**Note from Briefing Meeting with Douglas Howieson, Conservator of Forests for the South Scotland held by Zoom on Tuesday 8 June 2021, 7pm.**

**Introduction**

The meeting had been organised by Cllr Heather Anderson, Tweeddale West, who had asked Douglas to give us an overview of

* The role and purpose of Scottish Forestry
* The planning framework and approval process for grant applications
* The consultation process

The meeting was well attended with 19 participants) comprising community councillors covering Yarrow and Ettrick Valley, Manor Stobo and Lyne, Tweedsmuir, Upper Tweed, Lamancha Newlands and Kirkcurd, plus guests, and Councillors Heather Anderson, Eric Small (both Tweeddale West) and Stuart Bell (Tweeddale East).

Scottish Forestry is the Scottish Government Agency with responsibility for forestry grant and regulatory work. They replaced the Forestry Commission in 2019. Forest and Land Scotland is a separate Scottish Government agency which manages all existing ex-Forestry Commission forests.

*Given the complexity of the issue, I have also now added in links to documents referred to throughout the meeting to enable you to better understand the context.*

**The policy framework**

**Timber supply:** Great Britain is the second largest net importer of timber and we have set targets on timber production.

**Climate Change:** The Scottish Government Climate Change Action Plan requires the sequestration of carbon to ensure we meet our targets for reduction in emissions. <https://www.gov.scot/policies/climate-change/>

**NP4** – the National Policy Framework 4 - <https://www.gov.scot/publications/scotlands-fourth-national-planning-framework-position-statement/>

and the National Performance Framework- <https://nationalperformance.gov.scot>

also governed the work of Forestry Scotland.

**Three key areas are designated for afforestation:**

**Ayrshire and Arran, Dumfries and Galloway and Scottish Borders**. Each has their own Forestry Woodland Strategy. This plan forms part of each Local Development Plan.

**Here are links to some of the documentation referred to in the meeting.**

**1 Link to Scottish Borders Woodland Strategy (2005) – SBWS**

<https://www.scotborders.gov.uk/downloads/download/411/planning_guidance_woodland_strategy>

**2 The Scottish Forestry Woodland Creation Application Guidance 2018** which Douglas talked us through. This is a key reference document for community councils.

<https://forestry.gov.scot/publications/support-and-regulations/109-woodland-creation-application-guidance>

There’s a **useful flow chart on p 11** that sets out the application process and a more **detailed description of the process on p 20-23.**

This Application Process introduced a **pre-application stage (due diligence)** which encourages applicants to consider a range of Issues based on SEA topics, and for them to complete an Issues log setting out issues and how they propose to mitigate them.

3 Link to the Advice Note produced by SBC in response to Woodland Creation Application Process 2018 referred to above.

<https://www.scotborders.gov.uk/directory_record/54705/woodland_creation_advice_note/category/28/approved_planning_guidance>

The Woodland Strategy and TAN are adopted as guidance under the Local Development Plan (LDP) and directly inform the grant decisions of **Scottish Forestry** who administer the **Forestry Grant Scheme.**

 SBC have also developed a screening process for biological records working in partnership with The Wildlife Information Centre (TWIC) and Scottish Forestry, to enable applicants to get a report of the biological records highlighting biodiversity sensitivities.  This is to go live soon, as a service offered by TWIC.

4 Finally, the link to the **Regional Strategic Woodland Creation project**:

<https://forestry.gov.scot/support-regulations/woodland-creation/regional-strategic-woodland-creation-project>

SBC are developing a Woodland Creation Framework for the two pilot areas and aim to bring forward as Supplementary Planning Guidance by the autumn, subject to approval.

**Targets**

**Land for Forestry in South Scotland**

2 million hectares of land have been approved across the whole of Scotland for forestry. That’s about one third of the total land area.

**545,000 hectares of land has been identified as suitable in the South** – again this around one third of the total land area of the south including SBC, D&G and Ayrshire and Arran.

**2021/22 target** of 13,500 hectares.

In 2021, **10,600 hectares were approved** across the whole of Scotland and **3,500 hectares were planted in the south.**

**The target for 2024/25** is 18,000 hectares a year across the whole of Scotland.

**Schemes**

All planting must comply with the UK Forestry Standard.

There are 9 schemes which offer financial support – link here <https://forestry.gov.scot/support-regulations/forestry-grants>

The scheme names are

1. Conifer
2. Diverse Conifer
3. Broadleaves
4. Native Scots Pine
5. Native Upland Birch
6. Native Broadleaves
7. Native Low Density
8. Small or Farm Woodland
9. Northern and Western Isles

Agroforestry is also identified as a scheme to support the creation of woodland on agricultural land but take up had minimal.

**Species**

There were a number of questions about conifer plantations. UK Forestry Scotland set out minimum environmental requirements, including maximum 75% Sitka spruce in any plantation. Douglas repeatedly stressed that there is no grant support for pure conifer plantations – the maximum allowance in any funded scheme is **75% conifer**, with 5% more diverse conifer, 5% native broadleaf and then open space.

There is also a national target of **5,000 hectares of new native woodland per year**, and it was mentioned that this woodland creation would assist in meeting biodiversity targets.

Some of you may be interested in this link to data on the need for mixed planting <https://www.climatexchange.org.uk/research/indicators-and-trends/indicators/nf4-diversity-of-tree-species-ordered-for-planting-in-scotland/>

**Application process**

**90%** of applications for Forestry Grant Scheme financial assistance were from farmers, but **60%** of the applications in terms of land coverage were investors (pension funds, companies).

Douglas acknowledged that there were concerns about scale of monocultures. He said that of the 3,500 hectares planted, 50% would be under the Conifer scheme and 50% would be for more diverse schemes. Each Conifer scheme would also include 25% more diverse species.

Douglas confirmed that **Scottish Forestry** was the competent authority to approve forestry planting. They had jurisdiction over afforestation, deforestation and road building and quarrying in relation to forestry. They worked with the applicant or agent to approve the objectives, evaluate any Environmental Impact Assessment or Habitat Survey, agree the issues to be mitigated and the mitigation measures required. They approved and administered the schemes.

**There was no statutory requirement to consult.**

**Pre-Application process**

The 2018 Application process however introduced the **pre-application** stage where applicants were required to clarify their objectives for planting, create an Issues Log and undertake a consultation with **neighbours and consultees.**

We spent a considerable part of the meeting trying to clarify this stage of the process.

Unlike planning, the applicant is responsible for identifying the issues, stating how they are going to be mitigated and initiating the consultation.

Forestry Scotland were required to determine whether all issues had been identified whether the mitigation measures were adequate and whether adequate consultation had been undertaken.

Douglas confirmed that the Statutory consultees were Historic Environment Scotland (HES) Scottish Environment Protection Agency (SEPA), Nature Scot, Historic Scotland and where relevant, the Highways Authority and the Local Authority.

During the discussion, the view was expressed that this stage of the process was opaque, with a lack of specific detail around the specific role of community councils, which neighbours were to be consulted, the method of the consultation or the timescale. Douglas in fact made the point that some applicants preferred a “drop-in” model of consultation to attending a meeting, where they would have to face the community.

It was reiterated that this meeting had been called precisely because of the lack of clarity around this process and the grounds for objection – rights of way, private water supplies, biodiversity loss, visual or recreational impact, impact of timber extraction.

**Due diligence and mitigation**

There were questions about the diligence exercised by Forestry Scotland in determining whether consultation had been adequate. Douglas advised that evidence of a full consultation now played a stronger role in ensuring that applications progressed to the next stage. If the consultation was poor, the process would be extended to ensure community councils had sufficient time to respond. Douglas advised that some agents and applicants had expressed their frustration that this pre-application process was now too onerous and long.

Douglas commented that he had never seen a scheme which hadn’t been mitigated during the pre-application process. An Environmental Impact Assessment screening must also be completed for any scheme greater than 20 hectares or in any areas classified as a National Scenic area.

**Public Register**

The final stage was the presentation of the scheme on the Public Register for a total of 28 days. Although community council could comment at this stage, Douglas expressed the view that by that point it was too late to influence the scheme. Any mitigation would have had to take place before this final consultation period.

Douglas was asked how a community council would know that an application had been posted to the Public Register. Douglas advised that the obligation was on the applicant to advise.

When asked about how disputes between the community and the applicant were best resolved, Douglas placed his faith in the forthcoming Regional Land Use Partnerships, although it was unclear when these would be formed or operational. It was commented that this could still take years, and that in the interim applications for large scale forestry plantations were being approved.

**Maps**

Douglas was asked about maps.

Unlike planning, where everything was constrained within designated development areas, it was difficult to envisage the scale of the planting on the local area. Douglas emphasised that forestry wasn’t governed in the same way as housing or industrial development. It was classified as permissible agricultural land use. The Forestry Commission had been established in 1919 because forestry cover in Britain had fallen to 5% and its role was to create timber reserves.

The Scottish Borders Woodland Strategy map illustrated all areas identified for planting, showing both “preferred”, “potential” and “sensitive” areas for woodland expansion.

but it didn’t update the map when areas had been planted or illustrate where pre-applications had been made. It was acknowledged that it wasn’t easy for the community to determine how many pre-applications had been submitted or how many had been approved.

**Restoration**

Questions were asked about restoration of land post felling. Douglas advised that the guidance now required staged felling and replanting to mitigate the impact on the landscape. These agreements for future management formed part of the contract.

**The working relationship with Forestry Scotland**

There were concerns expressed about the “David and Goliath” elements of this exchange. Whilst communities should be consulted in the pre-application stage, there were few grounds for objection, no requirement for community benefit or gain and a sense that the community’s views would be swamped by the larger carbon sequestration targets.

Questions were also asked about the dual funding, where there was considerable financial incentive to plant trees to secure income, without any loss of single farm payment.

**Closing comments and learning**

Douglas was thanked for his time in responding to over one and a half hours of intensive questioning. In my closing remarks I said it was clear that we are councillors had a responsibility to ensure community councils were aware of the council’s woodland strategy proposals, as they formed the basis of the approvals. We were also responsible for ensuring that community councillors understood the schemes and their role and rights in relation to representing community views.

Douglas closed by saying that Forestry Scotland were on our side and were committed to ensuring the countryside was protected and enhanced. He had enjoyed the opportunity to be in the company of people who were passionate about the countryside.

Heather Anderson

8 June 2021