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Doc Ref: 20220727 FC EWCG32-21-22 Bonham Plain Wood

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Cranborne Chase AONB Office,  
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Salisbury,  
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27 July 2022

Dear Linda and Richard,

**Re: Woodland Creation Offer EWCG 32-21-22 Bonham Plain Wood**

Thank you for your letter of 3<sup>rd</sup> May 2022 (Document 01 - attached), confirming the Cranborne Chase AONB Partnership's sustained objection to the proposal.

Thank you also for your time on the 11<sup>th</sup> July to discuss the matter further on MS Teams. As you are aware, the purpose of this meeting, as well as the offer of further site meetings on the 19<sup>th</sup> or 20<sup>th</sup> July, was to continue to try to find an acceptable compromise between the applicant's land use change proposal and the AONB position. I note that the offer of further site visits was declined as your view is that there is nothing further to discuss that had not already been covered at the site visit of 31<sup>st</sup> March between the AONB, applicant and Forestry Commission.

We want to work with the AONB beyond this woodland creation case and I would hope that our enhanced staff resource will put us in a better position to do this. We would like to work more closely on local partnerships, local nature recovery and the promotion and engagement of landowners to increase woodland management and woodland creation.

As I outlined when we spoke, if it proves impossible to achieve an acceptable compromise then the case is referred to the Director of Forest Services to confirm that it should be accepted for consideration as a 'disputed case.'

Before I outline the disputed case process in more detail, it might be useful if I cover the key points raised in your letter of 3rd May and the key issues that arose during our Teams conversation. I will also confirm the Forestry Commission's position.

### **Woodland Creation Planning Grant (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 United Kingdom Forestry Standard (UKFS) compliant woodland creation design plan (WCDP).

<https://www.gov.uk/government/publications/the-uk-forestry-standard>

Forestry Commission approval of a WCDP does not provide approval to plant. The AONB's views as a key stakeholder were sought and considered as part of this process. The WCDP was approved by the Forestry Commission on 1st May 2020.

### **Environmental Impact Assessment (EIA) - EIA Case ref: EIA-2020-0418**

There seemed to be some confusion when we spoke regarding the Environmental Impact Assessment (EIA) and Environmental Statement. As you are aware, an EIA application seeking the Forestry Commission's view of the environmental impact of the afforestation proposal was submitted on 23rd November 2020. EIA Case ref: EIA-2020-0418.

There is no statutory requirement for the Forestry Commission to consult on proposals before giving its Opinion under the EIA regulations. However, where appropriate the FC does seek the views of individuals and organisations that have, or may have, an interest in relation to the land, before giving an Opinion. We sought the views of the AONB and took them into consideration (see attached letters, Documents 02 and 03).

The Forestry Commission completed the EIA screening. It is the Forestry Commission's opinion that this proposal does not require our 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 (8<sup>th</sup> 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>

### **Landscape Visual Impact Assessment (LVIA)**

We discussed this during our meeting and there is frequent reference to this in your letter, where the AONB's view is that a lack of LVIA is 'a major shortcoming in the planning and decision making process' (Section 24).

As you'll be aware, in terms of the requirement for a LVIA as part of a development, forestry (including afforestation) are not considered 'development' in the Town and Country Planning Act 1990, Section 55 (e)

<https://www.legislation.gov.uk/ukpga/1990/8/data.pdf>

A process labelled 'LVIA' was not undertaken but that does not mean that landscape and the purposes of the AONB were not considered. Both were fundamental to the review and decision-making process.

As covered above, the project has gone through the WCPG and EIA opinion process. Both include landscape as a central element for consideration and assessment. Demonstrating compliance with the requirements and good practice guidelines of UKFS underpins both processes. The Forestry Commission's dedicated Landscape Adviser (a Chartered Member of the Landscape Institute) has been heavily involved in advising on this creation proposal. As you are aware, an independent landscape assessment was also commissioned by the proposer and the report was incorporated into the WCDP.

The WCDP review and EIA screening, including consultation with public bodies and stakeholders, was undertaken, concluding that although there are likely to be some detrimental impacts to landscape character, these are heavily outweighed by the overall benefits as represented in the UKFS. The proposal offers significant environmental and socio-economic benefits, supporting Government's ambitions on nature recovery and net zero.

### **Duty of the Forestry Commission**

I note the AONB's view in Section 24 of the 3<sup>rd</sup> May letter that the 'Forestry Commission would be in breach of its duty under section 85 of the Countryside and Rights of Way Act 2000 to have regard to the purposes of AONB designation in all its decisions in relation to activities that would affect land within this AONB' and the implication that Forestry Commission staff have not followed good practice in relation to development within the AONB.

We understand the prime purpose of the AONB designation is to conserve and enhance the natural and scenic beauty of the landscape and to provide advice to other public bodies when considering their own duties. We do not agree with the contention that we are in breach of our duty, which is a requirement for us to take into account the purpose of the AONB. These exchanges and engagement with the AONB are a clear demonstration that we are taking into account the views (and purpose) of the AONB. However, the primary purpose of the Forestry Commission is to promote the interests of forestry, the development of afforestation and the production and supply of timber and other forest products. This duty is moderated

by our balancing duty in the Forestry Act and other applicable legislation including that which you have highlighted. This is a woodland creation scheme that will deliver many of the aims of the AONB as listed in the AONB's own publications, as well as on wider UKFS requirements for protecting soils, water, biodiversity, and mitigating climate change.

We cannot influence who brings afforestation proposals forward for consideration, nor where they are located. What we ensure, however, is that the proposals we approve comply with the requirements and guidelines of UKFS to achieve a good balance with regard to constraints, sensitivities, opportunities and benefits. We recognise that when viewed from 6B Kilmington Greensand Terrace landscape character area there is an issue, but also see the connectivity and integration with 7B Penselwood – Longleat Hills, immediately adjacent.

Taking everything into account it is our view that the multiple other benefits of the proposal presented outweigh the limited negative impacts on landscape character, resulting in some landscape change in this area as a result.

I hope that the position of the Forestry Commission is clear.

We have a difference of opinion regarding the woodland creation at Bonham. This brings me onto outlining the disputed case process.

### **Disputed case process**

Disputed cases are very rare as nearly all conflicts are resolved satisfactorily at the consultation stage by amending the proposals through mutual agreement. However, if there is a sustained objection to a grant scheme application by a statutory body then the FC must refer the application to the relevant Forestry and Woodlands Advisory Committee (FWAC). In this instance, the South West 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 Forestry Commission.

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. When making this decision the Forestry Commissioners will be acting in accordance with their powers and duties under the Forestry Act and other applicable legislation, which requires them to take various issues into account.

Whilst I am proceeding on the basis that this will progress as a disputed case, with the intention that the FWAC should consider the matter (initially by sub-group) towards the end of September, if you reconsider your position your objection can be withdrawn at any time.

The initial consideration by the FWAC will allow the AONB to make representations and to further explain the position. However, if you do not wish to participate in this process then the FWAC will be limited to considering your written representations.

Considering the information I have provided, can you please confirm your position so that I can formally request the Director of Forest Services to initiate the disputed case process.

Yours sincerely



**James Fry**  
**Area Director**