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24 March 2026

URGENT: Formal Notice of Statutory Failure and Fettered Discretion – Forestry England New Forest Parking Scheme

Dear Minister,

We are writing on behalf of Beaulieu Parish Council to formally request your urgent intervention regarding the conduct of your executive agency, Forestry England, concerning the introduction of parking charges across 129 car parks in the New Forest National Park, scheduled for April 2026.

Based on formal meetings held with the Project Manager on 28 January 2026, it is the Council's firm position that Forestry England is acting in breach of its mandatory obligations under Section 149 of the Equality Act 2010 (the Public Sector Equality Duty - PSED).

Our concerns are centred on the following three points of law and procedure:

1. **Fettered Discretion** (The "Consistency" Error)

During our January meeting, the Project Manager explicitly stated that the decision to offer no financial concessions for Blue Badge holders was made to ensure "consistency with other car parks operated by Forestry England nationally, which was outside his control."

Under English public law, an authority cannot blindly follow a "national template" while ignoring unique local impacts. By failing to account for the specific demographic and geographic needs of the New Forest, the agency has unlawfully fettered its discretion.

2. **Failure of "Due Regard"** (The Bracking Principle):

As established in *Bracking v Secretary of State for Work and Pensions*, the PSED must be exercised with rigour and an open mind at the formative stage of a policy. Forestry England has publicly committed to this charging structure without first publishing—or seemingly conducting—a site-specific Equality Impact Assessment (EIA) that addresses the profound barriers these charges create for protected groups.

3. **Disproportionate Impact on Protected Groups:**

Forestry England's own data confirms that 23.1% of forest visitors have a disability. Despite this, the current proposal treats disabled visitors exactly the same as non-disabled visitors, effectively imposing a "disability tax" on those who require more time and car-based access to the Forest. Furthermore, the "digital-first" payment strategy creates significant barriers for elderly visitors, risking increased social isolation and digital exclusion.

We have attached, as Annex A, a summary of the key legal issues of concern.

Action Requested:

As the Minister responsible for the Forestry Commission, we urge you to use your powers of oversight to:

- a) Direct Forestry England to pause the April 2026 implementation until a full, transparent, and site-specific EIA is completed, and
- b) Require a formal consultation with local disability and age-advocacy groups to determine appropriate concessions.

A failure to address these statutory requirements leaves this policy vulnerable to Judicial Review for procedural impropriety. Beaulieu Parish Council seeks your assurance that the law will be upheld to ensure the New Forest remains accessible to all, regardless of age or disability.

We are also concerned that the consultation carried out to date has likely not met the standards outlined in the Minister's Mandate. While engagement has taken place formally, there is insufficient evidence that the concerns regularly raised by District and Parish Councils and local communities have been meaningfully considered or addressed, which undermines confidence in both the process and its outcomes. We recommend a DEFRA-led review of the process.

Please acknowledge receipt of this letter, and we look forward to your urgent response on the action you propose to take.

Yours sincerely

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cc: Mike Seddon, Chief Executive, Forestry England
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Rt Hon Sir Julian Lewis MP
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Cllr. Keith Mans, Hampshire County Council
Cllr. Dan Poole, New Forest District Council
Victoria Mander, NFNPA Chair

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.

On face value, this suggests that an EIA has not been undertaken, as there are significant discrepancies between what has been disclosed and what is required under a properly completed EIA. For example, 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 status.