

Cynulliad Cenedlaethol Cymru
Y Pwyllgor Amgylchedd a Chynaliadwyedd
NRW 2015 – 19
Cyfoeth Naturiol Cymru – Craffu Cyffredinol 2015
Ymateb gan Grŵp Diogelu Coedwig Niwbwrch (Saesneg yn Unig)

**NAW Environment and Sustainability Committee scrutiny of
Natural Resources Wales.**

Submission by the Newborough Forest Protection Group

The Newborough Forest Protection Group is an informal group of local people whose purpose is to protect the integrity of this priceless resource in south west Anglesey. Over the past decade there have been several proposals and much controversy over plans by CCW and more recently NRW to remove trees permanently from various areas of the forest. This submission relates to the recent and planned permanent removal of trees from the forest areas adjacent to the sand dunes and recent excavations of open dune areas. Forest clearfelling - see red areas on the map in annex 1. We wish to draw the Committee's attention to instances where we consider NRW has failed in its management of these areas of the forest. We also offer recommendations for future action by NRW

Instances of mismanagement

1. Misinterpretation by NRW and CCW of the UK sand dune management standards - Common Standards for Monitoring dune sites.

The UK has standards for assessment of the conservation state of protected habitats. These are the Common Standards for Monitoring (CSM) and they were produced by the Joint Nature Conservation Committee (JNCC) with the collaboration of all the UK conservation agencies. They are an important framework for UK conservation practice providing a quality assurance system and ensuring continuity of habitat assessment across the UK. NRW have failed to apply these standards appropriately: ignoring some standards and misinterpreting another key target. It would appear that they have done this to justify an agenda and this approach is the antithesis of good science and sound conservation practice.

The UK standard for bare sand in fixed dunes is 'a presence but not more than 10%' of habitat area; < 5% in wet, 'humid' slack areas; in other words the plants that characterize these habitats should cover > 90% of the area. NRW have ignored this standard in pursuit of bare sand levels far beyond those required by the UK standards. They have instructed their commissioned consultants to produce recommendations for 30 - 40% bare sand in habitats where bare sand should be less than 10% of habitat area.

By ignoring the requirement that assessment of habitat zonation should be 'site- and feature specific' NRW concluded that dune habitats at Newborough were in an unfavourable state despite their own assessments finding them in good condition. Without changes to habitat zonation the conservation assessment of mobile dunes has gone from 'excellent conservation status' [SAC designation document, 2004] to unfavourable, 2005. There were no changes to the processes that sustain the long term future of the mobile dune habitats.

The Habitats Directive and Special Areas of Conservation are there to protect our natural habitats. They do not provide a remit for landscaping a site to artificially create a 'geological' theme park to meet the 'vision' of a group within the conservation agency. The UK has appropriate habitat assessment targets and they should be adhered to.

2. Failure by NRW to meet the commitment it made to refer the science review to independent arbitration.

When the WG required CCW to carry out a 'Science Review' regarding dune conservation at Newborough it was recognized that there would be issues that could not be resolved without impartial and independent arbitration. All parties to the Review with WG support agreed that disputed issues would be resolved by such impartial, independent arbitration.

This commitment was reiterated in the 2010-15 Forest Management Plan (FMP) which states clearly in a number of places that no clearfelling could take place until arbitration had resolved the disputed issues.

The 5th 'Way Forward' Review meeting chaired by Dr David Parker, CCW's Director Evidence and Advice & the Review chairman, agreed with independent participants to the format for arbitration. It was agreed that an arbitration panel should consist of three appropriately experienced & qualified scientists/conservation experts with a good understanding of the Habitats Directive, UK conservation standards, and appropriate sand dune and forestry expertise. This panel would be chaired by a fourth scientist of appropriate knowledge and experience and standing in the scientific community. Dr Parker was to organize the process of reviewing potential arbitration panel candidates in order to arrive at a mutually agreed panel. Despite a number of appropriate candidates being suggested by both Dr Parker and independent Review participants that process never took place and the panel was never set up.

Following the 5th Review meeting CCW sent the WG a 'CCW version' of what the disputed issues were and their version of the independent review participants' views. The WG ultimately lost confidence in the veracity of this summary and asked the independent participants for their own summary of views.

As a pre-arbitration screening process both versions of the disputed issues were sent to the Chief Scientific Advisor for Wales, Prof. Harries. He made no formal report before resigning but did verbally inform WG officers that he believed CCW's arguments were unsubstantiated and that further research and studies was required to resolve the disputed issues.

Despite repeated requests for the agreed arbitration to take place the WG had a WG officer write a less than impartial review to justify proceeding with CCW/NRW's agenda for clear felling at Newborough. A request to the responsible minister in the WG from the former Deputy First Minister, Ieuan Wyn Jones, and independent Review participants were to no avail and arbitration has never taken place. The conservation agency failed to ever substantiate its claims before an impartial and independent panel of appropriately qualified scientists. They failed to honour the commitment to the public that fair arbitration would resolve disputed conservation issues.

3. Wholesale destruction of valuable habitat by permanent removal of trees adjacent to sand dunes.

During 2014 and 2015 NRW clear felled 6 ha of forest & recently extended the work in two areas in the red zone (see map in annex 2); in the process removing all biomass and soil. Breaches in the existing dunes were bulldozed in eight places to create artificial 'blow-outs' to encourage sand movement into clearfelled sections of forest. This action contravenes the agreement that felling in these areas could only occur after independent arbitration on the science review. The effect has been to destroy all specialist plants in these artificial bare sand areas and exposed the new forest margin to the full force of the wind. Having been formerly protected from the wind and salt spray

these trees are unlikely to survive for long. The amenity & visual impact of this work is appalling - see accompanying photograph in annex 3. This action has greatly upset many regular users of the forest & beaches and has never been justified. NRW has stated it will monitor the effects of this woodland removal but no details of this programme are in the public domain.

4. Failure by NRW to draft new management plan for the forest, warren and dunes.

The forest management plan for 2010-15 expired on March 31st 2015. We welcome NRW's proposal that an integrated management plan for the whole area (forest, dunes and warren) should be developed. Such a plan should involve a full and meaningful consultation with the public stakeholders and the full requirements of the Århus Convention and Article 2(3) of the Habitats Directive adhered to. We are disappointed that no progress seems to have been made.

5. Failure by NRW to set up a local consultation group.

Up to 2012 the Newborough Liaison Partnership, which was set up by the Forestry Commission, was the main discussion forum on matters concerned with the forest and dunes. This has not met since 2012. NRW have stated that a new consultation body will be appointed as a means of consulting with local interests but this has not yet been done.

6. Failure to meet their legal obligations under the terms of the Århus Convention and Article 2(3) of the Habitats Directive

By failing to resolve disputed conservation issues through impartial and independent arbitration and meaningfully consult the public about their forest clear felling and dune excavation agenda NRW have not met their obligations under the terms of both the Convention and Directive.

Recommendations.

We make the following recommendations to the Committee on policies and actions NRW should implement with respect to Newborough.

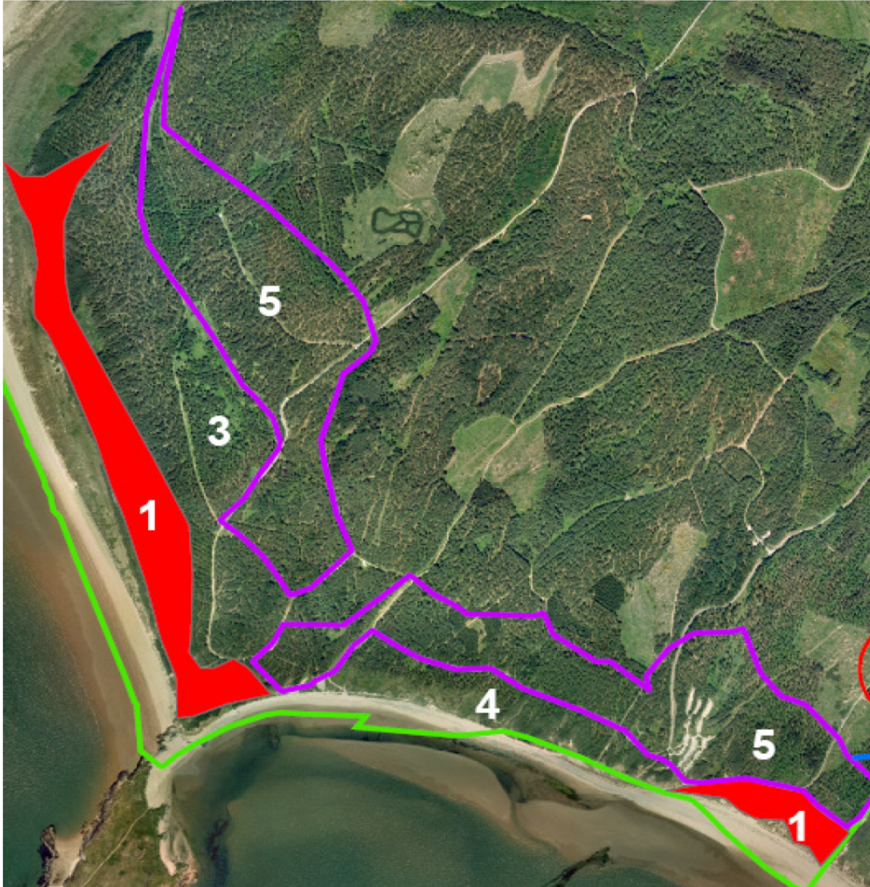
1. There must be a moratorium on further clear-felling and permanent removal of trees adjacent to the dunes until the results of the monitoring programme of the two pilot areas have been published, discussed with and agreed by the local community.
2. The requirements of the Århus Convention and Article 2(3) of the Habitats Directive should be fully implemented.
3. NRW must compensate for all areas of trees removed by creating equivalent new areas of woodland within the Newborough Forest area.
4. NRW must act on its publicly declared commitment and expedite the replacement of the lapsed Newborough Liaison Partnership.
5. Progress must be made with the promised management plan for the area. Before being signed off and implemented it must be discussed with and gain the support of the local community through the newly created Liaison Partnership.
6. Detailed costs and the sources of funding for the recent programme of work in the forest and the dune projects should be in the public domain.
7. NRW should have a named officer responsible for handling all enquiries from the public on the management of the Newborough area. At present responsibility seems to be scattered among many different officers.
8. Our monitoring of events at Newborough has made us aware that currently NRW distributes funds derived from WG & Europe as grants to NGOs, charities and community projects. This gives substantial power, influence and opportunity for arbitrary action to an un-elected body.

We recommend that this function be either taken away from NRW or seriously curtailed and made much more accountable.

Annex 1
Map of Newborough Forest from Forest Management Plan 2010-15

Newborough Forest Management Plan – FINAL v1.0

The following extract map from Figure 5.1 shows the two areas of clearfell in Zone 1, also Zone 5, the forest protection area of underplanting, which is referred to below.

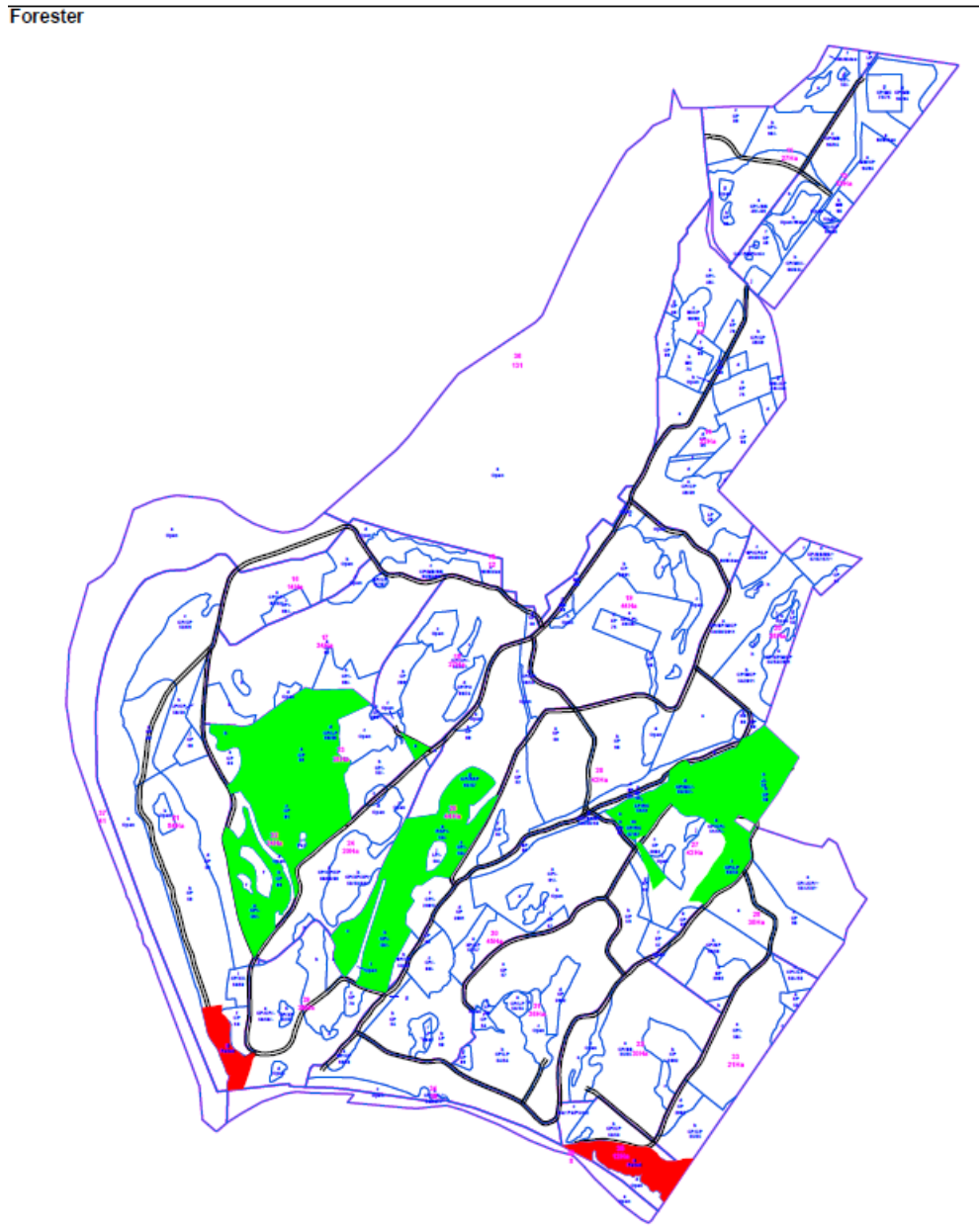


Target within 1 year: The Zone 1 felling coupes will only be felled once the arbitration panel has agreed this aspect of the science review. If this is indeed the outcome – which may require WAG approval – then the coupes will be scheduled for felling within the period of the plan, although the timing may depend on agreement over other aspects of the plan. The timing over the underplanting in Zone 5, the forest protection area, for example, may be a consideration in the timing of the clearfells.

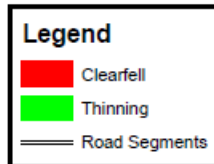
Annex 2

Pilot clear fell areas 2014/15

Forester



Forest District
Title
Type of Map Stock
Scale 1:14,718
Date



© Hawfrant y Goron. Cedwir pob hawfrant.
Cyfoeth Naturiol Cymru 100019741
© Crown Copyright. All rights reserved.
Natural Resources Wales 100019741.

Annex 3

Photographs of artificial dune areas

