

Bonham Plain Wood – Disputed Case

Purpose

1. The purpose of this paper is to provide an overview of the key issues associated with a disputed case, namely, England Woodland Creation Offer (EWCO) 032 21-22 Bonham Plain Wood. This paper has been produced to support the South West England Forestry and Woodlands Advisory Committee (FWAC) in this disputed case arising from a sustained objection from a statutory consultee.
2. The paper also provides a background to the woodland creation proposals at Bonham Plain, including the Woodland Creation Planning Grant (WCPG) – Case ref: NP-WCPG-03-18-19 Bonham Farm, Environmental Impact Assessment (EIA) – Case ref: EIA-2020-0418 and details of other comments and issues raised through the consultation process from other (non-statutory) parties.

Disputed Case

A disputed case occurs when a statutory consultee sustains an objection to a woodland creation grant proposal that the Forestry Commission (FC) believes to be acceptable because it meets the requirements of the UK Forestry Standard (UKFS).

Objections might include:

- A National Park Authority or Area of Outstanding Natural Beauty concerning a designated landscape
- Natural England concerning a designated site for nature
- Historic England concerning a designated historic environment site or feature

Disputed cases are exceedingly rare as nearly all conflicts are resolved satisfactorily at the consultation stage by amending the proposals through mutual agreement.

There are three key steps to address a disputed case:

1. FC officials dealing with the application seek a local resolution
2. The case is referred to the region's Forestry and Woodland Advisory Committee to seek conciliation and compromise
3. The last stage is a referral to the Commissioners for a final decision

With regard to EWCO 032 21-22 Bonham Plain Wood, it is the FC's view that the proposals are acceptable as the scheme meets the requirements and guidelines of the United Kingdom Forestry Standard (UKFS).

The Cranborne Chase Area of Outstanding Natural Beauty Partnership (CCAONB) has a different view and has sustained the objection to the EWCO application proposals.

Regarding 'Step 1' above, the FC has sought to seek a local resolution, but this has not been achieved / possible.

As a result, the FC Area Director sought confirmation from the Director of Forest Services that the case should be accepted for consideration as a disputed case. This was confirmed on 28th September 2022.

We are now at 'Step 2' and the case has been referred to the SW FWAC.

The primary role of the FWAC is to explore the scope for a compromise between the applicants and the objectors that would be technically, legally and administratively acceptable to the FC.

If a compromise cannot be agreed, and the objection is sustained, then the FWAC is required to report to the Forestry Commissioners who will then make the final decision on whether to uphold the objection.

Paper 2 - Forestry & Woodlands Advisory Committees & Disputed Cases has been produced by the FC Commissioners' Office. This covers the Disputed Case process, the role of the FWAC, purpose of the FWAC sub-committee meeting, roles, responsibilities and what happens after the meeting.

Outlined below is background on the WCPG, EIA and EWCO applications. The subject of this disputed case is the EWCO application.

WCPG – Case ref: NP-WCPG-03-18-19 Bonham Farm

The WCPG application for Bonham Farm was submitted on 9th April 2018. The WCPG supports the production of a UKFS compliant woodland creation design plan (WCDP). <https://www.gov.uk/government/publications/the-uk-forestry-standard>

The WCPG is a voluntary process to support evidence gathering and does not include a formal process of consultation with or notification of statutory and non-statutory bodies.

<https://www.gov.uk/guidance/tree-planting-and-woodland-creation-overview>

The WCPG process helps identify who the key stakeholders are. All statutory consultees for grant applications, such as EWCO and for EIA regulatory processes are identified as part of the WCPG stakeholder engagement process.

The WCPG process provides an early opportunity for the proposer to engage with them and to gather evidence which can be used to inform the Woodland Creation Design Plan.

Forestry Commission approval of a WCDP does not provide approval to plant.

The WCDP for Bonham Plan Woods was approved by the Forestry Commission on 1st May 2020.

EIA - Case ref: EIA-2020-0418

The EIA application seeking the FC's view of the environmental impact of the afforestation proposal was submitted on 23rd November 2020 (EIA Case ref: EIA-2020-0418).

The planting design was revised following EIA screening. 'BPW 10 - Bonham Farm WCDP Map 8 Planting Design – V1 EIA revised' shows the revised design.

The FC completed the EIA screening on 8th July 2021. It is the FC's opinion that this proposal does not require FC consent under the EIA Regulations. An Environmental Statement is not required. This decision is valid for five years from the date of the opinion letter (8th July 2021). The applicant is free to start the woodland creation project at any point during this five-year period. Further information on EIA regulations is available here: <https://www.gov.uk/guidance/environmental-impact-assessments-for-woodland>

EWCO – Case ref: NP-EWCO - 32 21_22 Bonham Plain Wood

EWCO application 32 21_22 Bonham Plain Wood was received by the FC on 5th July 2021 and following checks and additional information requested from the applicant, passed to the Area Team Woodland Officer on 28th October 2021.

The EWCO application is based on the revised design following the EIA process and FC opinion.

The planting proposal was published on the Consultation Register for Grant Schemes, Felling and EIA applications and was open for comments until 30th November 2021. The Consultation Public Register is in place to notify the public of, in this instance, a woodland creation grant application, and to provide the public with 28 days in which to ask for more information on the proposal, or to submit comments on the proposal.

Separately, and independently of the Consultation Public Register period, the FC conducted statutory and non-statutory consultation and notification.

As part of the consultation process, the applicant held a site meeting on Thursday 31st March 2022, attended by the CCAONB Principal Landscape and Planning Officer and FC Officers. Historic England were also invited but did not attend. This meeting was a very useful opportunity to clarify and exchange opinions, but it did not resolve the issue.

Supporting Documents

Please see below a summary of the emails sent and documentation attached to each email.

Email 1 is an introduction / background

Emails 2, 3 and 4 cover the WCPG / WCDP

Email 5 covers the EIA

Email 6 covers the EWCO application

Please use this as a reference guide.

There is a significant amount of information presented. This is required to give a full picture of the scheme and the stages it has passed through (WCPG, EIA and EWCO). To recap, a disputed case occurs when a statutory consultee sustains an objection to a woodland creation grant proposal that the FC believes to be acceptable because it meets the requirements of the UKFS. To help navigate the lists of documents below, two key ones are:

- **BPW 19 - 2022_05_03 Bonham Woodland Creation Scheme RB**
Letter from CCAONB in response to statutory consultation. This letter confirms the sustained objection to the EWCO planting proposals, outlining the CCAONB's position on the proposals
- **BPW 20 - 20220727 FC EWCG32-21-22 Bonham Plain Wood**
FC response to CCAONB letter (BPW 19) confirming the FC's view that the proposals are UKFS compliant and presenting the next stage in the process – disputed case.

The scheme design has changed as a result of EIA screening and more recently in response to EWCO consultation. The design revisions are as follows:

1. **Bonham Farm WCDP Map 8 Planting Design** – See attachments to Email 4. This is the design following the WCPG / WCDP process.

2. **BPW 10 - Bonham Farm WCDP Map 8 Planting Design – V1 EIA revised –**
See attachments to Email 5. This is the revised planting design map following EIA screening and consultation. This map was also used for the application and statutory consultation for the NP-EWCO - 32 21_22 Bonham Plain Wood.
3. **BPW 24a - EWCO 1 Jun v2**
BPW 24b - EWCO 2 Jun v2
Revised planting design following EWCO consultation. The revised design follows the requirement for an easement for a water main and further open space required for a revised approach to tree protection and deer management. This is the latest / current design proposal for Bonham Plain Wood EWCO application.

BPW Email 01 - Bonham Plain Wood Disputed Case FWAC Site Meeting & Background

BPW 01 - Bonham Plain Wood – Disputed Case

Overview of the key issues and background on Bonham Plain Wood.

Table of contents for emails and documentation associated with the case.

BPW 02 - Forestry & Woodlands Advisory Committees & Disputed Cases

Disputed Case process, the role of the FWAC, purpose of the FWAC sub-committee meeting, roles, responsibilities and what happens after the meeting.

BPW Email 02 - NP-WCPG-03-18-19 Bonham Farm

BPW 03 - WCPG 03 18_19 - Stage 2 Bonham SWE Final Revision Submitted 29 04 2020_Redacted

Final approved Woodland Creation Design Plan (WCDP). Main Document – Appendices in Email 3 and Maps & Plans in Email 4

BPW Email 03 - NP-WCPG-03-18-19 Bonham Farm – Appendices

WCDP Appendices

Bonham Farm WCDP App 2 ESC Sheets

Bonham Farm WCDP App 3 Photographic Survey

Bonham Farm WCDP App 4 Biodiversity Background Documents_Redacted

Bonham Farm WCDP App 5 Landscape & Hist Landscape Background Documents_Redacted

Bonham Farm WCDP App 5a Landscape & Hist Landscape Background

Documents_Redacted

Bonham Farm WCDP App 6 Water Background Documents

Bonham Farm WCDP App 8 Cross Sections

(NB Appendices 1 & 7 within the main document)

BPW Email 04 - NP-WCPG-03-18-19 Bonham Farm – Maps & Plans

WCDP supporting maps and plans

Bonham Farm WCDP Map 1 Site Context Plan

Bonham Farm WCDP Map 2 Biodiversity Features & Water bodies

Bonham Farm WCDP Map 3 Hist Des Features PROW

Bonham Farm WCDP Map 4 Location of Photographs

Bonham Farm WCDP Map 5 Soil Pit Locations

Bonham Farm WCDP Map 6 Site Appraisal

Bonham Farm WCDP Map 7a Overall Design Concept Plan

Bonham Farm WCDP Map 7b Design Concept NW Insert Plan

Bonham Farm WCDP Map 7c Design Concept SW Insert Plan

Bonham Farm WCDP Map 8 Planting Design

BPW Email 05 - EIA - Case ref: EIA-2020-0418

BPW 04 - Cranborne Chase AONB – Consultation letter

Also consulted / notified with a similar letter - Historic England, Wiltshire County Council Planning & Wiltshire County Council Archaeology.

Supporting documents sent with these letters:

WCPG 03 18_19 - Stage 2 Bonham SWE Final Revision Submitted 29 04 2020

Bonham Farm WCDP Map 1 Site Context Plan

Bonham Farm WCDP Map 7a Overall Design Concept Plan

Bonham Farm WCDP Map 8 Planting Design

(see BPW Emails 2 & 4 for these documents)

BPW 05a, 05b, 05c, 05d, 05e

Issues Logs -recording of responses from consultees and the response / mitigation

BPW 06 - 2021 01 12 FC Bonham Farm Planting Scheme RB

CCAONB response to EIA consultation

BPW 07 - EIA-2020-0418 Consultation response - AONB - 08_07_21

FC response to AONB consultation comments (BPW 06)
BPW 08 - EIA-2020-0418 Consultation response - Wilts Planning - 08_07_21 FC response to Wilts Planning consultation comments
BPW 09 - EIA-2020-0418 Consultation response - Historic England - 08_07_21 FC response to Historic England consultation comments
BPW 10 - Bonham Farm WCDP Map 8 Planting Design – V1 EIA revised Revised planting design map following EIA screening and consultation responses. This map was sent with the responses to the AONB, Wilts Planning & Historic England (BPW 06, 07 & 08 above) This map was also used for the application and statutory consultation for the NP-EWCO - 32 21_22 Bonham Plain Wood (see below)
BPW 11 - 2021 08 03 FC Bonham Farm Planting Scheme RB CCAONB reply to FC EIA consultation response (BPW 07 - EIA-2020-0418 Consultation response - AONB - 08_07_21)
BPW 12 - EIA-2020-0418 Bonham Farm - Checklist 10a
BPW 13 - EIA-2020-0418 Bonham Farm - Checklist 10b
BPW Email 06 - EWCO – Case ref: NP-EWCO - 32 21_22 Bonham Plain Wood
BPW 14 - HE Response - Bonham Wood EWCO Application - Consultation Meeting Email record with HE following the invitation to Consultation site meeting (31/03/ 2022)
BPW 15 - HE Response - Consultation EWCG32-21-22 Bonham Plain Wood Email record of statutory consultation
BPW 16 - Archaeology Response - Consultation EWCG32-21-22 Bonham Plain Wood Email record of statutory consultation
BPW 17 - AONB Response - Consultation EWCG32-21-22 Bonham Plain Wood Email record of statutory consultation

BPW 18 - EWCO 32-21-22 Bonham Plain Wood - PR Comments Issues Log Red

Log of comments received from the public register

BPW 19 - 2022_05_03 Bonham Woodland Creation Scheme RB

Letter from CCAONB in response to statutory consultation. This letter confirms the sustained objection to the EWCO planting proposals, outlining the CCAONB's position on the proposals.

BPW 20 - 20220727 FC EWCG32-21-22 Bonham Plain Wood

FC response to CCAONB letter (BPW 19) confirming the FC's view that the proposals are UKFS compliant and presenting the next stage in the process – disputed case.

BPW 21 - Forestry Commission PC Letter Rdct

Letter to FC from Stourton & Gasper Parish Council re: EWCO scheme

BPW 22 - Bonham Woodland Creation - Response to PC_21_6_22 Rdt

FC response to letter from Stourton & Gasper Parish Council (BPW 21)

BPW 23 - Email - Woodland Creation Offer EWCG 32-21-22 Bonham Plain Wood

Email from CCAONB following FC letter of 27/07/22 (BPW 20), confirming objection to the EWCO planting proposals.

BPW 24a - EWCO 1 Jun v2

BPW 24b - EWCO 2 Jun v2

Revised planting design following EWCO consultation. The revised design follows the requirement for an easement for a water main and further open space required for a revised approach to tree protection and deer management.

This is the latest / current design proposal for Bonham Plain Wood EWCO application.

Site Meeting 18th January 2023 – Attendees

John Wilding	SW FWAC Chair Head of Forestry & Energy, Clinton Devon Estates
Andy Bell	SW FWAC Member CEO North Devon Biosphere
Ross Kennerley	SW FWAC Member Regional Director South West England Woodland Trust
Graeme McVittie	SW FWAC Member Senior Conservation Officer - Woodlands Exmoor National Park Authority
Linda Nunn	Director, Cranborne Chase AONB
Richard Burden	Principal Landscape & Planning Officer, Cranborne Chase AONB
Nick Hoare	Stourhead (Western) Estate
Andy Poore	Selectfor
Richard Barker	Secretary to the Commissioners and Data Protection Officer, Forestry Commission
Ian Briscoe	Field Manager, Forestry Commission
Anna Brown	Director of Forest Services, Forestry Commission
James Fry	SW Area Director, Forestry Commission
Richard Hellier	Landscape and Woodland Design Advisor, Forestry Commission
Zac Sibthorpe	Woodland Officer, Forestry Commission
Jamie Taylor	SW Area Admin Officer, Forestry Commission

James Fry
SW Area Director
21st December 2022