

From: ian miller [email address redacted]  
To: aarhus compliance  
Date: 11/12/2014 16:20  
Subject: Fw: JNCC EIR 201428 - Newborough Abermenai & Aberffraw dune SAC JNCC adjudication

**Attention: Maricar Dela Cruz/Fiona Marshall**

**Re.: Communication regarding the UK and Newborough Forest**

Dear Ms Marshall & Dela Cruz,

I enclose an email just received from the JNCC in response to my FoI request referred to in my further evidence response to the Compliance Committee [sent 05/12/14].

The Committee should note that JNCC state they have not provided any adjudication regarding disputed issues arising from the Newborough Science Review - highlighted text in their email. This conflicts with the conservation agency's recent announcement that JNCC's advice has allowed the Welsh Government & NRW to 'conclude' the Science Review without ever having allowed impartial arbitration to resolve key disputed issues. The implication is that JNCC have provided 'arbitration' when they have done nothing of the kind.

It appears that JNCC were never asked to provide advice on a key issue regarding the actual requirements of the Habitats Directive. Our understanding is that since the 'contemporary' area and range of protected habitat must be 'maintained or increasing' (naturally) and at site level this equates to habitat zonation within the SAC then zonation must be maintained or increasing (naturally). In other words the Directive requirement is to maintain habitat zonation present at the time of SAC designation, the 'contemporary' extent and distribution of habitats allowing for natural dune dynamics. There is no remit in the Directive to landscape a site in order to create new areas of dune habitat in order to extend full habitat zonation along further sections of coastline.

This email provides further evidence of the Welsh Government and NRW's determination to avoid fulfilling their commitment to ensure independent and impartial arbitration resolves disputed issues arising from the Newborough Science Review.

Yours sincerely,  
Dr Ian Miller

----- Forwarded Message -----

**From:** "John.HensonWebb@jncc.gov.uk" [email address redacted]  
**To:** ian miller [email address redacted]  
**Sent:** Wednesday, 10 December 2014, 10:45  
**Subject:** JNCC EIR 201428 - Newborough Abermenai & Aberffraw dune SAC JNCC adjudication

Dear Dr Miller,

Thank you for your request for information which we received on 17 November 2014. We have dealt with your request under the Environmental Information Regulations 2004.

*The information requested are details of the issues that JNCC were asked to adjudicate on - the adjudication briefing document from WG/NRW; what information NRW (and/or WG) provided to JNCC*

*regarding the disputed issues and a copy of JNCC's adjudication report or review; the conclusions in other words.*

JNCC has never been asked to adjudicate in regard to Abermenai to Aberffraw Dunes. We were, however, asked by the Welsh Government for advice on the interpretation of Common Standards Monitoring Guidance for dune sites, with reference to the site. We supplied advice within our remit, and also answered a follow-up query from the Welsh Government.

<https://jncc.iweb->

[storage.com/s/IjU0ODZIMDI0NmExODkyMjgxYjJjMGQ1ZiI1b3U0F9e5cG98KhZ6ZtXLIM8\\_8jTQ](https://jncc.iweb-storage.com/s/IjU0ODZIMDI0NmExODkyMjgxYjJjMGQ1ZiI1b3U0F9e5cG98KhZ6ZtXLIM8_8jTQ)

The web address provided will take you to a fileshare service where you will be able to download the emails that show the request for advice, what documentation JNCC was sent by Welsh Government, and our responses. You will be asked to enter your email address to access the files, but this is for JNCC audit purposes only and will not be shared with any third parties. There are four emails:

1. Copy of email of 22 January 2014 from Welsh Government entitled *FW: Multiple Documents - JNCC - Newborough Review of Science [30 Jan]*. Has seven attachments.
2. Copy of email of 7 April to Welsh Government entitled *Review of Science - Abermenai to Aberffraw dunes SAC [7 APR]*. Has one attachment.
3. Copy of email of 30 July 2014 from Welsh Government entitled *FW: JNCC - Newborough Review of Science - follow-up letter July '14[1] (A7777175)*. Has one attachment.
4. Copy of email of 4 September to Welsh Government entitled *Review of Science for Newborough [ref your letter of 30 July]*. Has one attachment.

If, for any reason, you are unable to access the sharefile, please let us know and we will find an alternative method to make the documents available. The sharefile option will remain active for 30 working days (ceasing on January 28 due to the Christmas break).

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If you are still not satisfied following this, you can make an appeal to the Information Commissioner who is the statutory regulator. The Information Commissioner can be contacted at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF  
Telephone: 0303 123 113  
Fax: 01625 524 510

[www.ico.gov.uk](http://www.ico.gov.uk)

Yours sincerely,

John Henson Webb

*Communications and Governance Officer*  
Communications Team

Joint Nature Conservation Committee, Monkstone House, City Road, Peterborough PE1 1JY, UK  
Tel: 01733 866801 Fax: 01733 555948  
Email: [john.hensonwebb@jncc.gov.uk](mailto:john.hensonwebb@jncc.gov.uk) Website: <http://jncc.defra.gov.uk/>  
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