

1 Purpose

This document explains the Forestry Commissions' *Opinion* that the deforestation proposed within the New Forest Inclosures constitutes a relevant project under the Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999 (hereafter the EIA Regulations) and requires our consent.

2 Background to the Regulations

The EIA Regulations implement European legislation and ensure that the environmental impact of deforestation, afforestation and the creation of forest roads and/or forest quarries projects are assessed before work is allowed to start. The Forestry Commission (FC) is the designated competent authority under this Legislation.

The FC's first task is to provide an *Opinion* as to whether the proposals represent a relevant project i.e. whether they will have a significant impact on the environment.

The thresholds outlined below provide a guide as to whether a project is likely to have a significant impact on the environment or not.

Table 1: Thresholds to identify projects requiring EIA Opinion

Proposal	Thresholds if ANY PART of the proposal is in a sensitive area	Threshold where NO PART of the proposal is in a sensitive area
Deforestation	0.5 hectares where the land or part of the land is within a National park or AONB only. All projects within other sensitive areas e.g. SSSI are screened	1 hectare

In exceptional cases the Regulations allow the FC to give an *Opinion* that *Consent* is required when the proposal covers an area that is less than the relevant threshold.

If a proposal exceeds the thresholds then we may seek specialist advice as to the likely significance of the proposals – this process is referred to as '*Screening*'.

Our *Opinion* determines whether the project requires our *Consent*, and therefore whether an Environmental Statement needs to be produced or not.

If the FC's *Opinion* is that the proposal is likely to have a significant impact(s) on the environment it is a relevant project under the regulations and *Consent* must be sought for that proposal. FC will *Determine* whether *Consent* (and conditions) can be given for the work. The regulations require that any application for *Consent* must be accompanied by an Environmental Statement (ES). The ES must objectively analyse the range and priority of issues that have been identified through '*Scoping*' (carried out at a scoping meeting). When the ES is available the FC will formally consult stakeholders. The ES and the responses from consultation will provide the FC with the information needed to make the *Determination*.

The Regulations provide options for both the applicant and 'aggrieved' parties to appeal the FC's determination.

3 Outline of work

In May 2017 Forest Enterprise (FE) submitted their Forest Design Plan (DP) for the New Forest Inclosures for approval. The New Forest Inclosures fall within the New Forest National Park. The DP covers 8,536ha and presents proposals to deforest 464 hectares, which is equivalent to 5% of the total area. This *Opinion* considers whether the proposals for deforestation

constitute a relevant project under EIA regulations, thus requiring Forestry Commission consent.

The New Forest DP submission constitutes an application for our *Opinion* in the same way as a felling licence and thus removes the need for a "request for an opinion" form. It also includes information on the impact of deforestation on carbon stocks, sustainable timber production, landscape and wildfire risk.

Prior to its submission, FE undertook extensive public consultation over the period 2014-16, the record and feedback from which is presented in Appendix 2.1. Stakeholders both supported and opposed the planned deforestation. Views indicated that although proposals strengthen the favourable conservation status of the forest they fail to recognise the contribution of conifer silviculture to the heritage, culture and productivity of the local rural economy and the forest's evolving landscape character. In forming an *Opinion* FC may consider the information provided by the applicant, any representations received in relation to the application and any other material consideration.

4 Summary

The scale of this project is significant in that the proposal is to remove an area of conifer which is 463.5 hectares above the area threshold for an EIA consideration and this application is made in a year where the total area of conifer woodland planted in England in the previous 12 months was just 100 hectares.

Potential environmental impacts have been considered under the headings in section 5 below. The areas proposed for deforestation are located within an SSSI, a European designated Special Protection Area (SPA) and Special Area of Conservation (SAC) and an internationally designated RAMSAR site (a wetland site designated of international importance under the Ramsar Convention). Some of the habitats that justify these designations are found within the Forest Inclosures. It is a legal requirement to restore and maintain a status of favourable condition for these habitats.

The SSSI citation recognises that the New Forest has survived largely because of the persistence of a pastoral economy based on the exercise of common rights of grazing and mast together with protection afforded by Crown ownership. It is by character and tradition a multifunctional working landscape. The New Forest is also the largest area of accessible open space in southeast England. Changing lifestyles and planned development, place pressure on the future integrity of the New Forest and in recent years Forest Inclosures have been actively developed to absorb recreation from other more vulnerable parts of this highly valued, ecologically rich area.

Every aspect of management of this complex landscape is subject to consultation and careful consideration. The professionally compiled proposals presented here are no exception. Deforestation focuses on the removal of conifers without describing either the nature of habitat to be recovered or effective mitigation for some of the more recent threats to the forest from public access, social changes, the physical act of deforestation and climate change.

These proposals are considered significant requiring consent under the terms of the Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999.

5 Significance Assessed Against EIA criteria

To determine whether deforestation proposals are a relevant project, it is necessary to predict the changes that would result if the project proceeds.

The EIA Regulations require the direct and indirect effects of the project on the environment to be described with reference to their possible impact on:-

- Human beings (people and recreation)
- Flora and Fauna

- Soil and Water
- Climate
- Landscape
- Archaeological and Cultural Heritage

Human Beings (People and Recreation and Access)

The Forest Inclosures are a constituent part of the 26,000 hectares of Crown Lands of the New Forest which includes a complex matrix of heathland, ancient and ornamental woodland and lowland valley mire. As a whole the Crown Lands of the New Forest form the core of the New Forest National Park and receive in excess of 13.5 million day visits annually. It is the largest area of accessible open space in southeast England serving not only local villages and towns but also residents of larger conurbations such as Southampton, Christchurch, Bournemouth and wider afield. Newly announced proposals to build extensive new housing adjacent to the New Forest are likely to increase its popularity for walking, cycling etc. The Inclosures play an important role in absorbing public access, especially dog walkers, (nitrication, wilderness values, noise abatement) diverting disturbance from adjacent Annex 1 SPA species/habitats or other SAC habitat assemblages.

The New Forest essentially remains a working landscape, sustained by a unique management regime that integrates forestry, animal husbandry and habitat conservation in programmes that are founded in its cultural heritage. Concerns have been raised that further deforestation will upset the economic balance of this diverse management structure and threaten the survival of local businesses. Deforestation is accentuated by the deforestation that occurred within the previous FD period as well as the added intention to progressively remove conifers from within remaining Inclosure woodland. The design plan includes a 50 year timber production forecast (Appendix 3) which predicts a significant reduction in conifer timber production by the end of this period. The predicted overall reduction in yield from the forest Inclosures is substantial and the plan neither assesses, nor explains how the potential impact on local traditional lifestyles and employment can be mitigated.

Where areas are converted from woodland to open habitats the risk of wildfires will increase. However, vegetation management and the palatability and accessibility of the restored habitat for grazing will mitigate the extent of this risk.

Felling operations restrict accessibility and recreational use of a site. With felling planned over a disparate number of sites and spaced throughout the 10 year period of the plan then the impact of deforestation activity (i.e. the tree felling) is manageable and unlikely to be significant.

Flora and Fauna

Possibly the most comprehensive and succinct description of the environmental importance of the New Forest is presented in the SSSI citation, updated February 1996. In summary the citation describes the forest as the largest area of unsown vegetation in lowland England and includes the representation on a large scale of habitat assemblages formerly common but now fragmented and rare in lowland Western Europe. The citation further recognises that the New Forest has survived largely because of the persistence of a pastoral economy based on the exercise of common rights of grazing and mast together with protection afforded by Crown ownership.

The more recent European designations of SPA/SAC reflect the presence of Annex 1 habitats of the Open Forest and Annex 1 bird species whose preferential habitat is also on the Open Forest. Exceptions include the feature woodlands of:

- Atlantic acidophilous beech forests with *Ilex*
- Asperulo-Fagetum beech forests
- Old acidophilous oak woods with *Quercus robur* on sandy plains
- Bog woodland
- Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior*

The New Forest is afforded international recognition by virtue of its status as a RAMSAR site due to its suite of mires which sit within a relatively unpolluted catchment.

The 464 hectares of predominantly conifer deforestation is dispersed both around the periphery and within the Forest Inclosures. Although deforestation has potential to deliver significant beneficial impacts by extending/supporting adjacent priority habitat, the DP fails to clearly describe the habitat type that will be restored, how restoration will be achieved and what outcomes constitute success. Should deforestation be to remove trees of one species so as to restore priority woodland habitat of other species then this work is likely to be pioneering within the UK and the methodology applied and outcomes achieved will be of interest to a wider audience.

Harvesting and extraction of timber has the capability of disrupting the breeding populations of numerous species groupings e.g. reptiles, Lepidoptera, other insects, small mammals, etc. in addition to the potential disturbance to birds - crossbills, honey buzzards, hobbies etc. Following good practice guidance for European protected species and raptors, along with careful timing and site assessments at the operational stage will help avoid negative impacts but inevitably with such a rich mix of rare and endangered species in the New Forest there are risks of negative as well as positive impacts.

Soil and Water

The soils of the New Forest inclosures include a mix of podzols, groundwater gleys, brown earths and surface water gleys. Some are free draining. Whilst some of the areas for conifer deforestation will readily restore to dry heath, others could present operational challenges and maintaining the integrity of soil structure will be essential for effective environmental restoration to priority SAC habitat. Explaining the restoration process and intended environmental outcome will determine whether there is likely to be a potential impact on soils as a result of these proposals.

Although removing woodland can increase run off, down stream flows and flood risk the Environment Agency do not consider that the impact of these proposals would be significant. A number of clearances are located in damp hollows or close to water courses where care will be needed to manage potential diffuse pollution from soil disturbance. The DP does not reference how potential negative environmental impacts from harvesting and extraction operations will be mitigated or avoided.

Climate

Afforestation is now recognised as one of the main mechanisms to help the UK Government deliver its carbon budget commitment. Last year (2016/7) England funded 1,100 ha of new planting (100 ha of conifers). [https://www.forestry.gov.uk/pdf/wapr2017.pdf/\\$FILE/wapr2017.pdf](https://www.forestry.gov.uk/pdf/wapr2017.pdf/$FILE/wapr2017.pdf). The New Forest DP proposes 464 hectares of conifer deforestation which is 4.64 times the area of conifer planted in England last year.

The Open Habitats policy supports any proposal to permanently remove woodland to restore or expand priority open habitats as defined in the England Biodiversity Strategy without insisting on a requirement for compensatory woodland creation. The policy seeks to achieve its objectives by ensuring that conversion of woodland to open habitat occurs where it will have most benefit for wildlife; whilst also maintaining the balance between the rate and extent of woodland removal with the rate and extent of woodland creation so that:

- the total area of woodland in England does not decrease;
- the plans for woodland expansion to help move to a low-carbon economy can be fulfilled, including making sure that the total area of woodland in England that can produce commercially viable volumes of timber is maintained; and
- open habitats can be maintained at reasonable cost to the Government.

The New Forest DP deforestation both significantly supports and challenges delivery of the Open Habitats policy.

Responding to climate change and building resilient woods is highlighted as an important consideration under the UK Forestry Standard. Current recommendations advocate re-structuring of woods and increasing species and genetic diversity. The DP deforestation only considers species removal and places responsibility on the remaining resource to provide

adequate buffers and support to safeguard the remaining areas of priority woodland habitat. It is not clear how the DP addresses concerns about changing the nature and management of woods to enhance their resilience to the impacts of climate change.

Landscape

The New Forest is a matrix of large open areas and mixed woodland. This proposal is the final phase in removal of conifers from a number of the Verderers Inclosures (150 year lease following New Forest 1949 Act) as well as other distinctive areas where conifers either frame an open forest setting or shape the internal structure of older Forest Inclosures. Felling proposals are dispersed across the forest in blocks that range in size from less than 1ha to more than 30ha. The larger blocks will have an impact at a local level that is sudden and potentially significant, especially if it enlarges previously felled areas. Whilst there is a desire to meet Government targets for favourable condition by 2020, this *Opinion* considers the broader impacts of proposals over a 10 year timescale to 2027.

Although some assessment of landscape impact from deforestation is presented and Parish councils and local residents have been consulted on proposals, a more detailed appraisal of the landscape impacts of the larger areas of felling is recommended, this being a popular visitor destination within a National Park.

Large conifers have become a defining characteristic of certain visitor "honey pots" in the New Forest and conifers have been growing there since they were first introduced into the UK. They are valued by visitors and have become integral to their experience. Loss of mature conifers will significantly impact on the current landscape character of the forest. Whilst relevant to the application of UKFS, these removals are not part of deforestation proposals.

Archaeology and Cultural Heritage

The New Forest was created by William I as a royal hunting preserve in 1079, with the first Acts aimed directly at promoting the growth of timber dating back to the late 17th Century with the New Forest Act of 1697. This Act provided for the enclosure of "waste lands in the New Forest be enclosed and planted with trees to supply timber for the ships of the Royal Navy". The outcome of this Act can still be seen on the ground at Queens Copse in the north of the Forest where the oaks date from planting that took place in 1714 as a result of the 1697 Act. Subsequent Acts allowed for large areas to be enclosed to establish woodlands for timber culminating in the 1877 Act which aimed at preservation of both the remaining heathland and the "Ancient & Ornamental Woods, both within and out with the bounds of the established "Statutory Inclosures". Conifers were first introduced into the Inclosures in 1776 and have therefore been an integral feature of the Inclosures for 75% of their history shaping their cultural character.

The Charter of the Forest was first issued in 1217 and chapter nine provided for "every man to agist his wood in the forest as he wishes" that is to graze with his livestock within the limits of traditional use, as he wishes. At the time the "Royal Forests", including the New Forest, were an important potential source timber, iron, horses and other strategic materials, and revenue, for the Crown, but they were also sources of fuel for cooking, heating and local industries such as charcoal burning used by local communities. This charter was almost unique in providing a degree of economic protection for free men who used the forest. The Verderers Court was set up in the New Forest to enforce the laws of the charter, and the provisions of subsequent Acts, still exists in Lyndhurst today. Commoning has been a way of life in the New Forest since medieval times and it is vital that the tradition of Commoning is maintained, as the Commoner's stock are the core of the pastoral economy of the New Forest which underpins the management of the open forest and its SSSI status. Whilst grazing of ponies and other livestock on the forest is no longer economically viable without supplementary support, Commoner incomes by tradition have been supplemented by forestry activity. Indeed the Forestry Commission in the past has been a major source of employment of Commoning family members. The proposed conifer deforestation, coupled with the cumulative impact of removing conifers from other areas of broadleaved woodland changes the contribution of forestry to local employment and the way in which forestry in the New Forest has supported incomes of Commoning families. This impact on traditional lifestyles is neither assessed nor mitigated and may alter the way in which the New Forest functions as a working landscape.

A New Forest Lidar survey identifies the distribution of archaeological features within the Forest Inclosures and FE plan their operational management of sites through an agreement with the National Park Authority. This information and activity should safeguard archaeological interest when deforestation occurs.

There is a point of view that the long term, widespread removal of conifers from the Forest Inclosures is a single interest strategy that dismisses the forest's long history of a mixed pastoral and wood-based economy. The Forest has evolved and will continue to do so. The designation of the Forest as SAC & SPA could justify an early return of Verderers Inclosures to Open Forest but should be balanced against both the need to accommodate recreational pressures to avoid further damage to surrounding open priority SAC/SPA habitat as well as the cultural significance of timber production and its links to the requirements of the Growth Duty.

6 The Magnitude and Spatial Extent of the Project

Deforestation is proposed over 464ha, equivalent to 5% of the area of the New Forest Inclosures 8,536 hectares. This deforestation will remove the remaining tree cover from a number of the Verderers Inclosures and continues an extensive programme of change under a strategy to remove all conifers from the Forest Inclosures. Conifers currently comprise a third of the Inclosure area. This proposal is significant in both its magnitude and spatial extent.

7 Conclusion

The Design Plan covers the Forest Inclosures as a whole, while this document specifically considers deforestation. There were useful submissions from stakeholders in response to the screening exercise, which asked for views on the likely impacts of deforestation and how the entire plan embraced the UK Forestry Standard. Many of the criticisms received related to the general approach and direction of the whole plan rather than to the specific impacts of deforestation. Views also focused on the move from conifer to broadleaves and how this might impact on conifer dependent businesses and carbon stocks. These concerns are only relevant in EIA terms if they result in social changes e.g. whether they upset the balance of traditional lifestyles and employment within the locality.

Concerns were raised about the economic impact of maintaining an increased area of open habitat with the implication that falling timber receipts will result in failure to keep the open habitats in good condition. In EIA terms this would mean that the area felled would naturally return to woodland, so there is no deforestation. However, once cleared, there would be a legal duty to keep these areas as open habitat, to comply with the conditions of favourable habitat status.

Wider threats have potential to disrupt the net contribution of deforestation to the overall favourable SAC/SPA/SSSI habitat status, i.e. uncertainty around future incomes to Commoners for grazing animals on the forest and impacts of increased recreation due to changing lifestyles/aging demographics/development pressures around the forest edge.

Proposals lack detail on the nature of habitats to be recovered once conifers are removed i.e. what priority habitats, in what condition and by when? More information about the environmental gains from delivering the plan would strengthen proposals.

An area 464ha of deforestation is nationally significant and will require an Environmental Statement.

8 Further information

For more information on the EIA regulations please see:

<http://www.forestry.gov.uk/forestry/INFD-6DFKBC>.

<https://www.forestry.gov.uk/england-eia>