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Environmental Impact Assessments: A torturous process in Wales

The Maes Mynach story begins with an undermanaged 72ha Cattle Farm near Cynghordy containing a mixture of improved and semi-natural grassland, bracken banks and a small area of wetland habitat. The farm is situated in an enclosed valley surrounded almost entirely by conifer plantation. Following its acquisition by a forestry investor in late 2015 an initial 24ha of afforestation was carried out under the Glastir Woodland Creation (GWC) scheme that winter. A large section of the proposals had to be postponed due to the late timing of Welsh Government confirming GWC eligibility (October) surpassing the opportunity to pre-spray the large tract of the farm that was dominated by Bracken.

During this time NRW were consulted within the context of GWC and EIA (which at that time were conducted as two separate processes) and the EIA determination deemed that proposals did not require NRW consent.

The following year a GWC application and EIA decision were applied for the remaining areas, with the exception of 7ha of semi-natural grassland habitat and a small retention adjoining the farmstead. Discussions advanced with the GWC verification team, who had been taking advice from the NRW Natural Resource Management Team. They maintained that they were unable to proceed with the application until a phase 1 vegetation survey was undertaken to quantify the priority habitat. This was conducted during summer 2016 in line with NRW guidance for engaging ecologists and the results submitted. A significant time elapsed with NRW failing to provide any feedback and in December a meeting was called by Pryor & Rickett Silviculture with senior NRW staff to agree a way forward. At this point it came to light that NRW had denied processing the EIA determination, despite clear requests to proceed with this as a standalone project, and that the ecological survey had been disregarded. The meeting concluded that the proposals conformed to UKFS and Environment (Wales) Act and a compromise was made to secure GWC approval for a further 10ha of predominately Bracken bank containing a small proportion of priority habitat. It followed that the remaining area of the project required EIA consent. In March 2017 the first afforestation Environmental Statement in Wales was initiated.

During the scoping meeting with NRW we reviewed all the characteristics of the afforestation project and identified semi natural habitat as the only focal issue. NRW insisted that a phase 2 habitat survey would be necessary on approximately half of the remaining project area. This was carried out and the findings incorporated into the Environmental Statement, which was submitted to NRW in July and published for public consultation. At this stage the Senior Regulations Manager noted his concern about different views on the scheme within NRW and that he needed to escalate the Environmental Statement to NRW 'Resilience Board'.

A clear resistance from NRW to engage in any further dialogue proved a hindrance and by mid-October, with all the necessary elements of the Environmental

Statement complete, NRW's Permitting Team were continuously prompted for a date when a decision on consent would be forthcoming. NRW failed to meet a series of self-imposed deadlines, during which time the Permitting Officer admitted that the Natural Resource Management Team were submitting an "Evidence Review." The Environmental Statement being presented to the Resilience Board morphed into the appointment of five senior staff to review our work, comment on the evidence and advise the Permitting Team on how they should process the EIA decision. On obtaining the Evidence Review from NRW, it was apparent that all of the evidence and analysis that supported afforestation was acknowledged yet the report recommended that consent should not be given. A rebuttal of the Evidence Review was submitted to the Permitting Officer in December and further deadlines for arriving at their decision were agreed and missed. A formal complaint was raised in relation to meeting deadlines and the absence of any reference to the detail of the Phase 2 Ecological Survey.

We received a decision on the 28th February that consented to afforestation.

Getting consent for Maes Mynach demonstrates deep uncertainty in relation to afforestation and land use change in Wales. NRW does not appear to have a clear approach to assessing afforestation that affects semi-natural habitat, resulting in risk averse decisions that fail to meet the principles of sustainable management of natural resources. When you couple this with Welsh Government's ambitious afforestation targets, that currently have no confirmed funding for 2019, how the forestry industry in Wales is expected to remain positive in the face of so many unanswered questions is a big challenge.

