

Woodland Creation Essentials

Should there be ground truthing for every scheme?

Yes, a walkover of every site is a basic requirement to establish what habitats, soils/peat depth, and archaeology etc. is present before contacting Conservancy/Woodland Officers.

Is it reasonable to presume that small scale applications are unlikely to be complex and less likely to require surveys?

Size is neither relative to complexity nor sensitivity. It all depends on the issues that are identified during the data gathering and site assessment element of the due diligence process.

Where is the RSPB data request form located and do they charge for this service?

The data request form is available through the RSPB website. RSPB prefer a proactive approach and the opportunity to feed in to the forest design process from an early stage. RSPB may have to charge a fee in large complex cases that require a lot of staff input. It is suggested that first contact with RSPB should be through your local Area Officer.

How often is the NBN updated?

Constantly, information collected on a daily basis collated from various sources local groups/SNH, although there can be a lag of up to 2yrs getting information published. Local record centres are referenced in the woodland creation supplementary guidance these are also worth investigating as they can be an excellent source of information.

Does a Phase 1 Survey include bird surveys etc.?

An extended Phase 1 would identify what habitats are present on a site. The surveyor can then use this information to identify what, if any, protected species might be supported there and assess the need for any further targeted surveys such as a breeding bird survey.

In regards to undesignated archaeology, who makes the decision whether or not a commissioned survey is required in addition to a walkover?

It depends on the local authority's recommendation, if there is a certain level of archaeological interest and substantive pieces of work need to be undertaken then it would be more appropriate for these to be undertaken by accredited professionals. FCS has recently published the Historic Environment Resource Guide which provides information and advice for Forest and Woodland Managers in Scotland.

At what point of the process does the screening opinion occur, before or after submission of the FGS application?

Either, the new woodland creation process allows the applicant to request an EIA screening opinion in two ways, to complete the screening opinion form and submit to the conservancy or on submission of an application to the Forestry Grant Scheme. To ensure a screening opinion can be made however you will have to submit sufficient detail proportionate to the sensitivity of your proposal.

If there is a sensitivity identified on the site, does this mean an EIA will be required?

Not necessarily, it will depend on the potential impact of the forestry project after the proposed mitigation provided within the initial application.

Does FCS have plans to deliver EIA training/guidance on who/what is involved in the EIA process? If so will this be for internal staff only or available to wider industry?

FCS has now established a complex case support team to provide assistance to the Conservancies on the EIA process. EIA for Forestry Projects guidance has been updated and is now available online. Further guidance on preparing an EIA Report and holding scoping meetings is in the process of being prepared and both internal and external training events are currently being considered.

Is it likely that once the woodland creation application is on the Public Register that someone could request EIA consent?

Provided due diligence has been undertaken it is very unlikely that there would be grounds for an EIA to be called at this stage of the process. All sensitives should have been identified, appropriate mitigation agreed with FCS and stakeholders and the issues closed prior to public consultation of the woodland creation application.

Do the headings in the Issues Log tie in with EIA?

Yes, the headings are as described in The Forestry (Environmental Impact Assessment) (Scotland) Regulations 2017.

Who decides the significance of impact (high/med/low) on the Issues Log applicant, FCS or stakeholders; and is the impact recorded as being before or after the agreed mitigation?

FCS works through the stakeholders responses and makes the final decision on the significance of impact. The process itself is iterative and will be updated as a case progresses and more information becomes available. It [Issues Log] is a method of recording the process, highlighting the issues raised and actions taken to resolve these, it also provides an accurate timeline of case progression. Once the process is complete the Issues Log will record the significance of impact after the agreed mitigation.

Is it possible to identify positive impacts as well as negative ones on the Issues Log?

Opportunities should be recognised and recorded on the Issues Log as well as constraints. It may be that the potential benefits of the proposal outweigh the constraints and could justify the case for the approval of the woodland creation application.

It has been mentioned that the EIA Report must be prepared by 'competent experts', what is the definition of a 'competent expert'?

There is no clear definition in the Regulations. It is suggested that people should be able to demonstrate competence in area on which they are providing advice, a qualification may not be necessary if they can demonstrate a track record of knowledge in activity.

MacKinnon recommendations are about streamlining the process, is there an option to reduce or waive the Public Register period?

Consultation arrangements are part of the ministerial directive. The industry through the working groups preferred to keep it at the final stage of the process as a safety net, however all the main issues should be dealt with from early stakeholder engagement making any residual issues minor and easy to deal with. 28 days on the PR will remain but the amount of applications that we consult with SNH and SEPA is now much reduced.

Should consultees respond even if they don't have any comments on the proposal?

Yes, otherwise we won't know what they think.

Will 'Earned Recognition' be awarded to individuals or at an organisational level?

Earned Recognition will only be open to individuals to apply.

Will a list of those with 'Earned Recognition' be made publically available; and will agents be able to promote their 'Earned Recognition' status?

Nothing has been confirmed as yet, but thoughts are this information should be made publicly available. There should be a perceived gain for taking the time and effort to apply, so agents should be allowed to use it for marketing purposes.

When does the FCS Customer Charter come into force?

It's live now and can be accessed on the FCS website.

Will the new guidance change the culture around the application for grants?

We will have to see. The application must be up to standard otherwise it's a waste of everyone's time. Applications are rarely being rejected but this could begin to happen if they're inadequate.

Answers were provided by the panel and subject matter experts at the events including FCS / ICF / RSPB representatives.