

**Communication to the Aarhus Convention Compliance Committee concerning compliance by the United Kingdom with the provisions of the Convention in connection with forest management (ACCC/C/2014/115)**

**Email correspondence**

---

**From:** ian miller [REDACTED]  
**Sent:** 22 October 2013 12:13  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Re: Article 17 Reporting and Sand Dunes

Dear [REDACTED]

Thanks for your response to my earlier email regarding the habitat assessment reports for the dune habitats at Newborough. I'll respond in detail to [REDACTED] comments when I've less pressure on my time.

Regarding the habitat assessment reports it is the reports of the habitat assessments, those carried out by the SAC Monitoring Officer, [REDACTED] that I have requested. An edited version of these reports from [REDACTED] is of less immediate concern. I'd appreciate it if the reports produced in January by the SAC monitoring officer could be made available.

I discovered last Wednesday at the NRW Board meeting that JNCC have been asked to review the issues raised by the Science Review. While JNCC obviously have appropriate expertise and knowledge of the Directive they are also colleagues and collaborators of NRW. Their instinct will be to support NRW and the public will have little confidence that they can provide an impartial assessment of the issues. They should provide expert advice to an independent arbitration panel but they should not be that panel.

I'd appreciate copies of the nine month old SAC monitoring officer's habitat assessment reports as soon as you can forward them.

Regards  
Ian

---

**From:** [REDACTED] <[REDACTED]@cyfoethnaturiolcymru.gov.uk>  
**To:** ian miller [REDACTED]  
**Cc:** [REDACTED]  
**Sent:** Friday, 18 October 2013, 16:59  
**Subject:** RE: Article 17 Reporting and Sand Dunes

Dear Ian

Apologies for taking a long time to get back to your e-mail of 25th September. The issues you raise are quite complicated and have taken me a while to get my head around. I've asked for comments from [REDACTED] and [REDACTED] the SAC monitoring officer who has carried out a lot of the monitoring work at Newborough, and they form the bulk of our response (see attachment).

I understand that the Welsh Government have decided to pass the issues raised about tree clearance for dune management at Newborough to the JNCC, for them to review the science behind the proposals. I imagine that the points you raise will be fundamental to this review.

The simplest way to address your comments has been to include our comments in red on the attached document.

Regarding your other comments - the Article 17 report went to JNCC in November 2012 informed only by some raw data tables. The SAC reports were drafted by [REDACTED] Jan 2013, they are now sitting on [REDACTED] desk and I think he is making comment on them. Due to pressure of work he is taking time to get to these, we hope that these will be completed in the next few weeks and passed on to you then.

---

**From:** ian miller [REDACTED]  
**Sent:** 25 September 2013 12:58  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Re: Article 17 Reporting and Sand Dunes

Dear [REDACTED]

Thanks for your response to my query re. the Art 17 habitat assessment reports for Newborough. I'm afraid you have been misled by [REDACTED] - nothing new there then!

The reports were produced by [REDACTED] in 2012 and they were used to provide the Wales dune assessments for JNCC. Those reports were the completed habitat assessments and the following quote from just one of the Wales submissions to JNCC shows they were the key reports used to report dune habitat conservation status in Wales. They were 'referenced' by the Art. 17 report and if you check section 2.7.4 in other habitat reports to JNCC you'll find the same.

Section 2.7.4 Habitat type 2120 Art.17 report to JNCC 2013:

'Assessment of structure and function within designated sites (SACs and SSSIs) is mostly based on the results of common standards monitoring visits (mostly but not entirely undertaken between 2007 & 2012) (JNCC, 2004; CCW, 2005). These show that on the two SACs in Wales that have been assessed, Morfa Harlech-Morfa Dyffryn is in favourable condition and Abermenai to Aberffraw Dunes is in unfavourable condition. This main concern relates to poor or disrupted sand supply.'

The statement above clearly indicates the assessment of conservation status ['structure and function'] for the habitats at Newborough have been completed in 2012 and used to compile the Art. 17 rpt to JNCC [Feb.,2013].

What we have regarding this habitat type is a progression:

- Initial SDF assessment: grade A, 'excellent' conservations status. All aspects of structure and function in **excellent state**
- 2005, **three years later** - as if by magic - the mobile dunes are in 'unfavourable conservation status'. In fact [REDACTED] made a mistake by allowing the assessment officer to actually report the good condition of the mobile dunes and had to resort to a misapplication of the zonation CSM target to achieve his objective of reporting the habitat in an unfavourable state.
- 2012/13 - the Wales Art. 17 report states the conservation status of the mobile dunes at Newborough is unfavourable [section: 2.7.4]. Having, from his perspective, messed up the 2005 report by allowing the true favourable condition of the habitat to be reported this time I imagine [REDACTED] will have manipulated the data to indicate both condition and conservation status are unfavourable. He won't allow the actual good condition to hinder his objectives.

I actually had a good look at the mobile dunes along Traeth Penrhos this Aug. You couldn't have found shifting dunes with *Ammophila arenaria* in finer condition. The abundant seed heads made the dune ridge look like a field of corn or barley ready for harvest. To be in that condition both the levels of bare sand and the mobility of that sand must have been in a favourable state; the condition/structure and function/sustaining processes were favourable and uncompromised. This is the section of foredune your agency plans to trash by driving corridors through the foredune ridge as a result of the manipulation of the conservation status of this habitat type. An interesting take on 'conservation' and maintenance of habitat area and range.

[REDACTED] is sitting on the habitat assessment reports and not releasing them until he has ensured there are no 'slip-ups' as there were in 2005 when the condition assessments actually reported the true good condition of the habitat.

I would suggest you and the agency stop allowing [REDACTED] to destroy the agency's credibility and reputation.

As promised I enclose a brief compilation of the sand dune condition assessments from the 2005 habitat assessment reports. You can see that all four habitats met all the condition targets and were in favourable condition as I stated at the meeting in Newborough. Humid slacks were so badly surveys that their condition was unclear.

Regards  
Ian  
[Dr Ian Miller]

---

**From:** [REDACTED]  
**To:** [REDACTED]  
**Sent:** Monday, 23 September 2013, 17:41  
**Subject:** Article 17 Reporting and Sand Dunes

Dear Ian

Apologies for taking a while to get back to you, September has been very busy.

At the Newborough Community meeting on the 5th September you asked me about progress with the SAC monitoring reports on Newborough. You had requested these sometime ago and were surprised to hear that they were still being edited, particularly as Article 17 reports had already been produced.

I've done some digging around and this is my understanding of the process and where we are with the reports:

1) Many of the SAC features at Abermenai to Aberffraw dunes were monitored during 2012 and reports were drafted and passed on to the Sites Team Leader, [REDACTED], and are in the process of being checked by him. Other features monitored in 2012 have been dealt with in the same way, though in many cases the reports have yet to be drafted due to pressure of other work. [REDACTED] has informed me that the monitoring reports for Abermenai –Aberffraw SAC should be ready by early October, and we'll pass these on to you then.

2) You expressed surprise that the Article 17 reporting was completed before the SAC reports were finalised. You should understand that the format of the Article 17 reports is now much more focussed on assessment of the whole habitat resource in the member state and eventually at the biogeographic region, rather than specifically on Natura 2000 sites. This requires a much broader body of information, along with expert judgement, and the contribution of the SAC monitoring process is relatively modest. While the raw data (showing whether the plot was favourable or unfavourable) from SAC monitoring across Wales was made available to experts, it may have contributed relatively little to these Article 17 reports. In the case of the sand dune reports, this appears to be the case, as the SAC monitoring reports are not referenced, though the raw data may have confirmed an overall expert opinion. So SAC monitoring reports are not deemed to be an essential prerequisite to Article 17 reporting, though they are clearly desirable to inform the process. As you will see from the supporting documentation supplied to JNCC, the sand dune report drew on a wider range of referenced material to give an assessment of this broader canvas.

I hope this helps explain the process. Please get in touch if you require more information

[REDACTED]

[REDACTED]

Rheolwr Safleoedd Dynodedig Y Gogledd / North Wales Protected Sites Manager

Cyfoeth Naturiol Cymru / Natural Resources Wales

Ffôn/Tel: [REDACTED] Ffacs/Faxl: [REDACTED]