



## The Forestry Commission and the sale of public forests in England

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This note sets out information on the sale of the Public Forest Estate in England, which is managed by the Forestry Commission. The Public Forest Estate currently provides multiple economic, social and environmental public benefits, although it costs some £15 million per year to operate.

Governments have been able to sell parts of the Public Forest Estate since 1981. In the eighties thousands of hectares were sold. There was a change in policy following the 1997 general election when the sale of such land was restricted.

The Coalition has signalled its intention to sell a significant proportion of the Public Forest Estate. A public consultation on the proposals will be conducted in early 2011. Powers to enable the sale are contained in the *Public Bodies Bill 2010*.

Some are concerned that the sale of the PFE may lead to the loss of public benefits and environmental damage. Others believe that the land could be managed better by other land owners such as charities and industry, in a way that preserves these benefits.

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## 1 Background

The English Public Forest Estate (PFE) comprises over 1,000 woods covering some 258,000 hectares. It is the single largest land holding owned by the State. While the PFE only represents 18% of all woodland, it is much more accessible to the public—44% of the accessible woodland in England is part of the estate.<sup>1</sup> It is managed by Forestry Commission England on behalf of Defra.<sup>2</sup> Woodland covers 9% of England, which is one of the lowest percentages in Europe.<sup>3 4</sup>

The estate was valued at around £700 million in 2009-10.<sup>5</sup> In 2007/08 it cost the Government £15 million to manage the estate. The Forestry Commission said:

In 2007/08 we spent about £76 million managing the Public Forest Estate (Table 4). Unusually for a Government department, in respect of the Public Forest Estate we “trade”. In other words, we sell products and services from the Estate to generate income. We generated about £61 million in 2007/08 which was used to offset the costs of managing the Estate for public benefit. In this way, the total net operating cost to Government of the Estate was about £15 million. This was about £60 per hectare per year or 30p per year for each person in England.<sup>6</sup>

Under legislation introduced in the *Forestry Act 1981* the “government is able to dispose of land for any purpose provided the Public Forest Estate continues to occupy a substantial proportion of England’s forest resource”.<sup>7</sup> This Act led to thousands of hectares being sold.<sup>8</sup> Private sector involvement in the Public Forest Estate is also possible “through joint ventures and equivalent vehicles”.<sup>9</sup>

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<sup>1</sup> *The Economic Contribution of the Public Forest Estate in England*, EFTEC, January 2010

<sup>2</sup> *The long-term role of the Public Forest Estate in England: consultation; Analysis and summary of consultation submissions*, Forestry Commission, December 2009

<sup>3</sup> *A Strategy for England’s Trees, Woods and Forests*, Defra, 2007

<sup>4</sup> *Our Plans for 2008-2009*, Forestry Commission England

<sup>5</sup> HC Deb 4 November 2010 c1028

<sup>6</sup> *The Long-term Role of the Public Forest Estate in England: Consultation*, Forestry Commission, July 2009

<sup>7</sup> *Operational Efficiency Programme: Asset Portfolio*, HM Treasury, 2009

<sup>8</sup> HC Deb 17 November 1983 vol 48 cc974-5

<sup>9</sup> *Operational Efficiency Programme: Asset Portfolio*, HM Treasury, 2009

The 1997 Labour Party manifesto said that it favoured “a moratorium on large-scale sales of Forestry Commission land”.<sup>10</sup> After the election the Forestry Commission’s budget was increased to reduce the need to sell land.<sup>11</sup> A new policy was introduced stating that the Forestry Commission could only sell land that was ‘surplus to requirements’ and if it met certain conditions:

- The Forestry Commission may sell woods making a relatively limited contribution to Government objectives and providing limited added value from public ownership in the delivery of public benefits.
- Sales will contribute towards the funding of priority programmes and/or assist in the efficient management of the Public Forest Estate.
- Woods which are relatively inefficient to manage (e.g. some outliers on the Estate or woods with difficult access) and might have greater potential if sold to a neighbouring landowner.
- Leasehold woods with constrained public access, and freehold woods dedicated under CRoW but with limited public usage, are both included.
- Ancient Woodland Sites can be considered for sale. Exceptional-quality Ancient Woodland sites or those in “unfavourable condition” will only be considered for sale to a safe purchaser.
- Sales in a National Park, Community Forest, Area of Outstanding Natural Beauty or including a SSSI will only be considered to a safe purchaser. Sale of woodland SSSIs will not be considered.
- Woods are excluded that will contribute significant net income over the next five years.<sup>12</sup>

Since 1997 this policy has led to:

- land sales of 7,800 ha and purchase of 5,400 ha;
- 3,000 ha of this was woods and forests and land for tree planting as greenspace in the former coalfields and around our major cities;
- 2,000 ha of freeholds purchased to allow access in priority areas;
- about 30% more people living closer to the estate it than it did in 1999 [including] people from more diverse and from more deprived communities.<sup>13</sup>

Most of this ‘surplus’ land has now been sold; changes would be required to the disposal policy for more land to be sold.<sup>14</sup>

## **2 Labour Government proposals post 2008**

In the 2008 Pre-Budget Report the Treasury launched the Operational Efficiency Programme (OEP).<sup>15</sup> The Programme said that the Labour Government would:

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<sup>10</sup> Times Guide to the May 1997 General Election p.324

<sup>11</sup> HL Deb 30 July 1998 c246WA

<sup>12</sup> [Long-term Role of the Public Forest Estate in England: Consultation](#), Forestry Commission, July 2009

<sup>13</sup> *ibid*

<sup>14</sup> [Long-term Role of the Public Forest Estate in England: Consultation](#), Forestry Commission, July 2009

...consider, for a number of government assets, the potential for alternative business models, commercialisations, new market opportunities and, where appropriate, alternatives to public ownership.

The press took this statement as meaning that the Labour Government would privatise the Forestry Commission.<sup>16</sup> However, the Government said that it remained “committed to a major public forest estate managed by the Forestry Commission in England. This is a key consideration and radical changes to this approach will not be considered. However some changes to the asset sale and re-investment programme will be investigated while remaining within this commitment”.<sup>17</sup>

When the Operational Efficiency Programme was published on 7 December 2009 it set out how alternative sources of income might be generated from the Public Forest Estate. It did not include proposals to sell off large parts of the Public Forest Estate, although it indicated that there may be a move away from using the Estate to grow timber.<sup>18</sup>

### **3 Review of the Public Forest Estate**

The Labour Government published its *Strategy for England's Trees, Woods and Forests* in 2007.<sup>19</sup> The delivery plan for the strategy included a commitment to carry out a study of the Public Forest Estate, which was launched in 2008 by Hilary Benn MP, the then minister. The review was:

'to consider the future long-term sustainable role for the public forest estate and make recommendations about any necessary changes to improve its ability to deliver relevant priorities in the Strategy for England's Trees, Woods and Forests (ETWF) and contribute to other government objectives'.<sup>20</sup>

A working group comprised of representatives from academia, the civil service, industry and nature conservation was convened to undertake the review. A public consultation exercise was conducted and the views of over 4000 members of the public were collected. Research was conducted on the economic, environmental and social costs and benefits of the estate.<sup>21</sup>

The working group presented its final report to the Forestry Commission England National Committee in May 2010 but the report was not formally published as “a change of government... meant that Ministers who agreed to the study being undertaken were no longer in power to receive the recommendations”.<sup>22</sup> The report should appear on the Forestry Commission website in due course.<sup>23</sup>

#### **3.1 Evidence collected**

Respondents to the public consultation were in the main concerned about there being negative environmental impacts associated with privatisation and the sale of land, although some thought that the private sector could be better utilised in delivering the objectives of the

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<sup>15</sup> *Operational Efficiency Programme: final report*, HM Treasury, April 2009

<sup>16</sup> *Pre-Budget report: Selling off the family silver to pay for spending*, Telegraph.co.uk, 23 November 2008

<sup>17</sup> *OPERATIONAL EFFICIENCY PROGRAMME AND THE PUBLIC FOREST ESTATE – Q+A*, Forestry Commission Trade Unions, April 2009

<sup>18</sup> *Operational Efficiency Programme: Asset Portfolio*, HM Treasury, 2009

<sup>19</sup> *A Strategy for England's Trees, Woods and Forests*, Defra, 2007

<sup>20</sup> *The Study of the Forestry Commission Estate in England*, Forestry Commission, viewed 6 January 2011

<sup>21</sup> *Public Forest Estate: Evidence Gathered*, Forestry Commission, viewed 28 October 2010

<sup>22</sup> Personal communication, Forestry Commission, 5 January 2011

<sup>23</sup> *ibid*

estate.<sup>24</sup> Most respondents placed a “heavy emphasis upon overall management remaining in the public sector, citing that Forestry Commission should retain control”.<sup>25</sup> In general, respondents supported the following commercial opportunities:

- Management of land distributed amongst 'safe' buyers (e.g. Woodland Trust)
- Private sector involvement in sustainable activities

**Respondents generally voice concern over the following areas of commercial opportunities:**

- Standards of private sector work
- General objection to long-term leases
- Timber production (due to time scale issues and negative impact on other forest uses)
- Non-sustainable, profit driven commercial development<sup>26</sup>

The economic evaluation of the Public Forest Estate set out the ‘defining characteristics’ of Forestry Commission woodland. This concluded that the PFE delivers multiple benefits such as recreation and biodiversity protection, in contrast to some non-Forestry Commission woodlands:

- managed for multiple objectives (including timber, recreation and biodiversity conservation motives). This is in contrast to some non-FC woodlands many of which are under very little management, although many other forest owners do manage under multiple objectives;
- covered by long-term Forest Design Plans developed through a multifactorial consideration of the potential for public benefit and wide ranging consultation;
- independently certified through the UK Woodland Assurance Standard (UKWAS). UKWAS is a voluntary audit protocol that gives access to the international certification schemes. All of the PFE in England is currently certified to the FSC (Forest Stewardship Council) certification scheme. For non-FC woodlands in England, 16% or 139,000ha are similarly certified. This includes all National Trust and Woodland Trust holdings. In all woodland, forest management has to comply with the UK Forestry Standard (the Government standard for sustainable forestry); this is a condition of receiving a licence for the operations, as well as for any grant-aid from the Forestry Commission;
- typically much larger woodlands: almost 150ha on average, compared to approximately 14ha for other ownership (National Inventory, 2001; note that these are figures only for woods over 2ha, and almost 75% of woods are under 2ha)
- much more likely to be accessible to the public: the PFE represents about 18% of woodlands in England, but about 44% of the accessible woodland in England is managed by the FC. Access is encouraged (except on some leasehold land where

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<sup>24</sup> *Public Forest Estate: Evidence Gathered*, Forestry Commission, viewed 28 October 2010

<sup>25</sup> *The long-term role of the Public Forest Estate in England: consultation; Analysis and summary of consultation submissions*, Forestry Commission, December 2009

<sup>26</sup> *The long-term role of the Public Forest Estate in England: consultation; Analysis and summary of consultation submissions*, Forestry Commission, December 2009

the lease restricts access) and various levels of facilities are provided on many sites;

- consistent with the above points, the FC makes significant expenditures and investments that may not be incurred by some other woodland owners, for example those who do not encourage public access or who do not manage actively.

While the economic study recognised the range of benefits associated with the PFE, it stated that “it is important to note that many of the products and services are also provided by woodlands in other ownership”.<sup>27</sup> It went on to discuss the differences between Forestry Commission management and private management:

Given these differences, it is of interest to ask “what is the value added of FC management?” and “how might this be enhanced?”. The FC incurs additional costs to yield enhanced non-market benefits, compared with hands-off management, or a purely commercial approach to forestry. Non-market benefits of forestry include biodiversity conservation, greenhouse gas regulation, water regulation and purification, aesthetic and recreational values, and so on. The assessment aims to consider the value of benefits generated by timber and by non-marketed products and services alongside the additional costs.

It is important to note that many of the products and services are also provided by woodlands in other ownership. To a greater or lesser extent these benefits are dependent on management practices, and any differences in values of the products and services are the result of forest structure and management, not of ownership per se. Other landowners who manage for multiple objectives, encourage access, and so on, will also create significant product and service values. However there may also be significant value associated with public trust, security, and accountability – value associated with the FC “brand”, and with some other organisations (for example National Trust, Woodland Trust). These values are not reflected directly in this report but further research here may be warranted. There are also values associated with the advantages of single ownership/management, such as ability to adopt a strategic approach to forest planning and risk management at a wide geographical scale – these values are not reflected directly here, but are inherent in the discussion of strategic scenarios for management of the PFE.<sup>28</sup>

The environmental assessment highlighted the environmental and heritage value of the PEF:

- Around 24% of the PFE is ancient woodland. Between 2002 and 2009, there was a 12% increase of restoration of conifer plantations to semi-natural woodland from 15,952 ha to 17,842 ha.
- Conservation priority woodland habitats on the PFE increased from 24,815 ha to 27,224 ha during 2004-2009. These habitats now represent over 10% of the total area of the PFE. Priority open habitats have also increased by 10% since 2004, and this will increase further.
- The PFE includes 67,772 ha of Sites of Special Scientific Interest (SSSIs). Those classified as being in target condition rose from 71% in 2003 to 98% by 2009.
- Scheduled ancient monuments in the PFE were considered to be at lower overall risk of loss or damage than those outside the estate.

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<sup>27</sup> *The Economic Contribution of the Public Forest Estate in England*, EFTEC, January 2010

<sup>28</sup> *The Economic Contribution of the Public Forest Estate in England*, EFTEC, January 2010

- 45% of the estate was in a National Park or Area of Outstanding Natural Beauty (AONB).
- The PFE “is the largest single land holding in England, and as such can deliver large-scale change or subtle alterations in the wider landscape context. The Forestry Commission used forest design planning on the PFE to ensure the potential impact of any changes is fully assessed and consulted on”.<sup>29</sup>
- The PFE could play an important role in sustainably reducing flood risk.<sup>30</sup>

### 3.2 Conclusions of the working group

The report has not been formally published. Electronic copies of the full draft report can be obtained from the Forestry Commission or the House of Commons Library.

The working group made a large number of recommendations. Regarding the specific point of ownership, and within the scope of the review, it recommended only limited sales of the PFE. It said that the PFE should:

- remain large scale;
- be widely distributed across England;
- have a flexible and varied representative cross-section of all types of woodland in England;
- be able to provide a significant volume of products and services, skills and expertise; and
- remain under public control and accountability.<sup>31</sup>

The working group noted that the “extent of consensus we have developed within our group is noteworthy given the wide range of interests represented across the spectrum of stakeholders in English forestry”. However, it said that making recommendations for the future of the PFE was challenging, particularly with regards to:

- seeing the long-term role beyond the current severe financial challenge;
- differentiating between the value of all woodland and the distinctive value of the PFE; and
- dealing with a large set of connected factors that have no simple relationship.<sup>32</sup>

The group recognised that acting on its recommendations “would be challenging, require political commitment and a financial ‘bridging strategy’, and would take several years to implement”. It indicated that the bridging strategy could be funded through the careful sale of assets. The working group believed that implementation of the recommendations would move the PFE to “a sustainable financial position”.<sup>33</sup>

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<sup>29</sup> *Environmental Status Report – the Public Forest Estate in England*, Forestry Commission England, December 2009

<sup>30</sup> *ibid*

<sup>31</sup> *The long-term role of the Forestry Commission Public Forest Estate in England*, Report to Forestry Commission England National Committee by a multi-sectoral working group, Draft version 10, 20 May 2010

<sup>32</sup> *ibid*

<sup>33</sup> *ibid*

## 4 Coalition Government policy and the current situation

On 29 October 2010, Defra wrote to MPs “outlining its intention to fundamentally reform the public forestry estate, with diminishing public ownership and a greater role for private and civil society partners”. The letter can be viewed [here](#). It said that a public consultation on the proposals would be conducted in late 2010, but this is now expected in early 2011. The Coalition aims to publish a Natural Environment White Paper by April 2011. This may include a number of policies that could be pertinent to the sale of Forestry Commission land, such as conservation credits.

While the sale of Forestry Commission land has helped to raised revenue for governments in the past, the Minister, Caroline Spelman MP, said that this was not the motivation behind the proposals. She said that the sale of public forests was not a “fire sale by a cash-strapped state”, “but the start of new approach to making their protection more local and less central”. The Minister stated that “we think it's much better to give individuals, businesses, charities and local authorities the chance of a much bigger role in protecting their natural environment—and, frankly, those who live closest are most likely to protect it”. She said that one of the main motives for a sale was the need to “enhance biodiversity”.<sup>34</sup>

James Paice MP said in evidence to a House of Lords select committee that the public benefits of the estate would be protected:

...we are committed to the principle that protecting the range of public benefits—biodiversity, access, carbon fixation—and to achieve the increasing tree cover that I seek does not necessarily require the state to own the forestry. I take this opportunity to emphasise that we have absolutely no intention of reducing any of the protections that exist. Indeed, part of the consultation will be on whether other protections will be necessary. Felling licences will still be in place. All this nonsense we have read about golf courses and holiday camps on the forest is all complete and utter bunkum. It just will not happen.<sup>35</sup>

However, many NGOs were concerned about the sale of the PFE, including that the sale may have negative impacts on the environment. The Woodland Trust said:

The Woodland Trust has long held the view that not all of the existing public forest estate needs to be held in public ownership, especially those sites whose purpose is primarily the production of timber and which provide few benefits to the public, or where local community ownership is a viable option. But we have concerns about the fallout from a substantially accelerated disposal programme of public forest land of value for wildlife and for people.

Future sell offs create four major uncertainties: the restoration of planted ancient woodland sites (PAWS), the lack of guarantees that income from disposals will be used to support current forestry and woodland priorities such as woodland creation; the practical difficulties of ensuring that all existing public access to the current estate is maintained; and the ability of current protection mechanisms to safeguard the public value of woods to be sold.

Top of the Trust's list is the restoration of ancient woods. If the Government is determined to be the greenest government ever then it has to find a way to secure the

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<sup>34</sup> *Setting the record straight on the sale of England's woodlands*, The Guardian, 12 November 2010

<sup>35</sup> *Lords' Select Committee on Select Committee on the European Union Agriculture, Fisheries and Environment Sub-Committee Inquiry on Forestry*, Unrevised transcript of evidence taken on 24 November 2010



future of 20,000 hectares of ancient woodland sites planted up with conifers over the last 60-70 years, which it currently owns.

"Ancient woodland is our richest and most fragile habitat, our equivalent of the rainforest. Restoring 20,000ha of ancient woodland would be the one of the most significant contributions we could make to improving the captivating and spectacular wildlife of UK's beleaguered woods", commented Sue Holden, chief executive of the Woodland Trust.

"A substantially bigger programme of sales in the future with no means of securing their restoration would mean a massive opportunity would be lost, probably for ever," she continued. "We feel the Commission should restore the planted ancient woods it owns, and only then should it even contemplate selling them to responsible owners."

The conifers planted many years ago in place of native woodland cover are now reaching economic maturity yet these sites are ancient woods on the brink, retaining against all odds echoes of their past wildlife and cultural richness. The chance to restore them to native woodland is a once in a lifetime opportunity which must be grasped with great urgency. Yet there are no mechanisms in place to guarantee that if sold to commercial or private interests that restoration would take place.

Asked if the Trust would be interested in acquiring any of the sites, Sue Holden said: "We need a strategic solution to the question of the future of FC land especially of PAWS, which addresses the problem wholesale not piecemeal, site by site. Buying a few planted ancient woodland sites will only scratch the surface of the issue. We would be willing to partner the FC to ensure restoration if that is what it takes.

"Even if we were interested, there is the huge question of where we would obtain the money from and how we would ensure that our limited funds were spent on priority sites, given the likelihood of many hundreds of woods going up for sale over a period of years".<sup>36</sup>

However, other commentators believed that negative environmental impacts could be avoided from a sale—depending on the way in which a sale was managed it could even help to increase the resources available for conservation:

Other conservationists are not overly concerned [about the sale] as long as there are guarantees they will be managed well. They point out that most nature conservation is now part-funded by business, and many nature reserves are already owned by private individuals.<sup>37</sup>

Morgan Parry, Chair of the Countryside Council for Wales, spoke about government approaches to the natural environment. He said that "it matters less who manages nature reserves, as long as their management is properly funded and done to the highest standards". He went on that in "rethinking how we manage the environment we need to understand what nature reserves are for: i.e. they are the genetic and ecological core areas which are crucially important to ecosystem function". Referring to Wales, where there was no change in forest policy, he referred to an ongoing debate "about how we scale up our efforts to manage our environment sustainably". He said:

I believe Government should increase its funding of conservation, and significant funding streams from the private sector should be added.

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<sup>36</sup> [Forestry Commission disposals](#), Woodland Trust, 22 December 2010

<sup>37</sup> *ibid*

"Scaling up" will require more resources, not less, and (in my view) a continuing role for governments at all levels. If we can free up resources by being more efficient, avoiding duplication of effort, and involving a wider range of partners, we should do so.<sup>38</sup>

#### 4.1 How much will a sale raise?

In responding to a PQ by Tim Farron MP, the Government indicated that the sale of 15% of the PFE could raise some £75 million over the spending period:

Tim Farron: To ask the Secretary of State for Environment, Food and Rural Affairs what estimate she has made of likely proceeds from the sale of (a) Forestry Commission land in England and (b) national nature reserves in each year of the spending review period.]

Mr Paice: Work on the future management and/or ownership of national nature reserves is at a very early stage so it is not possible to give any indications about any likely sale values.

The Forestry Commission estimates selling 15% of the public forest estate over the spending review period, approximately 40,000 hectares. The estimate of net receipts from sales, year on year, is £13 million/£18 million/£20.5 million/£23 million.<sup>39</sup>

The Forestry Commission said that "the total value of the public forest estate sold will be around £100m. £74.5 million of net receipts will be returned to Defra and we are in discussions with Defra about how the balance of receipts will be spent as part of the spending review settlement".<sup>40</sup>

The overall money raised by the sale of PFE could be much higher, if the Coalition succeeds in achieving its aim of a "very substantial disposal of public forest estate, which could go to the extent of all of it".<sup>41</sup> The total estate was valued at £700 million in 2009-10, but that does not necessarily reflect the true market value.<sup>42</sup>

#### 4.2 *Public Bodies Bill 2010*—powers to dispose of the Public Forest Estate

The *Public Bodies Bill 2010*, introduced to the House of Lords, contains clauses 17 and 18 relating to the reform of the Forestry Commission. It would allow the "Secretary of State to make an order amending the *Forestry Act 1967* in relation to the exercise of certain functions, including those of managing, using, letting and disposing of forestry land". Subsection (3) of clause 17 allows the Secretary of State to exercise these functions "for any purpose or without condition".<sup>43</sup>

Defra Minister James Paice MP said that these powers were required to enable the Government to sell a substantial part of the PFE:

In order to have substantial disposal, we need to change the law. Our lawyers advise us that up to about 15% of the forest could be sold without risk of transgression of

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<sup>38</sup> Morgan Parry, personal communication, 5 January 2011

<sup>39</sup> HC Deb 2 December 2010 c 960W

<sup>40</sup> *Delivering forestry policy*, Forestry Commission, 6 January 2010

<sup>41</sup> *Lords' Select Committee on Select Committee on the European Union Agriculture, Fisheries and Environment Sub-Committee Inquiry on Forestry*, Unrevised transcript of evidence taken on 24 November 2010

<sup>42</sup> HC Deb 4 November 2010 c1028

<sup>43</sup> *Public Bodies Bill 2010*, HL Bill 025 2010-11

current legislation, which requires the Commission to own and manage the public estate. To get beyond that, we would need to change the law.<sup>44</sup>

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<sup>44</sup> *Lords' Select Committee on Select Committee on the European Union Agriculture, Fisheries and Environment Sub-Committee Inquiry on Forestry*, Unrevised transcript of evidence taken on 24 November 2010