



MetroWest+

Portishead Branch Line (MetroWest Phase 1)

TR040011

Applicant: North Somerset District Council

9.15 ExA.CAH1.D3.V1 – Appendix 4 to Applicant's Oral Case and response to Representations at the Compulsory Acquisition Hearing 1 (CAH1)

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THE PROPOSED PORTISHEAD BRANCH LINE (METROWEST PHASE 1) ORDER

APPLICANT'S RESPONSE TO THE EXAMINING AUTHORITY'S REQUEST FOR INFORMATION AT THE COMPULSORY ACQUISITION HEARING OF 4 DECEMBER 2020

THE ROLES AND RESPONSIBILITIES OF THE FORESTRY COMMISSION AND FORESTRY ENGLAND

1. INTRODUCTION

- 1.1 This note is provided in response to the Examining Authority's (**ExA**) request for further information on the Applicant's references to Forestry England and Forestry Commission throughout the DCO Application.
- 1.2 In this note the Applicant seeks to provide an overview of the Forestry Commission's structure along with the reasons for the Applicant's references to different entities in the Application documents and Examination.

2. CORPORATE STRUCTURE OF THE FORESTRY COMMISSION

- 2.1 The Forestry Commission was established under the Forestry Act of 1919 which, among other things, set out the appointment of commissioners, as well as their duties and powers under the Act. The statutory foundations of the Forestry Commission now lie in the Forestry Act 1967.
- 2.2 Under the 1967 Act, the Commissioners have delegated the appropriate functions, through administrative action, to three sub-committees: Forestry England, Forestry Services and Forestry Research.
- 2.3 The delegation of power to three sub-committees, including Forestry England, is confirmed in the Commission's corporate governance structure under the 'Forestry Commission Framework'¹. This document outlines Forestry England's appointment as the board responsible for discharging the Commission's duties and powers under the 1967 Act, while the overall responsibility remains with the Forestry Commission.
- 2.4 The Commissioners also has a Royal Charter, dated 25 March 1920, which makes the entire organisation a single legal entity.

3. ROLE OF THE FORESTRY COMMISSION

- 3.1 The Forestry Commission is the non-ministerial government department responsible for protecting, expanding and promoting the sustainable management of woodlands.
- 3.2 The Forestry Commission is the appropriate forestry authority in England, responsible for the general duty of promoting the interests of forestry, the conservation and enhancement of natural beauty, the development of afforestation and the production and supply of timber and other forest products.

4. FORESTRY ENGLAND

- 4.1 Forestry England operates under the Forestry Act(s) and subsequent legislation and is part of the Civil Service and an Executive Agency of the Forestry Commission.
- 4.2 Forestry England's primary delegated duty, in regard to the DCO Scheme, is to manage the land placed at the disposal of the Forestry Commissioners by the Secretary of State for Environment, Food and Rural Affairs (Defra) in pursuance of its statutory function which includes promoting the interests of forestry.

¹ <https://www.gov.uk/government/publications/forestry-commission-framework-document>

4.3 The involvement of Forestry England in the DCO Scheme arises through the negotiation of practical forest management matters relating to the proposed works on land managed by Forestry England in the Avon Gorge that is freehold land owned by Defra.

4.4 Matters arising through the ExA's first round of written questions were addressed by Forestry England owing to its delegated authority for land management and forestry in the Avon Gorge.

5. FORESTRY COMMISSION / FORESTRY ENGLAND'S INVOLVEMENT IN THE METROWEST EXAMINATION

5.1 For the purposes of the DCO Application and Examination, the management of relevant forestry land in the Avon Gorge and the power to erect works ultimately resides with the Forestry Commission as non-ministerial government department to which Forestry England reports.

5.2 However, the practical exercise of the relevant activities is by Forestry England.

6. THE FORESTRY COMMISSION AND THE LAND PLANS, BOOK OF REFERENCE AND APPLICATION DOCUMENTS

6.1 Owing to the Forestry Commission's overriding responsibility the Applicant makes reference to the Forestry Commission in key application documents, including:

- AS-031, Environmental Statement, Chapter 9, Ecology and Biodiversity (version 2)
- AS-027, Report to Inform Habitats Regulations Assessment (version 2)
- AS-044, Avon Gorge Vegetation Management Plan (Version 2); and
- REP1-021, Statement of Common Ground with Natural England.

6.2 Land within the Order limits is held in the name of "Department for Environment, Food & Rural Affairs c/o Forestry Commission", reflecting the fact that Defra is the Department with capacity to hold legal interests in land, but the Forestry Commission, as a non-ministerial department (pursuant to its statutory purpose). Forestry England manages the relevant land for the Forestry Commission.

6.3 As such, the Applicant has dealt with Forestry England on the negotiations for Heads of Terms (HoT) in respect of land requirements in the Avon Gorge. The agreements required are anticipated to be entered into by both Forestry England and, where an interest in land is affected, Defra.

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