

Summary - Newborough Forest clearfelling dispute 16/07/14

The Welsh conservation agency, Natural Resources Wales (formerly the Countryside Council for Wales, CCW), have had a long standing agenda to remove significant areas of the coastal forest within the Abermenai & Aberffraw Dune SAC on the island of Anglesey/Ynys Môn, North Wales. The public and independent scientists dispute the claims made by the agency in support of their plans to permanently remove areas of forest. In furthering their agenda the conservation agency and the Welsh government's environment ministry have failed to ensure they meet their obligations under the terms of the Århus Convention.

Regarding Pillar I - Access to information:

The complainant on behalf of the public and the Newborough Forest Protection Group requested key documents from the conservation agency on 17th July, 2013. These documents relate to the agency's assessment of the protected habitats condition and conservation status, and the management of the forest within the SAC. To date those documents have not been provided and the agency initially and spuriously claimed they were in a 'draft' form and not available.

The complainant has good evidence the habitat condition reports were completed in late 2012 and used to report to the JNCC in February, 2013. JNCC compile the UK overall protected habitat report for the EU - so-called Article 17 reports that are legally required to be delivered to the EU every six (6) years. The completed habitat assessment reports would have been available from late December, 2012 or very early 2013.

The agency has also announced as a *fait accompli* that it would proceed with its clearfelling agenda and to have arrived at that stage must have had detailed documented dialogue with the Welsh Government's environmental offices and the former Forestry Commission for Wales [now part of NRW]. Those documents related to 'future management of the forest' have also been denied to the complainant.

NRW, the conservation agency, have failed to fulfil their obligations to provide information following the complainant's FoI request in July, 2013. The agency in concert with the Welsh government environment offices are in breach of Pillar 1 - Access to information; specifically Article 4, paragraphs 1, 2 and 3.

Regarding Pillar II - Participation in decision-making:

Plans to clearfell significant areas of the coastal forest were included in the Newborough Forest Management Plan 2010-2015 [2010]. This plan was produced in bilateral dialogue between the conservation agency and Forestry Commission Wales [FCW]. Both the authorities were fully aware of the public interest and concern but the excluded the public from any participation in the decision-making process. The public were only made aware of the plan once it was finalized and signed off. The plan was produced in meetings that were held while a Newborough Forest Science Review was under way; a review that was supposed to precede and inform any decisions about forest clearance.

At the outset of the Science Review it was acknowledged that there would be significant disagreements and all parties to the Review agreed that impartial and independent arbitration would resolve disputed environmental issues. The FMP reiterated that commitment by FCW, CCW and the Welsh Government. The public expecting fair and impartial arbitration to resolve disputed issues deferred objections to clearfelling that the conservation agency had demanded were included in the Newborough Forest FMP.

Arbitration has never taken place and the authorities have reneged on the commitment, a commitment that would have allowed public participation in the decision-making through being able to challenge NRW's claims before an independent arbitration panel.

The decision to proceed with the clearfelling agenda was made by the Welsh Government and conservation agency without any public dialogue or involvement. The conservation agency announced the decision to clearfell sections of forest in a public meeting in Sept. 2013. It was delivered as a *fait accompli* and they announced at that meeting that there would be no discussion. They have now proceeded with phase 1 of their permanent removal of forest.

By excluding the public from any meaningful involvement in the decision-making process the authorities have breaches Article 6, paragraphs 1b), 2, 3, 4, 5, 7 & 8

Regarding Pillar III - Right to environmental justice

In 2009 at the outset of the Newborough Science Review it was acknowledged there would be significant disagreement and that those issues should be resolved through impartial and independent arbitration. A mechanism was agreed that would have ensured environmental justice and a fair hearing for both parties in the environmental dispute.

In 2010 at the 5th 'Way Forward' Science Review meeting details of the format of that arbitration were agreed by the Review Chairman, Dr David Parker, CCW's Director Evidence & Advice. It was agreed that arbitration should be carried out by a panel of three appropriately qualified and experienced scientists/conservation specialists chaired by a fourth scientist of suitable experience and stature in the scientific community.

On behalf of the public the independent scientists who participated in the Review have done all they can to try and get the conservation agency and the Welsh Government to honour their commitment to facilitate the agreed arbitration. Emails to NRW and the Science Review chairman, the WG Minister responsible, officers of the Welsh Environment ministry have all failed to deliver arbitration. To date no arbitration of the issues has taken place.

In failing to honour their commitment to a procedure that would have ensured a fair hearing for challenges to the conservation agency's claims the authorities have denied the public environmental justice. The public believed that arbitration would take place and so deferred campaigning against clearfelling. By failing to fulfil their obligations the authorities have cynically avoided opposition and breached Article 9, paragraphs 2 and 5 of the Convention.