

**Agri Bill 2022 – Proposed Forestry Powers Stakeholder Meeting**  
**Wednesday 24<sup>th</sup> May 2023**  
**Summary**

## **1. Draft Baseline Conditions**

### **NRW Summary:**

Recap on the Draft Baseline Conditions which were shared earlier in the year and the Q and A document released as a result of the consultation.

## **2. Draft Two Tier Conditions**

### **NRW Summary:**

These will be applied to specific sites as sensitivities require, primarily around geographical data.

European Protected Species (EPS): NRW are looking at options to develop a decision tool to help applicants decide if an EPS licence is required. This will also help to provide prompts to applicants to manage disturbance to EPS. Alongside this decision tool NRW will be developing guidance to support applicants. It is envisaged that guidance will be available on the NRW Website for 1<sup>st</sup> January. Every effort is being made to develop the decision tool for 1<sup>st</sup> January, but this is not yet confirmed.

Forestry Professionals who may already have pre-populated forms to consider and address concerns for EPS may benefit from this more straight forward process, as now applicants will need to demonstrate within the application process that EPS have been considered.

Approach to identifying and developing Tier Two conditions: NRW are looking to ensure that sufficient data and evidence is in place to support the identification of relevant Tier Two conditions.

The Forestry Permitting Team who handle felling licence applications will use data and evidence to enable them to identify the need to add in the relevant Tier Two conditions and liaising with the applicant ahead of issuing a Felling Licence.

Questions raised by the group:

Q:What considerations have been made for Curlews?

A: Curlews, being a section 7 species are covered by the relevant Baseline Condition. In respect of creating open ground habitat, this is a consideration under existing restocking conditions within the Felling Licence process.

Q: Where the felling window is limited due to multiple site sensitives, how will this be considered to allow an appropriate felling window?

A: Where there are multiple sensitives on site this will be require consideration under Bespoke conditioning.

Request: Draft Ancient Woodland Tier Two condition, to review the wording in respect of remnant features, extraction routes, scale of impact and timing of felling operations. NRW agreed to review. Update: Draft Tier Two Conditions reviewed.

Clarification: Red Squirrels: Tier Two condition to be included within the Felling licence using the identified focal areas of Wales.

Request: Water Vole to review wording to ensure that mitigations are fully considered.

Q: Assuming that any ecologists used will need to be professionally qualified? Would there be a conflict of interest if our CEnv members were to submit their own report - would the report need to be provided by an independent professional?

A: NRW are not looking at an automatic requirement for any reports to be done by professional ecologists, it's more about having the relevant competencies to carry out the work. There's also a strong need for forestry professionals to develop the skills they need to do the work, again where appropriate. It's unlikely there will be a conflict of interest between a CEnv member and a MICFor for example, on the contrary such a professional is likely to be particularly well placed to do this work.

### **3. Bespoke Conditions, NRW initial thoughts on when Bespoke conditions will be needed and the approach to development**

NRW are continuing to develop an internal process for the development of bespoke conditions, with the intention that this will be relevant to a low number of felling licence applications mainly sites with a number of sensitivities.

This will include Special Areas of Conservation, Special Protection Areas etc, NRW are currently working with internal species and habitat experts to assess if baseline conditions provide sufficient protection to these sensitivities. NRW recognised a need to factor in time to discuss mitigation and agree Bespoke conditions with the applicant.

Bespoke conditions will only be used where they are necessary, relevant, reasonable and enforceable.

#### **Questions:**

Q: Is there an opportunity for the SSSI consenting process to be streamlined as part of this revised felling licence consenting process?

A: NRW are already considering opportunities to streamline the process, however it was noted that it might be difficult to integrate the two consenting processes due to the many different Legislations and processes that NRW works under.

Q: Woodlands within designated areas which are productive, will these still require conditions?

A: Yes, where operations are likely to have an impact on designated features additional considerations will need to be made.

#### **4. Wider work underway to provide support to Applicants**

Review of the relevant pages on the NRW Website is underway considering feedback from recently completed user feedback led by the Website team, the requirements of the proposed new powers under the Agri Bill 2022 and other sources of feedback. NRW hopes to be able to share developed and new pages with external stakeholders later in the year. Internal guidance is also being developed, a key aim will be to ensure a consistent NRW approach to using these powers.

Guidance will primarily be made available on the NRW Website, this falls in line with accessibility rules for public body websites.

It is envisaged by NRW that the revised webpages will also be signposting to other and wider sources of support for applicants including the 2 hours pre application advice that is available from NRW for all potential applicants.

#### **5. Engagement opportunities moving forward:**

Further meeting appointments will be shared with the Group shortly, these meetings will focus on

- An opportunity to review an early draft of amend, suspend, and revoke guidance which will be made available for applicants on the NRW Website
- Opportunity to review draft new and developed Felling Licence Pages on the NRW Website in the autumn
- Opportunity to step through the revised application process

Meeting closed.