

**Royal Society for the Protection of Birds: Broadwater Warren,
Broadwater Forest Lane, near Tunbridge Wells.**

**Application for Consent under the Environmental Impact Assessment
(Forestry)(England and Wales) Regulations 1999**

Background and Statement of Reasons Supporting the Decision to Grant
Consent

Section	Contents	Page Number
OVERVIEW		2
LEGISLATIVE BACKGROUND		2
SUMMARY OF THE APPLICATIONS EVOLUTION		2
KEY DATES		3
NATIONAL POLICY CONTEXT		3
REGIONAL POLICY CONTEXT		4
ANALYSIS OF PROPOSALS IN RELATION TO THE POLICIES ABOVE		4
SUMMARY OF CONSULTATION RESPONSES		5
DEFORESTATION AND POLICY		5
BASIS OF THE DECISION		6
ASSESSMENT – THE MAIN ISSUES CONSIDERED IN THE DETERMINATION OF THE PROJECT		6
Impacts on human beings:		6
Impact on fauna:		8
Impact on flora:		12
Soil, water, air, climate and the landscape:		12
Material assets and the cultural heritage:		13
The interaction between the factors mentioned above:		14
SUMMARY AND CONCLUSIONS		14
ISSUES TABLE – BROADWATER WARREN		19

Overview

1. The RSPB bought Broadwater Forest in January 2007. The total area is 180ha and is comprised of woodland and a small area of dry heath. Their objective is to remove the bulk of the conifer plantations and young conifer natural regeneration and restore the area to lowland heath and ancient semi-natural woodland. The plans would result in the conversion of approximately 100ha of woodland to open habitats which is classed as deforestation.

Legislative Background

2. The Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999 prohibit the carrying out of any work or operations in relation to a 'relevant project' unless consent has been obtained from the Forestry Commissioners or, on appeal, the appropriate Authority (in England the Secretary of State for Environment, Food and Rural Affairs).
3. Regulation 3 defines "relevant project" as one of four types of forestry project:
 - Afforestation,
 - Deforestation,
 - Forest roads, or
 - Forest quarries

Where the above does not constitute development regulated by the legislation on town and country planning but which is likely by virtue of factors such as its nature, size or location to have significant effects on the environment.

4. In January 2007 the RSPB applied for a determination under EIA regulations as to whether the proposals constituted a relevant project. As a result of a screening exercise The Forestry Commission (FC) determined that the proposals were likely to have a significant impact on the environment and hence constituted a relevant project. In order to seek the FC's consent the RSPB proceeded to prepare a detailed application supported by an Environmental Statement (ES) detailing the likely impacts of their proposals.

Summary of the applications evolution

5. In preparing their application the RSPB carried out and commissioned a series of surveys of the site and consulted widely through newspaper articles, site notices, on site open days and public meetings. The details of this process and the findings are documented in the application and ES submitted to the FC as a first draft in March 2008 and a second draft in February 2009. Following some discussion and clarification of points raised by the FC a final ES was submitted by the RSPB in June 2009 at which time the FC initiated formal a consultation.

Key Dates

5 Jan 2007	RSPB submit determination enquiry
10 Jan 2007	FC advises RSPB of their intention to hold a screening meeting.
7 March 2007	Screening meeting held
12 April 2007	FC informed RSPB that the proposal is a relevant project
July 2007	Scoping meetings held at Groombridge and Frant.
March 2008	First draft ES submitted to the FC.
Feb 2009	Second draft ES submitted to the FC.
1 June 2009	Revised ES accepted by FC.
5 June 2009	Formal consultation initiated
3 July 2009	Consultation ends
4 Dec 2009	FC publish formal decision on the application.

National Policy Context

6. The Government's approach to sustainable forestry is underpinned by the **UK Forestry Standard** (2nd edition, 2004). The Standard provides the benchmark for judging the performance of the UK forestry sector. It defines criteria and indicators that enable progress in delivering sustainable forest management to be assessed. The Standard includes a series of Practice Notes which help to identify acceptable options for forest and woodland management and the siting of new woodlands.
7. The Government's priorities for forestry in England are outlined in the Strategy for England's Trees Woodlands and Forests 2007. In consideration of the benefits forestry provides to land and the natural environment the latter states:
"To create, expand and maintain a network of sustainably managed trees, woods and forests that are resilient to climate change and make a full contribution to:
protecting and enhancing our woodland habitats and associated species and facilitating their resilience and adaptation to climate change;
safeguarding, enhancing and celebrating the characteristic elements of rural and urban landscapes and their cultural and historic values;
maximising the full range of ecosystem services provided by trees, woods and forests, including the protection of soil and water resources now and in the future, as needs change." (p23)
8. The Biodiversity Strategy for England (Working with the Grain of Nature, DEFRA, 2002) includes the stated aim of protecting biodiversity-rich woodland from external threats, from industry and surrounding land uses (page 50). However, it also recommends that appropriate opportunities to re-create or restore open-ground habitats, such as heath and moorland, by the removal of largely coniferous plantations that were established on them in previous decades are considered (page 51). Under Section 74 of the Countryside and Rights of Way Act 2000, it is the duty of the Forestry

Commission along with other Government Departments in carrying out its functions, to have regard, so far as is consistent with the proper exercise of those functions, to conserve biological diversity.

9. Climate Change – The UK Programme (2006) sets out the Governments commitments both at international and domestic levels to meet the challenge of climate change. The agriculture and forestry sectors contribute 7% of the UK greenhouse gas emissions.
10. There is currently no Local Biodiversity Action Plan written for Wealden District. There is a Local Biodiversity Action Plan for Tunbridge Wells District, which is adjacent to the site.

Regional policy context

11. The Forestry and Woodlands Framework for South East England 'Seeing the Wood for the Trees' is a non-statutory document published in 2004. It is intended to act as a framework for the future development of woodlands and forestry in the South East.
12. The framework highlights the contribution that woodland and forests make to the environment, people and places and the economy. The framework focuses on a series of outcomes that are relevant to this application:
 - Better places for people to live – Adequate provision of accessible woodland across the region.
 - Enhanced environment and biodiversity – A strategic approach to the conservation and restoration of priority non-woodland habitats where removing or reducing woodland cover would result in a net gain for biodiversity.
 - A stronger contribution to the economy.

Analysis of proposals in relation to the policies above

13. The proposals for Broadwater Warren outline the management proposals for the 180ha site in RSPB ownership. Currently the site comprises areas of woodland- conifer plantations on ancient woodland sites, ancient semi-natural woodland and conifer plantations. There are also small areas of dry and wet heath and some open water and mire. The proposals include habitats that are priorities outlined in the UK Biodiversity Action Plan:
 - Dry heath
 - Wet heath
 - Mire
 - Native woodland
14. In respect of the Governments objectives for woodland:

The UK Forestry Standard is a benchmark for sustainable forestry, and so the deforestation proposal will not fit with the standard. However, there will be 80ha or so of retained woodland on the site, and the management of this, with the aid of a management plan will fit with the UKFS. The management of the retained woodland will also contribute to the ETWF

aim of enhancing woodland habitats and enhancing its cultural and community value. The deforested areas will also play a role in terms of cultural and community value.

Summary of consultation responses

15. The application for EIA (Forestry) consent and the accompanying documents including the environmental statement were subject to a consultation period during June 2009. A notice advertising the consultation was published in the Courier group of local papers. Copies were available through the relevant Parishes, Wealden District Council office and Tunbridge Wells Borough Council office, RSPB local office and local FC office. The notice stated that anyone wishing to comment should do so within 28 days to the Forestry Commission.
16. In addition the FC also wrote to Natural England, East Sussex County Council, Kent County Council, Tunbridge Wells Borough Council, Wealden District Council and High Weald AONB, providing copies of the application and statement on CD, and requesting comment within 28 days.
17. A total of 20 responses were received from members of the public and public organisations. A total of 88 issues were raised. 2 responses gave unconditional support to the proposals.
18. The issues raised, including those raised by the FC are summarised in the table at Appendix I.
19. The majority of the responses were from cyclists but in addition there was a comprehensive response from a private individual and some detailed concerns raised by the local authority. Natural England raised concern about areas of Ancient Woodland being mapped as converted to heath, and that some areas of ancient woodland were mapped as being grazed.

Deforestation and policy

20. There is currently no national or local policies that would prevent deforestation and whilst there is an emerging policy on open habitats, it was not in place at the time the application for deforestation was made and the ES written. Certain types of woodland such as Ancient Woodland are given higher levels of protection through planning and forestry policies. Although policies are a consideration, the EIA process is based on the impact of the proposals and whether these would be significant rather than being determined in advance through policy. Whilst it is the FCs general policy to protect trees and woodlands and to increase their value to society it would be incorrect to rely on this policy without considering the individual environmental impacts in detail.

Basis of the decision

21. The EIA determination process provides the framework for assessing whether the project will have a significant impact on the environment. The decision on whether or not to grant consent takes account of the environmental impacts of a proposed project and takes into consideration the environmental information, representations received in relation to the application and any other material consideration, including the assessment of direct and indirect effects of the project on the environmental factors listed in Schedule 4 to the EIA (Forestry) Regulations.
22. Whether or not deforestation proposals gain EIA (Forestry) consent is determined on a case by case basis. It depends on whether the net environmental impact of the project ie. the balance of negative and positive affects, is considered by the Relevant Authority (the FC) to be significant.

Assessment – The main issues considered in the determination of the project

23. The Environmental Impact Assessment Regulations require the competent authority (in the case of afforestation, deforestation, forest roads or forest quarries this is the regulatory arm of the Forestry Commission) to consider the impacts of the proposals on:

- ***human beings, fauna and flora;***
- ***soil, water, air, climate and the landscape;***
- ***material assets and the cultural heritage; and***
- ***the interaction between the factors mentioned above***

24. The following paragraphs outline:

- the main reasons and considerations on which the decision is based;
- the conditions which are attached to the approval;
- a description, where necessary, of the main measures to avoid, reduce and, if possible, offset the major adverse effects of the project.

Impacts on human beings:

25. The proposals include plans to improve the quality of access provision through improved interpretation and a small car park. Several potential impacts on human beings are considered, including different stages on the project and different types of user. These are the impact :
- On pedestrians during restoration work
 - On visitor enjoyment due to disturbance or reduction in wildlife
 - On the pedestrian visitor post restoration works

- On the visitor in relation to landscape changes
 - On visitors due to the dog walking policy
 - On mountain biking and orienteering
 - On horse riding
 - On car parking and access
 - On visitor experience due to increased visiting and visitor infrastructure.
26. The ES considers the impact of the work on visitors to the site during the restoration phase. The negative impacts likely during this phase have been assessed and necessary mitigation measures for the temporary negative impacts described. There were no specific concerns raised about this section during the consultation. During the scoping exercise, there was a strong desire amongst walkers to retain an area of large pine. This has been accommodated in the design.
27. The ES also considers this post restoration in relation to the change in wildlife resulting. The statement describes reversing the current declines as being a positive effect of restoration and refers to the return of species not present and the inability of other species to survive without restoration. Some of these statements perhaps contain a degree of bias. Some species have been present with rotational management and without heath restoration and so reversing a decline is also due to lack of positive management rather than the process of heath restoration. However, the assessment of POSITIVE is correct but it could be achieved to some extent by another route.
28. Pedestrians will be welcomed on the site and will benefit from an enhanced quality of access through provision of a car park, improved walking routes and interpretation. The potential impact of fencing is recognised and despite the provision of gates into grazing areas, the freedom to roam currently enjoyed will be restricted. There will be paths that will take walkers around the site to avoid grazing animals. Overall this is a negative impact but careful locating of access points through discussion with users will help reduce the residual negative impact on walkers. Incorporating scrub margins inside the fence line will reduce the visual impact of fences. There was concern raised that the improved facilities and increased numbers of people using the site will have a negative impact. An open site will have a lower carrying capacity than a wooded site, but the retention of trees and scrub for landscape and bat and dormouse habitat will break the site up into smaller open areas and so reduce this impact. The residual impact in this respect is slightly negative.
29. The impact on the visitor of landscape change is addressed in the ES. The consultation brought forward concern about the claim that work will restore the historic landscape. However there is clear evidence, including the picture on the front of the ES that the restoration will indeed restore an historic landscape. Of course there are differences in that cars will be using the adjacent highway. The impact has been correctly assessed and recognises the impact of sudden change and describes measure to

mitigate this impact. This section also describes managing the timber, but fails to describe how this will be achieved.

30. There are many objections to the banning of cycling. Cyclists have used the wood over a number of years. The decision to ban cycling is a policy decision of the RSPB and is not a decision directly resulting from the proposal to deforest. The ban does have a negative impact on cyclists, but the impact is the result of the ban rather than the deforestation. The ban for cyclists applies to wooded areas and areas proposed for deforestation. It seems therefore that this is an area that can not be dealt with by the EIA process but needs to be resolved through discussion between the RSPB and affected users.
31. The increased use of the site by people and use by dog walkers could have a negative impact on ground nesting birds. The assessment that the effect will be neutral seems incorrect as it assumes the policy of dogs on leads will be self-controlling and this seems optimistic. Strict enforcement is likely to be necessary if the biodiversity gain of breeding success is to be realised.
32. The ES states that the police will be asked to provide a patrol and the consultation raised doubt about this happening. This could well be so, but the RSPB would encourage public access to their property through improved facilities whether it is managed as woodland or heath. The desirability of a police patrol and whether it would occur would therefore be relevant whatever habitat the site is managed as.
33. Overall the FC accepts that the impact on people is positive in the long term, with some negative impacts only being present in the short term. Some impacts were perhaps optimistic, but this does not change the overall impact assessment. The FC recognises that the ban on cycling has a significant impact on cyclists, but this is an issue resulting from RSPB policy and the lack of capacity of the site to accommodate all users whether heathland restoration takes place or not.

Impact on fauna:

34. The proposals include assessments of the impact on fauna including invertebrates and considers the impact :
 - On heathland birds
 - On woodland birds
 - On mammals – deer species
 - On mammals – bat species
 - On mammals – dormice
 - On reptiles and amphibians
 - On invertebrate fauna.
35. The ES considers the impact of the proposals on a range of fauna on the site. During the consultation phase there were concerns raised about

dormice, bats, reptiles and amphibians and invertebrates. There was concern that the ES didn't fully address the recommendations of specialist reports.

36. Bats, dormice and some reptiles and amphibians are covered by European Habitat Regulations and are protected as European Protected Species (EPS). Decisions about how the proposal will affect these species in particular must be considered carefully and consider the specialist reports, good practice guidance as well as any point raised during consultation. There must also be careful consideration of the mitigation measures proposed.
37. Some concern centred around the timing of operations, level, timing and continuation of survey effort and loss of habitat for some species.
38. The specialist report on dormice has defined habitat in 4 levels of suitability for the species. Only 26ha of the 180ha site is defined as optimal habitat. 83 ha is in the lowest category of poor habitat. Surveys confirmed presence in optimal habitat, but there was no presence recorded on the category 3 habitat (sub-optimal/poor). From this it is reasonable to decide that there are no dormice in Cat 3 and 4, that the habitat is not suitable and so dormice are not an issue if these areas are deforested and so the impact is neutral.
39. The surveys for dormice were carried out in areas classified as category 1 – optimal. It is therefore not clear whether dormice are present in category 2 (sub-optimal – good) areas. Substantial category 2 areas are to be cleared during the 6 year works programme. It seems likely that dormice will be present in these areas. This means that further work will be needed prior to any being cleared. This could be in the form of further survey work and modification of the programme to stay within good practice guidance. One compartment 23a was incorrectly mapped as category 1. It should be category 2 as in the Corylus report Table 2.
40. Much of the optimal habitat is on the edge of dense young conifer compartments. These edge strips are being retained.
41. Good practice guides indicate the maximum percentage of suitable habitat that should be felled at any time should be limited to 33% and the remaining habitat retained for at least 5 years. The current plan shows the majority of category 1 and 2 areas being cleared during the 6 year plan. It therefore appears that the plan will need to be amended unless surveys show no dormouse presence in cat 2 areas. In year 1 however, the felling is in category 3 and 4 areas with some retained edge strips and so could proceed.
42. For coppice, good practice guidance indicates that up to 25% can be coppiced in a year. Coppice regimes in the retained woodland and retained woodland within the heath area will need to be defined in order to comply with the good practice guidance. Mitigation also relies on

improvements to the habitat quality of the woodland areas but there is little detail in the ES as to how this will be achieved. A management plan for the woodland will be needed to define habitat improvement and future management.

43. The optimal time for working to minimise any potential negative impact on dormice is September and October. This is at odds with the advice in the herpetofauna report which suggests winter working as the best time provided hibernation sites are avoided. However, much of the clearance work is in areas that are unsuitable for dormice. As these areas aren't dormouse habitat, it is unnecessary to place a seasonal restriction on their clearance and so work could be completed over the majority of the programmed schedule at a time that is considered preferable for reptiles.
44. The map 7.6 included in the ES has been revised and shows more clearly the retained scrub edges. These, plus some scrubby banks will be key habitat retentions for both dormice and reptiles. It will be essential that these areas are defined prior to work starting and in conjunction with experts and the FC.
45. The ES and specialist report highlights the importance of the site for bats with at least 6 species being recorded. The survey also looked at potential roost trees. Compartments 8, 22 and 27 are singled out as containing the greatest interest for trees with bat potential. All these compartments are being retained as woodland.
46. There was comment during the consultation period that there was some discord between the specialist report suggesting that further surveys would be needed before work starts and the ES which at 1.4.4 suggests surveys would be carried out 'as work progresses'. However the ES at 5.2.4.4 says that trees with potential to support roosts will be identified before felling starts and that they will be identified for retention. The ES does also state that additional emergence surveys will be undertaken. It seems it is only necessary to clarify that roost surveys will be before carried out before felling.
47. The consultation also raised the possibility that there was a loss of bat habitat. Habitat can be described as roost habitat and foraging habitat. It seems that roost habitat is covered within the ES in that there have been some surveys for potential roosts and there will be further surveys prior to felling works. Potential trees will be identified and retained. Buffering of potential roosts will also be needed to comply with good practice guidance but isn't specifically mentioned in the ES. The specialist report also identifies foraging corridors and suggests that changes to these corridors could result in loss of foraging habitat. There will need to be agreement prior to each years deforestation between the FC and specialists to ensure the detail of exactly which areas are retained for bat foraging and roosting.

48. The invertebrate report doesn't lay out succinct recommendations as such but it suggests that the management of the wet woodland, tussock sedge and mire are important. These areas will be retained and so more detail of their management will be needed as part of a detailed woodland management plan.
49. The complexities of the interaction and contradictions between species within this section have made it difficult to follow. It is clear that further survey work is needed if losses are to be avoided and so a timetable of surveys would be desirable in order to be sure that all conflicts are being addressed.
50. Wood ants (*Formica rufa*) were raised in the consultation as being affected by the proposed deforestation. It is not a protected species and has no national species action plan (SAP) and is very common through the SE of England. It is acknowledged that there will be disturbance, but the ants are quite mobile and are able to colonise broadleaved woodland and scrub edges. They are also present in large numbers on areas of the site not affected by the deforestation proposal. Although not specifically mentioned in the ES, it seems that the impact of the work will be slightly negative but not significant.
51. Concern was expressed during consultation that the reliance on evidence from other sites to show the likelihood of success at Broadwater is not based on evidence. RSPB have now provided a summary of data from other sites where similar work has been carried out.
52. The tendering of work introducing the possibility of mistakes was raised. This isn't an issue for EIA as such but a question of the quality of on site management during implementation. Success or failure will depend on the management of operations rather than the process by which the work is secured.
53. Heathland birds are a focus of the proposed management of the site, and the aim of reversing declines in heathland bird numbers is an important focus. RSPB have provided evidence from their records that at Farnham Heath in Surrey there have been marked improvements in 2 target species, namely nightjar and woodlark. There is therefore every likelihood of success and there will be a positive impact resulting.
54. There will be some negative impact for woodland birds most of which is temporary while habitats develop and are improved. Again, the mitigation depends heavily on the management of retained woodland habitat and its improvement which further emphasises the need for a woodland management plan.
55. There is a risk that deer will be disturbed during felling operations and having a negative impact on neighbouring properties. Whilst this is likely to be temporary, deer will in the long term have a negative impact on the woodland areas. This would compromise the quality of retained woodland

habitat. The RSPB should seek advice from specialists within the Deer Initiative in order to develop a management plan for deer in conjunction with other landowners within the High Weald Ridge HLF area.

Impact on flora:

56. The ES consider the effect of the proposals:

- On woodland flora
- On heathland flora
- On fungi
- On lower plant communities

57. The overall conclusion for woodland flora is that overall the impact will be positive as a result of the restoration of native woodland and removal of rhododendron in particular. The ES does recognise the need for care during operation in order to avoid damage to ground flora.

58. There was some doubt raised during consultation as to whether there would be heathland flora under 50 year old pine. These concerns can be disregarded as there is clear evidence on site of heathland flora under more mature pine trees.

59. The impact on heathland flora is likely to be negative during the felling phases of work but this will quickly be reversed with an overall positive impact as the seed bank is disturbed and the site settles down after the initial works. This will also have a positive impact on National HAP targets for lowland heath but as the woodland is dominated by conifer there is no corresponding loss in woodland HAP area.

60. There was concern expressed during the consultation that calluna is susceptible to phytophthera on wet sites. There is evidence from Poland¹ that calluna can suffer dieback from Phytophthera ramorum, but at present there are no cases outside retail outlets or nurseries in East Sussex.

Soil, water, air, climate and the landscape:

61. There was concern expressed during the scoping and consultation phases that removing trees may cause additional run-off and could cause flooding on the road at Broadwater Bridge. Neither highways or Environment Agency (EA) were able to provide information about flooding. The EA flood maps for the stream that flows through the site and under the road show the area to be low risk – ‘The location you have selected is in an area that is unlikely to flood except in extreme conditions. The chance of flooding each year is 0.5% (1 in 200) or less.’ Approximately 55ha of the

¹ <http://www.fera.defra.gov.uk/plants/plantHealth/documents/suscept.pdf>

site was cleared after the storm of 1987 and kept open by flailing until 2000 when it was replanted. The site therefore has had long periods of being kept open without tree cover. The current proposal, while more extensive, will in essence create the same conditions. There will be period therefore when the ground has sparse vegetation, but this will be no different to that encountered when clearfelling a site as part of the normal forestry rotation. It is thought that peak flows are likely to increase by up to 10%, reducing as the heathland vegetation develops. The retained woodland in the valley and the mire areas will also help reduce any runoff from cleared areas.

62. There is the real possibility of debris affecting culverts during operations and so some monitoring of the condition of the under road culvert at Broadwater Bridge and ensuring it is kept in good condition should be factored into the management of the site during any tree removal operations.
63. Removing trees and the effect this will have on climate was raised as an issue. The ES assesses the impact as neutral. However, the FC climate change lead suggests this is an incorrect statement – ‘There will be a negative impact - particularly in the longer term because of the reduction in average carbon stocks and reduced ability to mitigate climate change through product substitution. The mitigation measures are appropriate - and good to see; however, there will be a residual impact that should be noted, but not stand in the way of granting felling on its own’.
64. There were several concerns about the impact on the landscape. Whether the change to a more open landscape is positive or not is very personal and so the assessment of it being positive is probably incorrect and should probably be more correctly described as neutral. The site will be less open than as described in the landscape assessment due to additional retentions for dormice and bats and general landscape design. The speed of change can cause concern for the public. The proposal is that the work will proceed over a 6 year period and while this is fairly rapid, the change is phased. In order to ensure the progress is at the correct rate, and that woodland retentions are properly identified, there should be an annual meeting with the FC to agree and mark out the felling areas each year prior to work starting.

Material assets and the cultural heritage:

65. The site has a rich history connected with it and this is recognised in the ES. A survey was commissioned that has identified points of interest. The ES also recognises the need to conserve identified sites and that sites that are as yet unidentified are not damaged by future operations. The impact assessment of positive is correct only if the mitigation measures are fully implemented. There will be a very real possibility of having a permanent negative impact if deforestation operations are not carefully planned and monitored to take into account known and potential archaeology. The

planning of operations will be agreed with the County Archaeologist and follow good practice guidance such as the FC Forests and Archaeology Guidelines.

The interaction between the factors mentioned above:

66. There is the potential for the deforestation to improve factors such as heathland birds and flora in the long term while having a negative impact on visitors in the short term while work progresses. Phasing the work over a 6 year period will reduce the magnitude of the negative impact. Although the time scale over which negative impacts such as noise and disturbance during deforestation is greater than if the work were completed rapidly, the magnitude and speed of change is more acceptable. In addition, there are planned benefits of improved visitor access.

Summary and Conclusions

67. In considering whether to grant consent for the proposed project, The Forestry Commission's prime concern has been to establish whether the project would result in any significant environmental impacts on the factors listed in paragraph 23.

68. The information contained in the ES has been examined in detail, consultee responses have been investigated and where necessary expert advice has been sought. The conclusion of this is that the ES was sound and of an adequate standard on which to base consideration of the impacts.

69. In considering the ES it was necessary to determine whether the benefits outweighed the impacts.

Forestry Commission Decision

70. Having considered the Environmental Statement, national and regional policy contexts, advice received from statutory bodies and the views of consultees, **the Forestry Commission has approved the application for consent subject to the conditions below.**

Conditions of consent

71. Condition (a): The development hereby permitted will commence within 2 years of this permission.

Reason: The site is developing as a habitat and considerations like the quality of habitat for dormice and bats will change and the surveys submitted are likely to become unrepresentative.

72. Condition (b): The work will be phased in approximately equal areas over at least 6 years. No work will be carried out in relation to the relevant project after the expiration of 10 years from the date of this permission.

Reason: The work is planned to be phased over a 6 year period. To carry it out in a shorter period would result in a more rapid change which may change the impact of the work which may differ from the assessed impact. To allow some flexibility with the rate of progress, a longer period is allowed. However in order to ensure the project is implemented within a reasonable time scale not significantly different to that planned and the positive impacts are realised, 10 years is the maximum time scale.

73. Condition (c): A woodland management plan using the Forestry Commission template² will be prepared and approved by the Forestry Commission prior to any deforestation works commencing.

Reason: The mitigation against impacts for the deforestation frequently relies on the appropriate management of the remaining woodland. The detail in the ES is limited and a detailed plan is needed in order to be sure the mitigation will be successful.

74. Condition (d): Liaison with users of the site will be actively pursued so that key routes are catered for particularly in relation to gates into and out of fenced enclosures.

Reason: The introduction of fences in particular will have a negative impact on users. Inclusion of users at the planning phase will reduce the impact.

75. Condition (e): Each years programme of deforestation will be agreed with the FC in conjunction with specialist advice on herpetofauna, dormice and bats. Tree and woodland retentions will be clearly marked on the ground prior to work starting.

Reason: The retentions may need to be varied each year once the landscape is re-assessed after the previous years tree removal, and as habitats change over time, the significance of protected species in an area will vary. These changes need to be re-assessed regularly, and a check made to ensure the anticipated landscape character is being achieved.

76. Condition (f): For reptiles and amphibians, mitigation measures and working methods described in paras 5.2.6.4 of the ES, except the creation of areas of standing water and log piles will be put in place prior to any deforestation work starting. Water and log piles will be put in place after each phase of deforestation.

² [http://www.forestry.gov.uk/pdf/plan-template.doc/\\$FILE/plan-template.doc](http://www.forestry.gov.uk/pdf/plan-template.doc/$FILE/plan-template.doc)

Reason: The measures are needed to protect and enhance the populations. Not doing so would create a risk of decline of these species.

77. Condition (g): Advice will be sought from the Deer Initiative and a deer management plan prepared within 12 months of the permission. The plan should be in the context of the wider landscape, in particular the High Weald Ridge area.

Reason: Deer are present in the area, and success of the planned improvement of the retained woodland habitat is unlikely to be realised in the medium and long term unless measure are put in place to control deer number.

78. Condition (h): The 'Key Bat Areas' shown on the maps in the specialist report by Corylus Ecology will be retained unless the specialists confirm that other works will provide sufficient alternative key bat areas. Any change will be confirmed with the Forestry Commission

Reason: Bats are protected under the Habitat Regulations and the utmost care must be taken to avoid any negative impact as a result of deforestation. The report highlights key areas and so unless there is confirmation that alternative habitat is acceptable by the specialists, the habitat needs to be retained to avoid any negative impact.

79. Condition (i): The first year of work as shown in the ES at Map 7.7 can proceed, provided the retentions shown in Map 7.6 (2nd version dated 30/9/2009) are agreed with the FC and dormouse specialist prior to work starting. Subsequent years deforestation will go ahead only where category 3 and 4 dormouse habitat is removed. Category 1 and 2 areas will be removed only at a scale that keeps within good practice guidance or if surveys prove the absence of dormice in the case of category 2 areas.

Reason: There are large areas of dormouse habitat proposed to be removed from year 2 onwards. If this were removed, it would not be possible to keep within good practice guidance at the proposed speed of change.

80. Condition (j): There will be further surveys for dormice , bats and herpetofauna and an annual programme of surveys will be agreed with the FC during March each year.

Reason: Surveys were limited and specialist reports highlight the need for further survey work. An annual review of what surveys are needed will allow changes in habitat already achieved to be taken into account and allow survey effort to be focussed on necessary areas.

81. Condition (k): The planning of operations will be agreed with the County archaeologist and reviewed in the light of the increasing knowledge of archaeology present on site.

Reason: There is known to be a wide range of features of archaeological interest on the site. Major operations such as deforestation have the potential to have a negative impact. The knowledge of the site is increasing and so regular liaison will be needed to take into account the increased level of known features.

82. Condition (l): Where fences for grazing enclosures run against retained woodland, a scrub edge will be allowed to develop and then managed on a short rotation. Any dormouse habitat enclosed by fences will be protected against being damaged.

Reason: A sudden change from trees to woodland can be an artificial and permanent feature where heath is being developed next to woodland. Fences will further accentuate this. A scrub edge will help avoid this.

83. Condition (m): Broadwater Bridge will be checked annually for accumulated debris, and any necessary clearing work completed. A survey of the ability of the bridge to cope within a 10% increase in peak flows will be undertaken within 12 months of this decision. If the results show the bridge can't take this level of increased flow, measures will be agreed with the FC to increase capacity, or reduce run-off.

Reason: The possibility of increased flows during clearance work needs to be properly and fully assessed and avoided where possible. Regular maintenance of the route through the bridge will avoid problems during short term peak flows. Analysis of the bridge will inform us of the likelihood of problems and allow mitigation measures to be implemented.

Forestry Commission
South East England Region
Alice Holt
Wrecclesham
Farnham
Surrey
GU10 4LF

4/12/2009

Issues Table – Broadwater Warren

Issue number	Source of Issue	Organisation	ES Chapter Para	Objection/Opinion Specific Issue	FC response
1	Consultation response	Private individual	App. 8	Artists impressions of the site after clearance are horrifying	The impressions are stark and the retention of trees for bats and dormice will mean the reality is less stark than the impressions indicate. Landscape and its beauty are subjective and so subject to differing opinions. The design has been drawn up in conjunction with an independent landscape architect.
2	Consultation response	Private individual	5.7	Trees absorb carbon and release oxygen	The FC climate change experts feel there will be a negative impact - particularly in the longer term because of the reduction in average carbon stocks and reduced ability to mitigate climate change through product substitution. They also say mitigation measures are appropriate - and good to see; however, there will be a residual impact that should be noted, but not stand in the way of granting felling on its own.
3	Consultation response	Private individual	5.1.6	Objects to cycling ban	The cycling ban is a policy decision of the RSPB and not a decision resulting from the creation of heathland. It therefore is not a relevant consideration under the EIA.
4	Consultation response	Private individual	Table 3	How was the impact of mountain bikes and horses researched.	The cycling ban is a policy decision of the RSPB and not a decision resulting from the creation of heathland or the

					effect cycling would have on the heath. The negative impact therefore refers to the effect on cyclists once the ban is enforced for policy reasons. The effect of horse riding likewise is about the experience of the rider rather than the effect riders have on the heath. As they will continue to be able to access the site through a permit scheme, the assessment of neutral is quite correct. The numbers of horse riders are also strictly limited through a permit scheme.
5	Consultation response	Private individual	Table 3	Is the effect of tree removal on soil fact or opinion	The effect is based on experience from managing other sites as stated in 5.6.2
6	Consultation response	Private individual	Table 3	The effect on the landscape is a personal view.	Agreed
7	Consultation response	Private individual	5.1.6	No scientific reason for cycling ban is given	The cycling ban is a policy decision of the RSPB and not a decision resulting from the creation of heathland. It therefore is not a relevant consideration under the EIA.
8	Consultation response	Private individual	5.1.9	Horses are unpredictable but allowed a permit scheme	The decision to allow limited numbers of horses under a permit scheme is a policy decision about the ability of the land to accommodate a variety of users. It is not a decision influenced by the creation of the heath.
9	Consultation response	Private individual	5.1.9	Visitor car park. If RSPB is about wildlife why create walks and an 'experience'	The creation of the car park is a policy one of the RSPB and is not one affected by the proposal to create heath. It is subject to planning permission.
10	Consultation response	Private individual	Table 14	Grave and profound feelings about being excluded from a wood enjoyed for 20 years.	The cycling ban is a policy decision of the RSPB and not a decision resulting from the creation of heathland. It therefore is not a relevant consideration

					under the EIA.
11	Consultation response	Private individual	5.1	Negative impact on wildlife through car park, more dogs and effect on ground nesting birds.	The proposal to create heath is aimed at increasing the population of ground nesting birds such as the Dartford warbler. The management to maintain the heath involves grazing and the need for fencing. There is also a policy of dogs being under close control. If the site becomes more popular then strict enforcement of the policy will be needed if breeding success is to follow. It also seems optimistic to think that self regulation will happen (5.1.5.3). This is a much more controlled environment than that which dog walkers enjoy at present in the woodland. The assessment of Neutral therefore seems incorrect.
12	Consultation response	Private individual	5.1.9 5.7	A reserve only accessible by car has a negative impact on global warming	The increase in visitor numbers would be likely whether the site remained as woodland or is converted to heath.
13	Consultation response	Private individual	5.8	Clear felling will remove the intimacy and beauty of the site.	It will create a more varied site that is much more open. An area of mature conifer (cpt 22) is being retained after the screening exercise revealed their popularity with walkers.
14	Consultation response	Private individual	5.2	Removing the conifer will remove habitat for woodants	There will be some retention of conifer and woodants do colonise broadleaved woodland. They are not subject to a SAP and are common throughout the region. There will be disturbance, but the ants are very mobile and present elsewhere on the site.
15	Consultation response	Private individual	4.5.4	Rhododendron growth has been stimulated	There is a commitment to controlling rhododendron in 4.5.2 and 4.5.4.

16	Consultation response	Private individual	5.1.6	Cycling just as valid as walking	The cycling ban is a policy decision of the RSPB and not a decision resulting from the creation of heathland. It therefore is not a relevant consideration under the EIA.
17	Consultation response	Private individual	5.1.6	Effects of cycling barely visible compared with horses and dog walkers	The cycling ban is a policy decision of the RSPB and not a decision resulting from the creation of heathland. It therefore is not a relevant consideration under the EIA.
18	Consultation response	Private individual	5.1.9	Construction of a car park and paths will attract people and have a negative impact on the site.	Generally, the presence of people doesn't have a negative impact on a site if it is managed. Paths will be improved as part of the project . This will encourage people to use these routes
19	Consultation response	Tunbridge Wells Borough Council		Some concern over detail but content with conclusions. ES complies with requirements, General support	
20	Consultation response	High Weald AONB		General support	
21	Consultation response	Wealden District Council		Some survey effort should have been greater but appears limited by funding	Survey effort will continue as work progresses (5.2.5.4 and 5.2.4.6) although the specialist surveys suggest further survey work may be needed <u>before</u> work commences (Bat Report para 6.5 and 6.6). Additional surveys are included as a condition (j) of the decision to approve the application.
22	Consultation response	Wealden District Council	5.2.6	Herpetological report proposals not fully incorporated	The Kemp report suggests that there will be loss of habitat resulting from the heathland creation and suggests mitigation is needed. Creation of pools of standing water is included at 5.2.6.4 but the extent and approximate locations could be included. In addition the

					mitigation should be in place prior to the habitat being lost through heathland creation where possible. This is covered in condition (f).
23	Consultation response	Wealden District Council		Temporal separation of operations from time of peak activity not addressed for certain taxa. At odds with specialist reports.	The Kemp report on reptiles and amphibians does suggest winter working in 11.1.1 and 11.1.2. However this conflicts with the advice for dormice where Sept or Oct working are recommended. However, much of the deforestation is in cat. 3 and 4 habitat that is unsuitable for dormice and so timing in these areas is not an issue for dormice. Reptiles are the key consideration as they will be adversely affected by the proposals. There is insufficient detail in the report to suggest whether there are optimal or sub-optimal areas for reptiles and therefore whether those areas could be worked over a greater period of time that would coincide with the timings for dormice. This should be clarified before work starts through further survey and discussion with expert advisors. Timing may also need to be aimed towards the latest period suitable for dormice in habitat suitable for dormice. Mitigation measures (5.2.6.4) will also be put in place at the earliest opportunity (condition (f)) and before work starts on deforestation where possible.
24	Consultation response	Wealden District Council		Reduction in habitat for bats and dormice	The retentions for dormice and bats shown in Map 7.6 don't appear to be as large as those suggested in the Corylus

					report, particularly the key bat areas shown in the maps in the bat report. This should be considered in detail and clarified with the RSPB as it is unclear from the maps (7.6) whether the proposals will retain tree-lined corridors across deforested areas between retained woodland as suggested in the bat report (5.3). Condition (e) requires the RSPB to agree each years deforestation with the FC and species specialists.
25	Consultation response	Wealden District Council		Invert report proposals not programmed into proposals.	The report doesn't lay out succinct recommendations but causally mentions suggestions in the text. Most of these involve the wetlands and tussock sedge. The wetland and mire are woodland retentions and management of the woodland will require more detail in the form of a management plan in order to ensure the retained woodland habitat improvement will be achieved as mitigation for the removal of woodland. A woodland management plan is required in condition (c)
26	Consultation response	Wealden District Council		Bats. Discord between 1.4.4 surveys required 'as work progresses' and specialist report before work commences.	A timetable of further surveys should be drawn up to clarify this point.
27	Consultation response	Wealden District Council		Confirmation that additional bat surveys suggested in specialist report have been done is needed	See issue 26
28	Consultation response	Wealden District Council		Confirmation of retention and buffering of bats roost trees needed.	The ES doesn't mention buffering of potential roosts in bullet 1 of para 5.2.4.4, but does mention buffering

					known roost in bullet 3 and retaining woodland areas with potential roosts in bullet 4. This does appear to answer this question, but it should be made clear by the FC that any known or potential roosts will be buffered as per the FC good practice guide.
29	Consultation response	Wealden District Council		Retention of bat habitat not as extensive as hoped when comparing heath restoration plan with bat survey.	See Issue 24
30	Consultation response	Wealden District Council		Dormouse habitat retention less than would be hoped comparing the heath restoration plan with dormouse survey Fig 1	See Issue 24
31	Consultation response	Natural England		There should be no heathland management or grazing on AW	The maps do indicate heathland on AW and so the maps should be altered and corrected to rectify this. This has now been completed.
32	Consultation response	Natural England	3.3.3	Section refers to AWI, but the quote in para 4 refers to secondary woodland not AW	Accepted
33	Consultation response	Private individual	5.1.6	Objects to cycling ban	The cycling ban is a policy decision of the RSPB and not a decision resulting from the creation of heathland. It therefore is not a relevant consideration under the EIA.
34	Consultation response	Private individual	5.1.6	Objects to cycling ban	The cycling ban is a policy decision of the RSPB and not a decision resulting from the creation of heathland. It therefore is not a relevant consideration under the EIA.
35	Consultation response	Private individual	5.1.6	Objects to cycling ban	The cycling ban is a policy decision of the RSPB and not a decision resulting from the creation of heathland. It

					therefore is not a relevant consideration under the EIA.
36	Consultation response	Private individual	5.1.6	Objects to cycling ban. No evidence that cycling has a detrimental impact on the environment.	The cycling ban is a policy decision of the RSPB and not a decision resulting from the creation of heathland. It therefore is not a relevant consideration under the EIA.
37	Consultation response	Private individual	5.1.6	Objects to cycling ban	The cycling ban is a policy decision of the RSPB and not a decision resulting from the creation of heathland. It therefore is not a relevant consideration under the EIA.
38	Consultation response	Natural England	3.3.3	Sentence in 3.3.3 about presumption against conversion of woodland isnt in ETWF. Open hab consultation reference to preumption against removal of ancient or more recent but mature native woodland	Point of clarification only.
39	Consultation response	Private individual	5.1.6	Objects to cycling ban	The cycling ban is a policy decision of the RSPB and not a decision resulting from the creation of heathland. It therefore is not a relevant consideration under the EIA.
40	Consultation response	Private individual	5.1.6	Objects to cycling ban	The cycling ban is a policy decision of the RSPB and not a decision resulting from the creation of heathland. It therefore is not a relevant consideration under the EIA.
41	Consultation response	Private individual	5.1.6	Objects to cycling ban despite 6 positive and only 2 negative comments at scoping (Table 2)	The cycling ban is a policy decision of the RSPB and not a decision resulting from the creation of heathland. It therefore is not a relevant consideration under the EIA.
42	Consultation response	Private individual		Extensive Use of conjecture throughout and a lack of evidence of	The ES does use experience on other sites as the basis for their confidence of

				achievements is not illustrated.	predications but offers no evidence. The RSPB have now provided basic evidence of success where experience of other sites is used in the ES.
43	Consultation response	Private individual		There is adequate heathland in the district	Heathland is a priority habitat with targets to increase the area (Sussex HAP – re-establish 380ha of heath by 2015) and has declined over recent years. So although there is heathland in the district (eg Ashdown Forest) the area is less than in the recent past so it is difficult to support there being adequate heathland.
44	Consultation response	Private individual		There is a high risk of failure with the site being derelict for 20 to 50 years.	The main failure risk is the site reverting back to woodland if management were to fail and not a derelict site.
45	Consultation response	Private individual		The RSPB has no experience of heathland restoration on this site and no evidence of colonisation on this site.	The RSPB have only recently purchased the site. They have extensive experience elsewhere in the UK, and within the High Weald AONB. Local knowledge of the history of this site, and management of similar sites nearby put the RSPB in a position where they can be reasonably confident about colonisation.
46	Consultation response	Private individual		Wasting of public money. 50 years of tax money invested in the woodland. FC is responsible for stewardship and ensuring tax money is not wasted.	The priorities for which public money is used vary over time. Much of the timber on the site will be harvested and so the outcome for any grant which may have been paid to establish the crop will be realised. Younger crops won't have reached maturity but the period for which public money was paid has passed. Public money was most recently paid to encourage access for recreation and this

					will be continuing.
47	Consultation response	Private individual	1.3.1	These predictions are impossible, felling continues up until 2015	The predictions are at 2019, and so the predictions are reasonable.
48	Consultation response	Private individual	1.4.1	There is a commitment to monitor the impact on neighbours. For how long?	The RSPB will be asked to clarify this point.
49	Consultation response	Private individual	1.4.2	Claims for increase in heathland species is not predictable. Not occurred at Farnham Heath. Proof needed if it has.	The RSPB will be asked to provide a basic report from Farnham Heath to support this claim, which is repeated throughout the ES. A short report has now been received.
50	Consultation response	Private individual	1.4.3	Dormice found in large numbers in dense pine	The expert report says that dormice were only found in the edges of the dense young pine (Corylus Ecology report 3.5). The dense pine is classified as unsuitable.
51	Consultation response	Private individual	1.4.5	Notes that deer will be disturbed onto neighbouring land.	Deer are wild animals, and would be disturbed to a lesser extent if forestry operations were ongoing on the site. Also, as improvement in the habitat value of the retained woodland is used as mitigation for the loss of woodland habitat, it is important that deer are not present in the area in numbers that could compromise the woodland habitat. Advice from the DI should be sought, and the RSPB need to work with neighbours to consider the problem on a landscape scale. This is included as condition (g) of the decision.
52	Consultation response	Private individual	1.4.9	Impact only significant when viewing from within the site is nonsense when sketches show views from outside.	There is little visual impact from the wider landscape. However the change in the views of the site from the adjoining roads will be significant from the immediate area outside the site. This is

					perhaps a point of clarity of wording.
53	Consultation response	Private individual	1.4.11	How quickly will flora colonise the site? Heathland could be classed as coarse or fine grass. Site could be farmland. Definition of heathland needed.	The ES clearly states that an area of heathland will be restored (1.5) The Sussex HAP describes heath as follows - 'It is characterised by plants such as heathers and dwarf gorses of varying height, and usually occurs with areas of other habitat such as acid grassland and open water.' The speed at which natural processes will occur is unpredictable.
54	Consultation response	Private individual	1.4.13	Raising the water table wont assist heather or help retained trees.	There may be a temporary rise in water table when areas are clearfelled, but the form of the land means that this will be most notable in the wet valley mire areas, which will benefit from the raised water table.
55	Consultation response	Private individual	1.4.14	The deployment of cattle is muddled thinking. The mechanics of this tool are not explained.	The comment doesn't make clear why this is 'muddled thinking'. The grazing is a management tool to maintain the heath and is described in broad detail in 4.5.5.
56	Consultation response	Private individual	1.4.16	Suspect the carbon footprint is enourmous considering traffic, machinery, waste and transporting timber.	See Issue 2
57	Consultation response	Private individual	1.5	The entire statement is based on conjecture.	See Issue 42
58	Consultation response	Private individual	2.1	The area to be deforested has changed.	The original plan was for 120ha of heath and this was presented at the scoping meetings which this section is reporting. The area was refined in later plans and ends up at 99ha in the final ES.
59	Consultation response	Private individual	2.2	Fails to see why the FC was involved in the scoping process which was flawed.	The FC have a clear role in ensuring the scoping was carried out by the RSPB in a fair and thorough manner. The FC

					also need to define the scope of the ES, which is based on the scoping exercise.
60	Consultation response	Private individual	Table 2	Suspect that at this stage the RSPB withheld key information and that the information was deliberately scored to draw attention away from less palatable issues.	The scoping meetings were attended by the FC and there is no evidence of information being withheld.
61	Consultation response	Private individual	Table 3	Pointless exercise as RSPB were left to choose which issues they thought had the greatest impact.	The issues were raised at the scoping meetings by the public. The impact is chosen by the RSPB, but this is supported in the ES in section 5.
62	Consultation response	Private individual	3.3.2	Lowland Heath HAP doesn't take precedence over existing wood where tax money has provided grant.	Secondary conifer woodland is not a priority HAP. Current support mechanisms would provide support for creation of heath via HLS, or for managing as woodland through EWGS. The decision as far as this ES is concerned is about whether the environmental impact of the proposals is significant. The use of tax payer money is a separate issue and its use to support public benefit through environmental schemes will be targeted where there is likely to be greatest public benefit.
63	Consultation response	Private individual	3.3.3	The 'overriding public benefit' of conversion is not proved.	This exercise is being carried out to determine if the overriding public benefit test is met.
64	Consultation response	Private individual	3.5	Rainwater collecting at Broadwater Bridge could cause additional flooding	The question of hydrology and that the area at Broadwater Bridge floods has been raised at the screening and consultation stages and so needs to be given careful consideration in view of the fact that water flows may increase as a result of deforestation. The assertion that the tussock sedge and mire systems

					will benefit is probably correct, but a greater emphasis of the effect of flooding, recognition that although temporary and infrequent is very significant for anyone affected and more consideration of what the mitigation might be should be included in 5.5.
65	Consultation response	Private individual	3.8.1	Information needs to be compared with general landscape. Cant be done as other sites not surveyed.	The exercise looks at the species on site and notes what their status is nationally in Table 5, so in this respect the information is compared with the general landscape. The status of the species is determined from data gathered from many sites.
66	Consultation response	Private individual	Table 5	Does not explain how information was produced as RSPB didn't own the site when the work took place.	3.8.1 states that the records were obtained by a desktop search for site species records from Sussex Biological Records Centre.
67	Consultation response	Private individual	Table 8	Useful but needs surveys outside Broadwater Forest.	The exercise looks at the species on site and notes what their status is nationally in Table 8, so in this respect the information is compared with the general landscape.
68	Consultation response	Private individual	3.9	Landscape assessment fails to depict car park, fencing, stumps. Photos are distorted and sketches inaccurate. Mature tree not recorded.	Accepted. The sketches don't show fencing, were carried out prior to the reports on bats etc and so don't show areas retained for bats and dormice. However this would not alter the outcome. A condition (I) is included to minimise the impact of fences.
69	Consultation response	Private individual	3.9	RSPB changed its design to meet requirements of FC Lowland Landscape Design Guidelines. Document doesn't recommend felling existing half grown plantations and	The guidelines are guidelines only and so wont necessarily define when to fell.

				replace with heath.	
70	Consultation response	Private individual	4.3	No proof offered of the existence of heath. Claim that Broadwater Forest offers best potential is false.	The specialist reports such as the Invertebrate report by Roper clearly mention heath. Perhaps the word 'best' should be qualified, but removing it would make no difference to the statement.
71	Consultation response	Private individual	4.3.1	How the deadline of 2019 is to be met is not explained. Duration of heath maintenance programme is not explained.	The ES gives broad detail of how work will progress and be the site maintained.
72	Consultation response	Private individual	4.5.4	Declared commitment to use Roundup will delay heather and grasses and can grazing be maintained in paddocks that have been sprayed.	There may be alternatives to Roundup that have less impact on desirable vegetation. Rather than be specific about the choice of chemical, the guidance for which might change, this section should be more general. It would be more helpful to talk about the principle of chemical control. There are also several paddocks and so livestock can be moved around when spraying takes place.
73	Consultation response	Private individual		Fire is an increased risk with heath and the fire brigade take 20 minutes to reach the area.	The site is generally covered in bracken, heather and pine needle litter at present and all are potential fire hazards. It is not therefore felt that the deforestation will increase the hazard significantly. The clearfell of the pine would produce similar conditions for a significant period of time.
74	Consultation response	Private individual	5	No confidence in predictions as factual evidence is in short supply	See issue 42
75	Consultation response	Private individual	5.1.4	Claim that landscape will be restored to Historic landscape is complete nonsense and panoramas will reveal	Landscape and the relevance of the historic landscape is very subjective and personal. The design is based on that

				vehicles.	proposed by a landscape architect. The historic landscape is known with some certainty from maps and paintings (see the ES cover illustration from 1918 although motor vehicles are a modern addition of course.
76	Consultation response	Private individual	5.1.9.4	Doubts police will patrol.	The desirability of the police patrol is to do with increased visitor numbers and the car park. As this would occur whether the deforestation took place or not, it is not relevant in the context of this ES.
77	Consultation response	Private individual	5.2.1.2 5.2.2.2	Reliance on Farnham Heath but no facts are presented.	See issue 42.
78	Consultation response	Private individual	5.2.5.4	Tendering work raises possibility of mistakes.	The success of works will depend on management control whether tendered or delivered by employed staff.
79	Consultation response	Private individual	5.3.2	If plantation is more than 50years old heath plants are unlikely	There is heath flora present under some of the older plantations.
80	Consultation response	Private individual	5.3.3	Phytophthera affects calluna on wet sites.	Calluna can suffer from Phytophthera ramorum but there are no cases in East Sussex.
81	Consultation response	Private individual	5.3.6.4	Are roadside trees owned by ESCC and what has this got to do with the RSPB?	A roadside strip is owned by ESCC and trees on this strip could affect the heath and the views into the site.
82	Consultation response	Private individual	5.5.1.3	Run off is greater than described and a flood area and debris catchment is needed.	See issue 65
83	Consultation response	Private individual		General objection to the proposal to create heath	
84			4.5.1	The area of young conifer here (42ha) differs from 4.3.1 (48ha) and the area of mature conifer (55ha) also differs from 4.3.1 (43ha)	A statistical difference that doesn't change the outcome.
85			4.5.2	Clumping the retained conifers	There will need to be some discussion

				doesn't sound attractive.	about this concept when each years work is planned.
86				The mitigation against loss of woodland species depends heavily on management of the retained woodland. Details of the management is brief and needs more detail.	The production of an agreed woodland management plan is a condition (c) of the approval.
87			5.8.3	The sketches produce a stark appearance resulting from a sudden change. There has been no extensive felling of conifer since the storm of 1987 blew about 55ha down. It is difficult to assert that the effect will be positive when the subject of landscape is subjective and personal.	The impact is probably neutral, and with a greater degree of woodland retention, the site will be less open. The work is also phased over 6 years and so the change will be less sudden than the sketches perhaps imply.
88			3.9	Fencing is needed for management of grazing and has the potential to emphasis the change from heath to woodland and have a negative landscape impact. Also, if the fencing incorporates the retained dormouse habitat, there could be some negative impact on the habitat.	In order to minimise the visual impact, where there is a woodland edge against the fencing, the area inside the fence should be managed as a scrub edge to give a gradual change from woodland to heath and in doing so hide the fence line. The fences should not enclose any habitat retained for dormice. (condition I).