

AC complaint update re JNCC - 25/11/14

NRW have just announced via their latest Newborough News leaflet that they and the Welsh Government (WG) have 'concluded' the Science Review finalizing their avoidance of impartial and independent arbitration [see enclosed News leaflet; Issue 10 Winter 2014/15].

At some point the Joint Nature Conservation Council (JNCC) were asked by the WG/NRW to provide advice or adjudication on some aspects of the disputed issues raised by the Science Review. The independent participants in that review and the public are unaware of what JNCC were asked to provide advice on, what information was fed to JNCC or their response. The whole process has been opaque and the communicant in an attempt to find out what was asked of JNCC has made an FoI request to JNCC dated, 17/11/14; an acknowledgement has been received but no information as yet.

Whatever JNCC were asked it should be noted that no informed observer could consider them impartial or independent. The JNCC work closely with the UK devolved conservation agencies and consider NRW staff to be colleagues and collaborate closely with them; they consider NRW as a 'sister' agency and would find it difficult if not impossible to remain impartial. JNCC are able to provide expert opinion but could not act as an independent and impartial arbitrator.

It should also be noted that JNCC have made no attempt to communicate with the independent participants in the Science Review to clarify any aspects of their views regarding whatever JNCC were asked to provide advice on. JNCC have relied solely on information provided by NRW/WG. One side in a dispute has controlled the flow of information to an agency asked to adjudicate on key issues in the dispute.

We can summarize how the WG and NRW have failed to honour their commitment to use impartial and independent arbitration to resolve disputed issues arising from the Science Review:

- The Welsh Government (WG) instructs a WG officer to review the Science Review dispute and he produces a far from impartial 'review' document [sent with the initial complaint to the Compliance Committee]. This is used by NRW in concert with the WG as a justification to proceed with the first phase of permanent removal of sections of Newborough's coastal forest. The Forest Management Plan 2010-15 states unequivocally that no permanent removal of forest can proceed until the disputed issues have been resolved through impartial and independent arbitration. This action pre-empts arbitration.
- JNCC are asked to provide advice or adjudicate on some disputed issues that arose from the Science Review; what they were asked to advise on, the information provided to them and their response is unknown to the public. JNCC's response is used to 'conclude' the Science Review and provide a justification for NRW's clearfelling agenda; clearfelling that has already preceded and pre-empted independent arbitration. Phase 1 of NRW's clearfelling agenda began in early 2014. The JNCC 'advice' process remains opaque with both independent participants in the Science Review and the public left uninformed about any aspects of that process.