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The Rt Hon Bridget Phillipson MP  
Secretary of State for Education  
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Department for Education  
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31 March 2026

By email: [minister@education.gov.uk](mailto:minister@education.gov.uk)

Dear Secretary of State,

**URGENT**

**New Forest Car Park Charging Proposal – Public Sector Equality Duty (PSED)  
For the attention of the Equalities Portfolio**

We are writing regarding Forestry England’s proposal to introduce car park charges across the New Forest later next month, hence the urgency of this letter.

Firstly, we apologise for not copying you into our earlier correspondence with Forestry England and the Minister for Nature regarding our equality-related concerns. Given the importance of the PSED in this matter, we thought it is now necessary to bring these issues directly to your attention.

Our concerns focus on whether Forestry England has properly fulfilled its duties under the PSED regarding this proposal. As you are aware, this requires giving proper consideration—at a formative stage—to the needs of those with protected characteristics, supported by suitable evidence and analysis, and with meaningful consultation where impacts are identified.

We have not found any published Equality Impact Assessment (EIA), screening assessment, or equivalent documentation demonstrating how these duties have been fulfilled; we informed Forestry England of this on 24 March. We have examined their website and related materials since then and found no evidence that an EIA has been published since informing Forestry England of this omission. This indicates that the absence of such essential analysis may not be simply an administrative oversight.

More information on the legal grounds for concern is set out in the attached Annex A.

At a meeting on 28 January, we asked Forestry England why there are no proposed parking concessions for disabled people or others, such as those with low incomes. We were told that this policy is consistent across all national car parks managed by Forestry England and is outside the control of the local Forestry England South District. If true, this could be seen as a Fettering of Discretion, which is not permitted under the law.

Without a properly evidenced and consulted PSED assessment, it is difficult to see how affected groups—including those with disabilities or mobility challenges—have been sufficiently considered, or how consultees can provide informed feedback. This raises concerns not only about compliance but also the adequacy and fairness of the consultation process itself.

The New Forest presents a uniquely sensitive environment that must be properly reflected in any PSED assessment. In particular, the presence of freely roaming animals is integral to the Forest's character and accessibility. We regularly observe individuals and groups, including those who are supported or have special needs, deriving significant well-being benefits from quiet, informal interaction with this natural setting and its freely roaming animals.

If a comprehensive and properly informed PSED assessment has not been conducted across the entire scope of this programme—covering some 129 car parks—we view this work as now requiring completion in full. In such circumstances, any current Forestry England decisions should be set aside, and implementation plans should be paused until the PSED process is completed in an open and fair basis.

Considering the scale and complexity of such an exercise, along with the need for meaningful engagement with affected groups, we are advised that a robust and defensible process would likely take 6 to 9 months to complete.

We also note that Forestry England has stated that it is drawing on its experience of similar charging schemes in other parts of the country. While we do not aim to expand our current concerns beyond the New Forest, this raises a broader question about whether PSED requirements have been consistently applied across Forestry England's estate. If there are shortcomings elsewhere, this would not justify proceeding in the New Forest without a proper reassessment.

In any case, the unique characteristics of the New Forest and the specific needs of those who depend on it should be central in deciding whether and, if so, how such a scheme could be implemented responsibly and inclusively, rather than relying on the transfer of practice from Forestry England's other sites.

Of importance, we are not aware of any instance in England where a comprehensive charging regime has been implemented across all car parks in a National Park within a landscape characterised by extensive, freely roaming livestock.

For instance, parking in Dartmoor National Park, which has approximately 50 car parks and is not managed by Forestry England, is generally free. The presence of feral roaming livestock closely mirrors that in the New Forest, as do the well-documented safety risks caused by animals on roads and verges<sup>1</sup>.

Some charging exists in Exmoor National Park. It has around 20 car parks, free-roaming animals and, again, is not managed by Forestry England. However, car park charging is applied only on a site-specific basis at a limited number of managed 'destination' sites. In these limited cases, concessionary arrangements are in place for Blue Badge holders, and discount schemes are available to eligible users, including those receiving Disability Living Allowance (DLA), Personal Independence Payment (PIP), and Pension Credit. This indicates that equality considerations have been actively incorporated into the scheme's design, with a focus on user needs. Outside these few 'destination' car parks, the remaining 70%-80% of car parks at Exmoor remain free.

Therefore, Forestry England's stated reliance on its experience from other sites to cover some 129 New Forest car parks does not, in our view, offer a relevant or adequate basis for Forestry England's decision-making in the uniquely sensitive environment of the New Forest.

The introduction of car park charges spans the open landscape of the New Forest, covering approximately 115 square miles. This will increase risks to both animals and humans due to displacement parking. Part of Forestry England's strategy to reduce the risk of displacement parking involves installing a significant number of 'dragon's teeth' and digging roadside ditches. These measures pose considerable risks to animals.

Of particular concern is that drivers with disabilities or special needs may find it much harder to assess risks or respond to hazards associated with informal or displaced parking sites that remain available, as Forestry England cannot fully eliminate the risk of displacement parking. This raises clear equality issues and activates the Public Sector Equality Duty within Forestry England's legal obligations.

Given the scale of the issues now emerging and the widespread concern expressed across our communities and by other stakeholders, it is clear that this proposal should not proceed in its current form and timetable. We therefore strongly urge

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<sup>1</sup> Verderers of the New Forest: Annual animal accident statistics record typically 50-70 animal deaths each year

Ministers to pause it and subject it to a comprehensive, independent review – covering environmental, equality, legal and broader public safety risks – before any further steps are taken.

We have been in contact with Sir Julian Lewis MP's office throughout this process. We would appreciate it if both Sir Julian and Sir Desmond Swayne MP could please be kept fully informed, especially regarding where Forestry England may not have fulfilled its statutory duties.

To ensure thoroughness, we are copying this correspondence to Baroness Kishwer Falkner, chair of the Equality and Human Rights Commission.

We have also copied the Minister for Nature, Mary Creagh MP, into this correspondence and would encourage that the matter is considered jointly, with appropriate coordination between Ministers to assist Forestry England in addressing what is clearly a complex and sensitive issue.

Yours sincerely

*Nick Hubbard*

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cc: Mike Seddon, CEO Forestry England  
The Rt Hon Mary Creagh CBE FCIL MP, Minister for Nature  
Baroness Kishwer Falkner, Equalities and Human Rights Commission  
Rt Hon Sir Julian Lewis MP  
Rt Hon Sir Desmond Swayne TD MP  
Cllr. Keith Mans, Hampshire County Council  
Cllr. Dan Poole, New Forest District Council  
Victoria Mander, NFNPA Chair  
Brian Tarnoff, New Forest Consultative Panel Chair  
Brice Stratford, New Forest Association of Local Councils  
Edward Heron, Official Verderer  
Hilary Harper, New Forest Commoners Defence Association  
The Rt Hon Lord Montagu of Beaulieu  
Craig Harrison, FE  
Richard Burke, FE

## **ANNEX A: LEGAL GROUNDS OF CONCERN**

### **1. The Mandatory "Due Regard" Test**

Under Section 149 of the Equality Act 2010, Forestry England must have "due regard" to the need to eliminate discrimination and advance equality of opportunity. The High Court established in *Bracking v Secretary of State for Work and Pensions* [2013] that this duty:

- a) Must be exercised with rigour and an open mind;
- b) Must be performed at the formative stage of a policy, not as a retrospective justification, and
- c) Is non-delegable; the decision-maker must personally be aware of the duty and its implications.

### **2. Fettering of Discretion (The "Consistency" Error)**

A public authority acts unlawfully if it adopts a "blanket" national policy that precludes consideration of specific local circumstances. By admitting in the 28 January meeting that the "no-concession" rule for Blue Badge holders was adopted for national consistency, Forestry England has seemingly fettered its discretion. In so doing, Forestry England has failed to account for the unique statutory context of the New Forest National Park and the specific needs of its residents and visitors.

### **3. Impact on Protected Characteristic: Disability**

Forestry England's own data (Annual Equality Monitoring Report) acknowledges that 23.1% of forest visitors have a disability. However:

- a) The proposed 'time-based' charging disproportionately penalises those with mobility impairments who take longer to navigate the Forest, and
- b) Maintaining existing Blue Badge spaces does not mitigate the new financial barrier. The PSED often requires treating disabled people more favourably to achieve an equal outcome.

### **4. Impact on Protected Characteristic: Age (Digital Exclusion)**

The reliance on the "RingGo" app/phone system at 113 of 129 sites creates a "barrier to entry" for elderly visitors. Statistically, older people are less likely to use smartphone payment technology. Failure to provide accessible, non-digital payment solutions at all sites is a breach of the duty to "minimise or remove disadvantages" faced by older persons.

### **5. Failure to Foster Good Relations**

The PSED requires authorities to foster good relations between different groups. Imposing a "one-size-fits-all" national template on a sensitive landscape like the New Forest—without a transparent EIA—damages the relationship between Forestry England and the local communities it serves.

## **6. Procedural Impropriety**

If, as explained below, the EIA analysis was not conducted before the decision to proceed was finalised, then the project is procedurally flawed and potentially ultra vires.

A decision of this magnitude requires a comprehensive, published EIA. The proposed car park charging arrangements are set out on Forestry England's webpage: <https://www.forestryengland.uk/upcoming-changes-parking-in-the-new-forest>

This webpage does not include a published EIA. The only information is in the ancillary Q&A, which states that Forestry England has a number of disabled parking spaces in the New Forest to allow Blue Badge holders to park close to their destination.

It should be noted that some, if not all, of these spaces existed before the car park charging project commenced. It also states that parking charges will apply to all vehicles, including Blue Badge holders. The conclusion is therefore that the risk of a "disability tax" has not been appropriately considered.

In addition to disability not being properly addressed, there is no information about how Forestry England has considered the car park arrangements for people based on their age, pregnancy and maternity, families with children, sex, or socio-economic disadvantage.

## **7. Conclusion**

On face value, the above analysis suggests that a comprehensive EIA may not have been undertaken, as there are significant discrepancies between what has been disclosed and what is required under a comprehensively completed EIA.