

Dear Cllr McFarling

Thank you for the detailed responses provided to our previous questions regarding the proposed UNESCO Biosphere designation for the Forest of Dean.

Having reviewed the information supplied, we are writing to request further clarification on a number of important points. While it is acknowledged that Biosphere designation does not introduce new statutory powers or directly alter existing legal rights, the responses also indicate that it may influence funding arrangements, governance structures, strategic priorities, and the coordination of public bodies. It is therefore necessary to clearly distinguish between statutory effect, indirect influence, and aspirational programme outcomes.

A clear understanding of these distinctions is important to ensure Members and the public can fully assess the legal and practical implications of the proposal.

Please confirm whether Biosphere designation, associated governance arrangements, or partnership outputs may lawfully be taken into account by public authorities as:

- a material consideration in planning decisions, and/or
- a factor influencing funding conditions, policy development, or land management approaches.

If so, please identify the legal or policy basis for this, and clarify how such influence is distinguished from any change in statutory powers or duties.

Please clarify the legal status of the proposed governance arrangements (Stewardship Assembly, Delivery Partnership, and Custodians/Monitoring Panel), specifically:

- whether any element will have statutory recognition,
- whether any decisions will be binding on public authorities or statutory bodies, and
- whether outputs will carry formal weight in planning, funding, or land management decisions.

It would be helpful to have further clarity regarding the interaction between Biosphere-related frameworks and long-established Commoning and Freemining rights.

While it is understood that these rights are not proposed to be altered by the designation itself, it would be useful to confirm the extent to which they could nonetheless be affected in practice through indirect mechanisms such as planning policy considerations, environmental objectives, funding conditionality, or partnership-led land management approaches.

In UK public law, such mechanisms are recognised as capable of influencing decision-making, even where they do not constitute statutory change. In light of this, please confirm whether the Council considers that Biosphere-related structures

could lawfully influence the practical exercise or management of these rights over time, and if not, what specific safeguards are relied upon to ensure that no incremental or de facto constraint could arise through non-statutory but influential processes.

Please confirm whether funding associated with Biosphere-related activity may include conditions relating to land management practices, including grazing levels, access arrangements, or habitat management, where such conditions arise through grant agreements or partnership funding frameworks rather than statutory requirement.

The figure of £3.89 return per £1 invested has been referenced in relation to Biosphere designation. Please provide the underlying methodology, including:

- key assumptions used,
- the basis for attribution to Biosphere designation rather than subsequent investment activity, and
- whether the figure represents causal impact or modelled economic association.

As the governance structure is currently described as proposed and not yet constitutionally fixed, please clarify:

- which elements are already agreed and binding,
- which remain subject to future development or approval, and
- at what stage elected Members will be asked to consider and approve a final governance framework with defined authority and accountability arrangements.

These points are raised in a constructive spirit to ensure that the legal status, governance implications, and practical effects of the proposal are fully transparent at this stage of the process.

We would be grateful for a clear and comprehensive written response.

Yours sincerely,

The Progressive Independent Group

1<sup>st</sup> May 2026



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Date: 12<sup>th</sup> May 2026

Dear Progressive Independents Group,

Further to your additional questions in relation to Biosphere nomination received on 5<sup>th</sup> May 2026.

You will be aware that we have recently published a range of further information through the website on areas including economic factors, prosperity indicators and emerging governance proposals. <https://www.fdean.gov.uk/forest-of-dean-s-unesco-biosphere-bid/unesco-biosphere-application/>. I would be grateful if you could share this link and that of the webpages as widely as possible.

UNESCO biosphere designation has no statutory status in UK planning law. It is not listed as a material consideration in the National Planning Policy Framework, and designation alone cannot alter planning policy, create new planning constraints or change how planning applications are determined.

For non-statutory or community-based strategies, like that proposed as part of the biosphere, it will be a matter for the decision maker as to influence they want to attribute to a future biosphere strategy or action. By way of an example the Council in its work currently considers strategies produced by others such as those from tourism associations, health initiatives and economic partnerships which are non-statutory.

A biosphere strategy will be developed through the Biosphere governance structure post designation and therefore the broadest range of stakeholders will have the opportunity to shape and review a biosphere strategy.

Commoning and Freemining rights are protected in statute and custom. UNESCO biosphere designation cannot alter, restrict, suspend or otherwise affect these rights. The designation has no statutory basis in UK law and creates no legal mechanism through which rights could be modified. UNESCO biosphere designation is a recognition of a community which sustainably lives and works with its landscape, of which Freemining and Commoning rights are key elements in the Forest of Dean.

None of the proposed governance bodies ([Emerging Proposed Governance Structure](#)) has or will have statutory recognition. None produces decisions that are binding on public authorities or statutory bodies. None carries formal weight in planning, funding or land management decisions as a matter of law.

The biosphere coordination framework does not administer grant funding and does not set conditions relating to grazing levels, access arrangements or habitat management as I previously set out in my letter 30<sup>th</sup> April 2026, most external funders apply conditions to funding as a way of ensuring their funding objectives are met, they are usually clearly set out in funding guidance or application packs and therefore known in advance. Such conditions would be relevant to groups who agree to be party to funding agreements. This would not compel participation by groups such as the Commoners or Freeminers and could not override statutory rights.

With regards to the Office for National Statistics (ONS) study “The Economic Case for the Biosphere” as the work was undertaken by the ONS, and as I previously referenced (30-4-26) my understanding is that they followed the government green book methodology appropriate at the time.

We still have some time to go before the submission to UNESCO in September and we will continue to engage, develop and refine proposals with the assistance of stakeholders. Taking into consideration the background information provided if there are any specific points you would recommend are included in developing the nomination further, please do let me know and I can ensure they are relayed to the biosphere steering group for consideration. We shall make the content of this letter available through the biosphere website as others may find the questions and answers useful.

Yours sincerely

*Chris McFarling*

Cabinet Member for Climate Emergency & Biosphere