

## CPRE SUSSEX RESPONSE TO ASHDOWN FOREST CAR PARKING CHARGING SCHEME PROPOSAL

Mrs Susan McAll,  
Chair, Board of Ashdown Forest Conservators,  
c/o [conservators@ashdownforest.org](mailto:conservators@ashdownforest.org)

6 December 2021

Dear Mrs McAll,

### **Car parking charging scheme proposals**

We are writing to you as the independent chair of the Ashdown Forest Conservancy Board in respect of the current public consultation on the possibility of introducing car parking charges.

Whilst the consultation survey is being conducted through or by East Sussex County Council (ESCC), it is surely your Conservancy Board, and not ESCC that has to make the decision whether to introduce parking charges.

We are writing to you, rather than answering the online survey, for two reasons. Firstly, because the format of the online survey precludes us from expressing our views effectively; but also because we need to raise a governance issue with you, as Chair of the body that will make the decision.

### **Background**

As we understand it, the Ashdown Forest Act 1974 remains the constitutional cornerstone of your governance of Ashdown Forest. That Act obliges the Conservators at all times to manage and maintain Ashdown Forest for its natural beauty as (largely) a public amenity. By the same token ESCC is legally obliged to ensure that the Conservators are adequately funded to perform their maintenance obligations. They have no option not to do so to the extent that the Conservators' income falls short of what is needed.

It surely follows from that relationship, if we correctly understand it, that the question of whether to charge visitors to park on Ashdown Forest is a decision for the Conservators to make, not, as the survey misleadingly implies, for ESCC.

The Conservators can seek to raise funds in all sorts of ways so that they are not wholly reliant on ESCC for their funding, and we recognise that the Conservators (not ESCC) do expressly have the discretionary power under the Act, through bye-laws, to charge people to park on Ashdown Forest. The current question really is, therefore, whether it is in the interest of the Conservancy Board to exercise that discretionary power at this time.

We are concerned that the issue is being presented to the public in a misleading way, as though ESCC's reduction in funding were a fait accompli decision that it is ESCC's rather than the Conservators' to make, with the Conservators being lumbered with an income shortfall that they are seeking to fill in other ways. The 1974 Act does not allow that situation to arise.

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As to other possible sources of income to bridge your revenue gap, your survey's explanatory material makes no reference to any contribution towards the upkeep of Ashdown Forest from the Strategic Access Management and Monitoring levy raised on developers of new homes around the Forest to fund the conservation of SAC/SPA habitats and rare birds. It has troubled us for a while that there is no transparency as to how SAMM/SANGS levies operate: how much is raised and how it is spent. Nor is there reference to any discussions with local planning authorities over the use of section 106 agreement moneys to supplement the income of the Conservators. Why (if it is the case) are funds from these revenue sources not used for the Forest's maintenance and upgrading, given that the Forest is an integral part of Green Infrastructure for surrounding local authorities?

We are also concerned that the public is being invited to respond to these controversial proposals in the absence of any published evidence-based assessment of projected minimum income and maximum expenditure targets that demonstrate that it would even be net-revenue-generative. The value of your survey is much diminished when we are not told

- the Council's revenue-generating target,
- how many car visits would be required to achieve that target, or the likelihood of that number being achieved;
- how many visitors are liable to be deterred from visiting Ashdown Forest because they are unable or unwilling to pay to park based on a proper empirical study;
- how much it would cost to establish and maintain the scheme's necessary infrastructure;
- how much it would really cost to administer and enforce parking charges.

### **Our views on parking charges**

We do not support the proposal to introduce car parking charges for visitors using your car parks across Ashdown Forest. We do not do so, because:

- we have grave reservations, in the absence of robust evidence to the contrary, as to its financial viability i.e. whether it will be sufficiently net revenue-generative to justify the additional administrative burdens that the scheme will inevitably involve;
  - we question whether it would work effectively in practice; and
  - the imposition of parking charges will come at the cost of deterring many people from visiting Ashdown Forest, and that runs counter to public policy and public health considerations of widening access and accessibility to the Forest. It begs the unsavoury question: how many visitors are you prepared to sacrifice to balance your maintenance budget.
- What you therefore are saying in para 1.4 of your Business Case is therefore just plainly bizarre:

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**‘It is believed that a reduction in levels of use will be positive for the conservation of specialist heathland wildlife although it is important to note this is not the intention of the proposed scheme’**

### **(a) Viability and effectiveness**

Before any decision is taken, we believe that the public, and certainly the relevant Conservancy Board members, should be provided with reliably sourced information as to the costs of establishing and operating a parking charging system. Obvious questions that arise include

- How much will it cost to buy, install and maintain the 5 (presumably cashless) pay stations (including from inevitable vandalism; and where will the required funds come from?
- How much will it cost to employ the manpower required to enforce the payment system? You will presumably need to employ one or more enforcement wardens to visit each car park on a very regular basis in order to issue fines to those who haven't paid or are parking illegally and to check that the pay stations are working. You will also have to fund directly or indirectly whatever manpower is required to collect your fines and deal with disputes. Unless all these processes are administered efficiently your income collection objectives would be undermined.
- You intend to offer an annual or periodic parking season ticket at a price, so what would be the cost of administering such a scheme?
- Even if revenue collection and enforcement functions are out-sourced, that will be a material expense to the Conservators before any surplus revenue is available towards the Forest's maintenance and upgrading. Have you canvassed various operators to see what this cost may be? You mention a management cost of 20% but we see no breakdown of what this comprises.
- Where is the empirical evidence as to the impact of differing levels of charging on the numbers of people who would be deterred from visiting Ashdown Forest, and the levels of parking revenue that would be generated?
- Have you received advice that there would be no risk that the purposes for which Ashdown Forest has been designated as a Special Protection Area and a Special Area of Conservation might be prejudiced by illegal off-road parking if that became widespread?
- The fact that some car parks will charge, and others not, will inevitably lead to potentially material displacement of visitors to free parking areas. Where is the analysis of the implications of the additional visitor traffic on these areas (including on Habitats Regulations protected habitats and birds) there?

Quite apart from the consultation document's failure to provide any evidence that charging people to use the official car parks will be net revenue-generative, we also question whether the arrangements required would work in practice.

Any charging system of this kind can only work if it is seen to be fair, so that it does not act as a significant deterrent and so that it is not widely capable of being abused. Unless the charging processes are

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administered efficiently your income collection objectives would be undermined. By the same token those same processes put at risk the good relations between the public and the rangers etc. whose task it is to promote the amenity of Ashdown Forest.

Looking at your Business Case in detail, we would comment as follows:

Your business case can be best described as a skeleton argument with so much research and further detail to be filled out.

You give no details to verify your market research in para 2.3. Have you discussed the case you are proposing with comparable landowners like the National Trust, the Woodland Trust or the Forestry Commission? You give no evidence of such. You have not indicated whether you have ever considered voluntary contributions/donations.

The financing of the capital costs need to be definitively established before a final proposal is worth even discussion at this public level. Your business case does not develop this.

In para 2.4 you refer to the requirement for an HRA if you wish to install payment machines in certain car parks, yet you do not refer to the cost or indeed risks attached to that and any necessary planning permission.

In para 3.1 you refer to the use of mobile phones to activate payment. Have you tested connectivity in all car parks, because we are aware that current connectivity in certain parts of the Forest is either poor or non-existent?

In para 3.2 you refer to management of the parking scheme. Given your relationship with East Sussex CC and their parking responsibilities elsewhere in the county, what discussions have you had with them and what was the result of those discussions? We are surprised there is no reference to these in the document.

The estimate of a management cost deduction of 20% from income needs justification before any approval can be given.

In para 3.3 of the Business Case you simply brush off the problem of displacement parking as being the responsibility of the highway authority and or the police. How would you manage in practice the inevitable increase in roadside parking away from your pay car parks on Forest land that will rapidly become degraded from illicit parking? Will that be policed, and will transgressors also liable to fines or penalties (and under what powers)? Unless such policing were visible and firm, people will avoid your pay car parks, quite probably in large numbers. That illicit parking will only serve to degrade the Forest further, and increase the cost to you of its maintenance.

It is clear from other leisure and recreational sites in the County that the County Council and/or the Police will not do that policing job for you.

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Another example of the inadequate and unprepared nature of this Business Case is that you have not yet established the legal position in relation to displacement parking on verges adjacent to your land.

There is also the inevitability of potentially significant numbers of people seeking to park in unofficial locations to avoid the charges. Could this not be a serious problem: a traffic and safety hazard where cars park on the road, and a cause of further damage to the Forest where parking occurs off-road, damage which will require regular repair and hence increased maintenance costs and resource?

Our doubt as to the financial effectiveness of car parking schemes to fund public amenity maintenance costs is reinforced by the experience of Surrey County Council which had to abandon a car parking scheme that it had introduced only a few years earlier to finance the upkeep of a large County Council-managed public amenity area (Norbury Park). The resulting drop in the number of visitors was so severe that the scheme had to be abandoned. (And, in that case, with only 3 car parks involved, the administration was considerably simpler and costs of such were lower).

Para 4.2 introduces the idea of signage being erected in car parks to argue the case for public acceptance of the charges: are you confident that such signage would not degrade the environmental status of the Forest?

Yet another example of the unpreparedness of your Business Case is the very existence of Annex 3, where you list a significant number of car parks, whose legal capacity to be included within any charging scheme has not been verified. Have you included revenue from these parks in the financial analysis?

Sadly the Business Case should never have been released to the public in its current very preliminary state of uncertainty and unpreparedness.

This is proved by its being peppered with such phrases as

“it is being investigated”

“will require further discussions”

“a decision may be needed”

All in all, absent robust reassuring evidence to the contrary, there must be serious doubt whether the introduction of a car parking scheme on the basis of the proffered Business Case would be a viable or prudent course for the Conservators to follow in the long-term interests of Ashdown Forest.

### **(b) Public access**

The common lands of Ashdown Forest, as part of the High Weald AONB, are a largely public, and extremely popular, amenity of great public value, not only for its natural beauty but also for its public recreational value, a value in health and welfare terms. That benefit has been recognised by its considerably increased popularity over the last two covid-ridden years during which more and more

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people have gone out of their way to visit Ashdown Forest. Indeed it is a stated purpose of the 1974 Act that “the public shall have access on foot to the Forest for quiet recreation and enjoyment”.

Ready accessibility to public areas within our National Landscapes is a fundamental liberty for everyone to enjoy. It is one of the cornerstones of the recommendations in the recent Glover Designated Landscapes Review report to Government (a report that HMG has welcomed).

Glover quotes landscape writer Robert MacFarlane’s observation that *“Every day, millions of people find themselves deepened and dignified by their encounters with particular places ... brought to sudden states of awe by encounters ... whose power to move us is beyond expression”*.

Glover goes on (p.82) to say that *“We need England’s national landscapes to reach out and actively connect all parts of society with these special places to support the nation’s health and well-being. Their legal purposes should be explicit about this, and the same purpose applied to AONBs as to National Parks.”* and *“Our national landscapes must become our most welcoming and easily accessible places. Here, more than anywhere else, people can get out into nature and enjoy it. This means joining up with others to make the most of what is already there, but also asking ourselves whether they could be more accessible than they are now.”*

We readily appreciate that there are tensions that have to be managed between public accessibility and habitat and rare wildlife conservation; but it is not within the scope of this consultation to address the management of that tension. Our underlying premise, as indeed that of the consultation explanation, is that wide public access to Ashdown Forest is to be welcomed and positively encouraged by those managing it. Our response is based on that basic premise.

In the absence of regular convenient public transport alternatives, or proposals to improve accessibility to Ashdown Forest by public transport, the large majority of those who don’t already live on or immediately proximate to Ashdown Forest inevitably do so by car.

The introduction of parking charges will inevitably subvert the purpose of seeking to widen access to Ashdown Forest as it will be bound to deter an appreciable number of people from visiting Ashdown Forest. It is unfortunate that no empirical evidence has been collated by you to inform the current consultation as to the extent to which such charges (at whatever level set) would drive visitors away, as any decision to introduce charging would be taken blind as to its likely consequences. (We do not believe that the survey is an effective method to produce reliable data)).

What makes this particularly disappointing is the apparent failure to attach importance to the well-documented health enhancing effects of visiting Ashdown Forest. At this time of pandemic uncertainty and restrictions its importance is all the greater. We urge you to give real weight to the detrimental effect of deterring people from taking advantage of the recreational opportunities that Ashdown Forest offers people over a wide area of Sussex and beyond.

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### **Our conclusion on the car parking scheme proposal**

We do not consider that the Conservators should accept that a significant reduction in visits to Ashdown Forest can be an acceptable price to pay for introducing this alternative source of possible revenue generation to that which ESCC is otherwise bound to provide to you. Especially not when the viability and effectiveness of the proposed scheme must, at best, be speculative.

It is therefore our position that, for the reasons given in this letter, it is not in the interests of the Ashdown Forest Conservancy to charge the public to use the parking facilities on the Forest.

### **Governance**

We are concerned that the process to date seems to imply that the decision on introducing parking charges is one for ESCC, rather than the Conservators, to take. We think that is wrong for the reasons given above.

As the whole purpose of this proposed exercise is to reduce the financial cost to ESCC of funding the Conservators' responsibility for the management and maintenance of Ashdown Forest, and as the interests of ESCC and of the Conservators are inevitably not aligned in this matter, those Conservators who have been nominated by ESCC to the Board of the Conservators have a clear conflict of interest when it comes to consideration by the Board as to whether the scheme is in the interest of the Conservators and those that they represent.

So we ask you, as Chair, to reassure us

- firstly that you agree that the decision is one for your Board rather than ESCC to make; and
- secondly, that ESCC's Board nominees will not participate either in the Board's discussion of the matter or the vote on whether or not to implement it; so that the decision is taken purely by the independent members of the Conservancy Board in the interests of Ashdown Forest as a whole.

We ask you also to make your fellow independent Board members aware of our reservations about the parking scheme.

We look forward to hearing from you. If you would like to discuss any aspect of this letter, please feel free to contact me.

Yours sincerely

Stephen Hardy MBE  
Trustee, CPRE Sussex