

Status: FULLY OPEN

CINDERFORD REGENERATION PROJECT AND HANDLING OF NON FORESTRY DEVELOPMENT PROJECTS

Purpose

1. To appraise the Committee of Executive action on the Cinderford project and seek advice on clarifications to current standing guidance.

Recommendations

2. The Committee notes and endorses the action taken by the Executive (paras 6 and 7) and confirms clarifications to current standing guidance for Non-Forestry Developments on the Estate (para 8).

Background

The Cinderford Regeneration Project

3. This is a project to the north west of Cinderford in the Forest of Dean whereby non forest land (brown field ex colliery workings) is being released to facilitate construction of a new Forest of Dean College. This is part of a wider regeneration programme for Cinderford, supported by the local development corporation and has been 10 years or so in gestation and is fundamental to the economic and social regeneration of the locality. Although FC is to receive a payment for the land released, value is low on account the policy need to replace the lost land, and the infrastructure and mitigation work required.
4. A full planning application for the project is to be made in May 2014. However, at a late stage in the pre-planning preparations it became apparent that there would be a need for mitigation works to relocate great crested newts and dormice present on the regeneration site. In view of the ecological requirements the mitigation site had to be close by. A 7.1ha area of conifer forest was identified where it was proposed to create 3.4ha of broadleaf (dormice) and 3.7ha of open ground (newts). Additionally, because of the timescales required to get mitigation underway felling and restocking needed to occur before the full planning application could be submitted. Any delay would have resulted in the wider regeneration project missing key milestones to draw down external funding.

Estate Management Guidance Note 4

5. Estate Management Guidance Note 4 (EMGN4) is the operational guidance approved by the National Committee in 2013 for Non Forestry Developments on the Public Forest Estate, Annex 1. It exists to ensure that we have an appropriate process in place to ensure that the FC:
 - receives the necessary approvals from the Secretary of State to proceed with non forestry developments;

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- has a mechanism for balancing economic growth via its estate with FC's broader responsibilities for protecting woodlands, and conserving the biodiversity, landscape and cultural heritage of all woodlands. And those considerations on the latter points are conveyed to local planning authorities in the same way as they would be for developments affecting non FC woodland.

Action taken on Cinderford Scheme

6. DEFRA were briefed on this non woodland land sale proposal in January this year. At the time because the scheme did not affect any woodland the Forest Services Area Director was not engaged in providing advice. When it became clear that mitigation works would affect woodland Forest Enterprise approached Forest Services with a view to the necessary Forest Design Plan (FDP) amendment. The default EMGN4 process is designed to avoid FC getting itself in a position where it may be perceived to self-permit felling connected with development. In the case of non FC woodlands when we are aware that felling license applications are for work in connection with a development proposal we routinely decline to consider them. Instead we would require the planning process to complete, via the democratically accountable local authority. If relevant, we would furnish the authority with factual information regarding the proposed development's impact on forest policy considerations. If approved, any 'felling immediately required for the purpose of carrying out development' becomes exempt from the felling regulations.
7. Director England authorised Forest Services to approve the Cinderford FDP amendment on the basis that:
 - There was an urgency to act to enable a locally important and long standing proposal to proceed, and that if FC inaction caused the development to fail there would be reputational damage.
 - Natural England had been consulted and were content that
 - the area of woodland was incorrectly noted on the Ancient Woodland inventory as a Plantation Ancient Woodland Site (which would have made the creation of open ground incompatible with the open habitat policy);
 - they had approved a NERC agreement for the site to be reverted to conifers if the development did not proceed;
 - there would be no adverse impacts on local bat populations.
 - The Committee be asked to endorse the approach at their next meeting.

Proposed clarifications to EMGN4

8. For avoidance of doubt on future cases it is proposed that the following clarifications are made to EMGN4:

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- Forest areas required for mitigation of developments are in scope, regardless of whether the development is on forest land;
- Developments where FC does not receive any 'uplift' payment are in scope;
- Forest cabin sites are in scope. Although in vires terms these are technically classed as forestry development they can have similar impacts to non forestry developments on the FC's broader responsibilities for protecting woodland.
- In cases where Forest Design Plan amendments are required in advance of formal local authority planning approval of development the Committee will be notified as soon as practical, preferably in advance of decisions.

Andrew Smith

Head of Sustainable Forest Management, Forest Services

Mark Thornycroft

Head of Estates, Forest Enterprise; Defra Land Management Officer

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Annex A – Tree Health And Plant Biosecurity Taskforce Recommendations

- Develop a prioritised UK Plant Health Risk Register
- Appoint a Chief Plant Health Officer
- Develop and implement procedures for preparedness and contingency planning
- Review governance and legislation
- (a) Improve the use of epidemiological intelligence and (b) work to improve EU regulations
- Strengthen biosecurity to reduce risks at the border and within the UK
- Develop a modern, user-friendly system to provide quick and intelligent access to information
- Address key skills shortages.

Annex B - Possible Actions Arising On Tree Pest And Diseases From Phase 1 Risk Register

- Stronger UK measures requiring plants to come from disease free areas (plane wilt, chestnut blight)
- Notification obligation for pines from within the EU (pine processionary moth)
- Additional EU protected zone designations (chestnut gall wasp, oak processionary moth)
- New or stronger EU wide measures (emerald ash borer, bronze birch borer, pepper weevil, red-necked longhorn beetle)
- Co-ordinated and increased enforcement across the EU (wood packing material from China)
- Publication of guidance on managing risks to juniper from *Phytophthora austrocedrae*
- Review of Chalara ash dieback measures to reflect current distribution – options include deregulation or a less stringent “pest free place of production” option