

Countryside Council for Wales  
Bangor LL57 2LQ

19/07/09

Re.: CCW, Newborough LP meeting, 16/07/09

Attention: Roger Thomas CEO, [REDACTED]  
cc. [REDACTED] [Head Terrestrial Science]

Dear Roger and [REDACTED]

Thank you both for meeting with us on Thursday afternoon. The consensus was that the meeting was extremely productive, particularly in presenting our position and in better understanding the complexity of interagency dialogues. In the future our electronic communication will be sent to ensure that CCW, FCW, WAG and [REDACTED], the secretary of Mr Ieuan Wyn Jones AM all *directly* receive the correspondence.

There were a number of positive outputs from the meeting today. However, we did reiterate that our willingness to take this process forward was *without prejudice* to our complaint to Rhodri Morgan and the EU Commission relating to the Århus Convention and Habitats Directive. We presented our position in relation to these two complaints and there is little merit in reiterating this in this letter. Hence, we present the immediate and constructive things agreed in parallel with the complaint process.

The key outputs were that:

1. After several concerns were raised in relation to the SAC designation of woodland, Roger felt that it would be a useful exercise to re-examine the SAC designation process including the UK0020021 Natura 2000 report (attached). Later we discussed the precise designation of the Forest – Coniferous Woodland that is defined by the designation document as non-qualifying habitat constituting 37.8% of the SAC. Reference to 'remobilizing the dunes' implies that CCW are suggesting that 92.8% of the SAC is protected dune habitat.
2. Serious concerns were raised about the methods and standards used to assess the condition of the dune habitats in 2005 and, therefore, the conclusions drawn from those assessments; that the dune habitats were in an 'unfavourable' condition. The true condition of the dune habitats is of fundamental importance in determining appropriate conservation management of the SAC and CCW agreed to convene a meeting between CCW scientific staff and Dr Ian Miller & [REDACTED] to resolve the issue. This meeting to take place at the earliest opportunity and if agreement could not be reached then independent scientific participation would be sought. In relation to this, concern was voiced by all parties that documents provided to WAG Nature Conservation Branch had not been passed through to CCW.
3. Regarding interpretation of the Habitats Directive there was concern that there had been misinterpretation of certain aspects of the Directive especially regarding the concept of a conservation status baseline and how socio-economic assessment was required by the Directive. JNCC guidance on the key issue of a conservation status baseline was provided to CCW [JNCC, 2002]. CCW agreed to re-examine the requirements of the Habitats Directive including consideration of how best to appreciate and assess socio-economic issues.

4. Regarding the current WAG felling demand: Roger Thomas agreed to meet next week with senior WAG officials responsible for the Nature Conservation Branch (NCB) to inform them of the extraordinary situation that we believed had arisen from NCB's inappropriate and precipitate action in response to a complaint letter to the EU. The NCB had not checked that the EU assessed that there had been no breach of EU law, that there was no infraction proceedings likely and there had been no communication with WAG regarding the SAC. We would request that Roger Thomas makes clear to WAG that the public expect this felling demand to be rescinded immediately and that CCW do not oppose this.
5. The hydrology and critically the application of the 95% zonation 'range' criterion would also be examined and reviewed. This relates to the JNCC guidance on the baseline for determining the conservation condition of protected habitats.
6. [REDACTED] provided Roger with copies of a letter sent to WAG from the Liaison Partnership June 11<sup>th</sup> 2009, and the response from the Dept Rural Affairs. In addition, an email query from [REDACTED] with regard to red squirrels at Newborough was handed, along with an email from [REDACTED] [Environment Directorate-General, Nature & Biodiversity] in which it was stated that the infringement department at the EU had found no breach of community law in relation to a complaint made about the Abermenai SAC. We expressed a willingness to provide copies of other email communication with WAG to CCW.
7. Roger said that he would be meeting with [REDACTED] soon and would discuss the Newborough forest FDP. CCW made it clear that the development of the FDP is the role of FCW and that CCW are advisors. To that end, Roger would clarify what plans were being developed (it is unclear whether this is an FDP or Management Plan), and how the Newborough forest Liaison Partners would be involved. It was agreed that the direct involvement of the community was essential throughout the development process; CCW supported this but were unable to facilitate it, as the Forest plan is FCW responsibility. This was one of several points that will need to be addressed with wider dialogue with FCW and WAG and CCW/Community groups.
8. Recommendations from the LP regarding felling are compromised since critically important information was withheld from the group and assertions about the condition of the dune habitats were based on prejudiced conclusions drawn from the 2005 assessments of the dune habitats condition and serious misinterpretations of the Directive requirements. In reluctantly agreeing to some areas of felling the public did so in the belief that they had been fully informed about the condition of the dune habitats and the requirements of the Directive. This was not the case. Future consultation and dialogue should start with a 'blank sheet' but not discounting the sensible outcomes from the earlier process.

Additional discussion included:

1. Our grave concern and anger that CCW officers attending Liaison Partnership meetings had, for whatever reason, not presented information, reports and scientific opinion that underpins the CCW TSG report and which were fundamental material considerations.
2. That the 95% zonation and associated 500m felling zone were not presented in September 2004 or at an early stage in the LP work, the public backlash against such plans would be considerable.
3. The legal status of the CCW National competent authority guidance in the TSG reports was discussed. This included the implications of plans that do not contain the

current advised management prescriptions, and the robustness of the scientific assessments themselves. We talked about this at some length.

4. Concern that the recent WAG Position Statement did not accurately reflect the inevitability of further woodland removal given the current CCW TSG recommendations. This prevented the public from seeing the true picture.
5. The lack of clarity from WAG (and DEFRA) with regard to EU advice, and CCW & our concerns about the fact that WAG seemed unable to get a response from EU DEG whilst local people were able to have email and telephone contact with Commission staff about the Abermenai SAC and associated legal issues.
6. The lack of accountability of CCW and the distrust felt by local Newborough community who feel marginalised by the agency and management of land. Similarly, the lack of FCW accountability and the fact that revenues from the forest are not benefiting local communities of the forest itself.
7. Concern that no environmental assessment of the impact of proposed felling plans had been carried out, in particular C emissions associated with the felling demands but also the wider environmental issues and the socio-economic impact currently ignored. The EU makes it clear that where significant impact from a plan is likely an environmental assessment should be carried out. CCW's felling demands definitely fall under the range of 'significant environmental impact'.
8. Finally, concern that documents and timelines of decision making in WAG were not transparent. To that end [REDACTED] would provide us with a letter from [REDACTED] advising CCW and FCW with regard to Newborough and possible EU infraction.

Finally, as a group we made three key demands;

1. The robust review of the SAC monitoring and favourable status advice of the TSG. **CCW have facilitated this.**
2. That the proposed autumn felling is rescinded while a new FDP is developed following a review of all conservation issues and interpretation of the Directive.
3. That the FDP becomes an Article 6(1) plan (management of part of the SAC) developed by FCW/CCW and our community bodies (representatives from us that we are happy with) as three equal and joint partners. This would avoid appropriate assessment as the plan would by its very nature not damage Annex I or II features.

To that end we would approach WAG and FCW directly and CCW would support demand 3.

On behalf - public members of the Newborough Forest Liaison Partnership