

7th October 2022

Dean Forest to wit

Before

At a Special Court of Attachment
of our Sovereign Lord the King at
The Speech House on the 7th
day of October in the First Year of the
Reign of our Lord King Charles the
Third by the Grace of God, etc. in the
Year of Our Lord Two Thousand and
Twenty Two

R.W. Jenkins Esq., J.P.
I.J. Standing Esq., BDS, M.A. MUSMS Dip.
R.G. Daniels Esq., MBE.
Mrs S.Middleton B.Sc.

K.G. Stannard Esq., Deputy Surveyor,
Forestry England.
D.L. Howell Esq., CSM, IMMM, Deputy
Gaveller, Forestry England.
K.P. Griffin B.A. Solicitor, Steward to the Court.

APOLOGIES

None

MINUTES

Approved and signed.

MATTERS ARISING

Mountain Biking

Mr Daniels commented the meeting with the Forestry England hierarchy had been very useful but Mr Standing added he felt the use of unauthorised trails will just continue and preventing continuing damage is a lost cause. Mrs Middleton commented that it should not be so and with volunteer help and good communication with the mountain biking community, she believed the situation could be improved. Her suggestion that the matter be discussed at an Our Forest meeting was accepted as a good idea and a means to advise the mountain bikers that the damage caused to the Forest by their activities is unacceptable. The Deputy Surveyor reiterated the national policy and advised he has no authority to change this and evidence is required to effect any change. However, the issue of zoning and the slow introduction of protected areas is to be explored. This process will start with Lady Park Wood in High Meadow and the Nags Head Nature Reserve where there are "No Cycling" signs. but RSPB staff have advised these are ignored. In addition, dogs are to be controlled and the fact that this is an ecologically very fragile area brought to public attention.

Mock Trial

The Steward advised he had heard from Mr Porter that this is planned for the last week in March next year and as soon as a date is firmed up, he will advise the Verderers.

Website

The Steward advised the website is not fit for purpose and Mr Standing and Mrs Middleton agreed to review the situation.

IMPORTANT NEW MATTERS

Dean Trail

The Court heard that a new trail in Sallow Vallets had been officially opened.

Planning Restrictions

Nature conservation bodies had become alarmed at the Government's proposed new policy to relax planning restrictions. The Deputy Surveyor advised there had been no official notification, although he noted a definite move to protect national food security.

DEVELOPMENTS AFFECTING THE STATUTORY FOREST

Cannop Ponds

The Deputy Surveyor gave an illustrated presentation previously given to the District Council. He advised that both Lower and Upper Cannop Ponds are independently and officially registered as reservoirs with a combined body of water exceeding one hundred thousand cubic metres. He explained that Lower Cannop is a Category C reservoir and this categorisation means that uncontrolled release of water is seen as a danger to life.

He explored the early history of the area with the early 19th Century construction of the Severn and Wye Railway and the construction of the tramroad embankment, followed by the creation of the reservoir in 1825. The plan at that time was to use the water to power a large waterwheel at Parkend Ironworks, but the plan failed and so Upper Cannop Pond was created to provide additional water power in 1827, although the project was then abandoned as a failure. The stone cutting plant occupied the Bixslade site at the beginning of the 20th Century and the service road was constructed, but there are no further details of engineering history prior to 1976. There are complete records after that date.

In 1978, three bore holes were created to investigate the construction of the dam and substantial remedial works were undertaken, with further repairs carried out on five separate occasions up to 1995. In 2003, voids discovered in the dam structure were filled with concrete and in 2010 the hydro plant opened.

In 2021, a detailed inspection revealed substantial damage to the dame and possible due to the heavy storms in 2020. A sink hole and slumped wall indicated the presence of voids. An Environment Agency inspection called for repairs to the dam and removal of the fish screen, together with an order to "replace the spillway".

The Deputy Surveyor explained that modern dams have inbuilt protective measures to prevent slumping and voids but these are not present at Cannop. Indeed, investigation revealed extensive voiding and these were filled with concrete to prevent imminent danger of collapse. The Court was advised of the partial collapse of the Toddbrook Reservoir in the Peak District and managed by the Canal and Rivers Trust and where hundreds of people had to be evacuated. This reservoir has a spillway constructed in a similar fashion to that at Cannop. The partial collapse was stated to be a 1 in a 100 year event.

Flood studies in 2021 were reported in 2022 and advised the spillways need to be significantly widened as neither of the Ponds would be able to contain water within the current spillway in a 1 in a 150 year flood event. There would be an over-topping failure and leading to sever flooding.

A study of the Glashutte Dam in Germany followed an over-topping failure showing significant infrastructural damage to the roads and drains in the areas below the dam as well as flooding of properties. This dam contained only half the amount of water held by the Cannop dam.

In February 2022, the Arup Group were appointed to provide professional consultancy services and to explore options for Cannop, engaging with the County Council, Natural England and all interested parties. Arup is a British multinational professional services organisation which provides advisory services across every aspect of the built environment.

The options appear to be:

1. Replace the dams with new and fit for purpose structures, at very significant cost, of course.
2. Remove the dams altogether and allow the watercourse and Cannop Valley to evolve naturally.
3. A compromise of repairs and replacement that will prevent severe downstream flooding but continue to provide public access to the water and protect the ecosystem.

A cost-benefit analysis and a vast number of surveys are required, with many months of evidence and data gathering in progress.

The Court heard that a decision will be taken in 2023 and works are expected to commence in Spring 2024 at the earliest. With regard to fishing, this is governed by the grant of three year leases and the current lease ends later this year and will not be renewed due to the uncertainty surrounding the future of the Ponds. In any event, when the works commence, the Ponds will be drained and the non-natural fish will be removed and the fish gate taken away.

The Verderers thanked the Deputy Surveyor for the full and impressive presentation and Mr Standing asked about the protected species. These are Great Crested Newts and Lesser and Greater Horseshoe Bats and surveys are required to assess the environmental impact of the works on these protected species.

There were queries about freshwater mussels and native crayfish, but the Deputy Surveyor advised that although there are some native mussels, most are the invasive zebra species and the crayfish are also the invasive American species. In response to a query from Mrs Middleton concerning the fish, the Court was advised they are non-native species and will almost certainly be destroyed as illegal to relocate them

So far as cost is concerned, the surveys and investigations to arrive at a good solution will involve expenditure of about £500,000 and will probably lead to two options to be costed.

In response to questions raised by Mr Jenkins, the Deputy Surveyor advised the failure of the dams would be a danger to life downstream and very substantial damage to homes and infrastructure. The Deputy Gaveler added that the major issue is that any heavy rainfall will cause the Lower Cannop Pond to overflow and throttle points are required with stormwater attenuation to protect Parkend and all the way through to Lydney. Climate change is leading to more extreme and intense rainfall and it is clear the Cannop Ponds would overflow as often very full in any event.

Mr Standing enquired about planning for construction within the flood zone for the stream and was advised the authorities are aware of the issue and there is joined-up thinking about the issue. He also enquired if the stone firm is at risk but it is thought not as situated on stone rather than mud.

With regard to bodies of water, the discussion turned to Soudley Ponds and the Deputy Surveyor advised the dam there is also an ageing piece of infrastructure that is leaking and part of the structure is under the highway that is the responsibility of the County Council.

Mr Daniels commented that Mallards Pike has a system to take excess water away and enquired if this could work for Cannop. The Deputy Gaveler advised this is possible with throttle points and water attenuation. The Deputy Surveyor added that whatever the outcome, the spillway must be rebuilt and substantially enlarged after the Ponds are drained down.

The Verderers will continue to monitor developments in future Courts.

COMMONING

There was nothing to report on this as the SLG has not had any further meetings.

DEER AND BOAR

The thermal imaging survey revealed a population of some 416 animals and very close to the target of 400. It would seem the numbers are under control but nothing is known about the boar population outside the Forest. The animal numbers in the Forest can now be managed by the existing number of Rangers.

STRATEGIC APPROACH

Forest Waters

The plan is well advanced and will launch this Autumn.

Forest Quadrant Plan

The first plan should receive official approval very soon.

Built Heritage

The Heritage Group had met to commence the categorisation of built heritage sites in the Forest. Tom Brockington is preparing a full list of sites to be scheduled and this will be circulated for approval.

DEPUTY SURVEYOR'S REPORT

The Deputy Surveyor commented he had nothing of further importance to report.

MINERALS

The Deputy Gaveller presented his Report and a copy is appended to these Minutes.

ANY OTHER BUSINESS

Coat of Arms

This had been repaired by John Belcher and the Steward will write to him to thank him for the excellent renovation work.

King Charles III

The Steward confirmed he had written to His Majesty to express the condolences of the Verderers at his mother's passing and to congratulate him on his accession to the throne in her place.

Dawn Thompson

It was agreed she should be invited to the next Court to advise the Verderers of the task she is undertaking at Forestry England.

Tom Brockington

It was agreed he should be invited to the Court in April to present details of the ongoing built heritage work.

DATES OF THE NEXT COURT SITTINGS

These dates were agreed as 20th January 2023 (in place of the earlier decided date of 13th January) and 14th April 2023, both commencing at 2.45pm.

Verderers

Deputy Surveyor

Steward