both. It would be great to see you if you are able to come.



With best wishes

**Hilary Allison**

Policy Director

