



Forestry Commission Scotland  
Coimisean na Coilltearachd Alba

# Forestry Consultation Procedures

## Contents

Introduction .....	2
Why we consult .....	3
Due diligence .....	3
What we consult on .....	3
Woodland Creation .....	4
Environmental Impact Assessment .....	4
Tree Felling .....	5
Forest Plans .....	5
The National Forest Estate .....	6
Plan Amendments .....	6
Who we consult .....	6
Where you can get information .....	8
Providing us with your comments .....	9
Comments about applications and the Data Protection Act 2018 .....	9
How we resolve complex cases .....	9
Making a complaint or appealing our decision .....	10
Definition of Terms .....	10

## Introduction

Forestry Commission Scotland (FCS) serves as the forestry directorate of the Scottish Government (SG). We are committed to promoting Sustainable Forest Management (SFM) across Scotland through the delivery of policy, advice, regulation and grant aid in accordance with the UK Forestry Standard (UKFS). The UKFS is the reference standard for SFM in the UK. It outlines the context for forestry, sets out the approach of the UK governments to SFM, defines standards and requirements, and provides a basis for regulation and monitoring – including national and international reporting.

The UKFS recognises the importance of public involvement in forestry and contains specific legal requirements and good forestry practice requirements on undertaking consultation.

This document explains our consultation process. It identifies which type of forestry activities we consult on, where you can find more information on a particular project and how you can provide us with your comments. It also sets out our process for resolving complex cases, complaints and appeals.

A copy of the UKFS can be found at

<https://scotland.forestry.gov.uk/supporting/strategy-policy-guidance/ukfs-scotland>

## Why we consult

Consultation is an essential part of the decision making process. Before deciding whether to approve specific types of forestry activities we consult local authorities and other organisations with statutory powers in relation to land use, and make applications available for public comment by means of our public registers. Statutory consultees, local people and interested parties can offer valuable knowledge and insights that can be of great assistance when formulating forest management or woodland creation proposals. Moreover, developing a proactive dialogue can help improve decisions, implement forestry proposals more effectively, and lead to a culture of co-operation and support.

## Due diligence

To help applicants design well-informed woodland creation proposals and avoid any unexpected issues arising during formal consultation, we have published applicant guidance on our website in which we strongly advise applicants, either the landowner or their agent, to discuss their proposals with neighbours whose properties might be affected, statutory consultees, local communities, Non-Governmental Organisations (NGO's) and other interested parties at an early stage. Applicants are expected to include all issues raised, their relevance and how they will be addressed within their application. We have created a template 'Issues Log' specifically for this purpose. Although this guidance has been designed specifically for woodland creation proposals, the principle of early engagement can be applied to all types of forestry applications.

The Confederation of Forest Industries (CONFOR) has also produced a stakeholder engagement guidance note for Forest Managers, which can be found at <http://www.conforg.org.uk/media/246576/stakeholder-engagement-guidance-note-dec-2015.pdf>

## What we consult on

The two primary activities that we consult on are woodland creation and tree felling. Specifically, we consult on felling licence applications (FLA), Forestry Grant Scheme (FGS) applications for woodland creation, and Long Term Forest Plans (LTFP) and Land Management Plans<sup>1</sup> (LMP) submitted by Forest Enterprise Scotland.

We also have specific responsibilities to consult under The Forestry (Environmental Impact Assessment) (Scotland) Regulations 2017 for afforestation, deforestation, forest roads and forest quarries, where the effects of such projects are considered likely to

---

<sup>1</sup> LMPs are historically referred to as Forest Design Plans.



pose a significant impact on the environment and an Environmental Impact Assessment (EIA) is required. More details on all of these are given below.

## Woodland Creation

The majority of woodland creation applications received by FCS are grant aided and administered under the FGS. As part of the grant approval process applications for woodland creation proposals exceeding 2 hectares (ha) are placed on our public register for comment, unless they have gone through the EIA process outlined below.

We will only consult on woodland creation cases once we are satisfied that they are at a stage where all of the issues identified during the due diligence process have been addressed.

Further information on the woodland creation application process can be found in our applicant's guidance <https://scotland.forestry.gov.uk/supporting/grants-and-regulations>

## Environmental Impact Assessment

If we give a screening opinion that a project requires consent under the Forestry EIA Regulations then we recommend applicants arrange a scoping meeting and invite all of the necessary organisations and individuals that may have an interest in the EIA forestry project. A scoping meeting provides statutory consultees, neighbours, community councils, NGO's and any other interested parties an opportunity to contribute information or express their views on the proposal.

As part of the application for EIA consent, the applicant must submit an EIA Report to show how their proposals take account of the potential impact on the environment. Once the EIA Report is prepared and deemed competent by us we will undertake a consultation. A notice will be published on our public register, in the Edinburgh Gazette, and in a local newspaper. The consultation is open for comments for 30 days. We will make the EIA Report available on our website and will keep a copy for inspection at the local Conservancy office. During this time we will also give details of the application to the relevant statutory consultees.

We will consider all responses received and any supplementary information we have requested which is directly relevant to reaching our decision. If the responses result in significant changes to the EIA forestry project we will undertake a second consultation on the application, making the changes, or any additional information provided, available to consultees and the public.

Further information on the EIA process can be found in our EIA for Forestry Projects guidance <https://scotland.forestry.gov.uk/supporting/grants-and-regulations/environmental-impact-assessment>.

## Tree Felling

Permission for tree felling is obtained by submitting a Felling Licence Application (FLA) and is normally granted on condition that the land is replanted with trees.

All FLAs for the clearfell or selective felling of trees are placed on our public register for 28 days. In exceptional circumstances we may approve FLA's without consultation where it is expedient to undertake work, such as after a catastrophic windblow event. We do not routinely consult on applications for thinning, however we may choose to seek advice from statutory consultees or other interested parties if the application has the potential to impact on a community, protected site or species.

FCS approval covers activities within the woodland or forest but does not extend to the transportation of timber onto the public road network. It is the responsibility of the landowner to liaise with the roads department of the Local Authority to identify likely constraints and where applicable to engage with any directly affected neighbours. We will ask for evidence of this engagement from the applicant where there is a sensitive route, prior to issuing felling approval.

Further information on the FLA process can be found on our webpage <https://scotland.forestry.gov.uk/supporting/grants-and-regulations/felling-licences>

Situations when replanting may not be required are provided in the SG Policy on the Control of Woodland Removal. Further information can be found at <https://scotland.forestry.gov.uk/supporting/strategy-policy-guidance/woodland-expansion/control-of-woodland-removal>

## Forest Plans

For larger woodlands that require longer term management we can approve tree felling through a Long Term Forest Plan (LTFP), a strategic management plan that provides approval for felling and thinning within a forest for a period of 10 years.

Scoping is an integral part of the forest planning process; it provides forest managers an opportunity to explain their objectives and interested parties to provide comments at an early stage. Scoping can be undertaken by letter or with a public meeting, depending on the sensitivities identified within the forest.

When an LTFP has been written and we are content that it meets the requirements of the UKFS will we formally consult and place details on our public register for comment for a period of 28 days.

Further information on the LTFP process can be found in our applicant's guidance <https://scotland.forestry.gov.uk/supporting/grants-and-regulations/forestry-grants/forest-plan-resources>

## The National Forest Estate

Forestry operations on the National Forest Estate (NFE) are also subject to consultation. Details of new planting and felling are contained within Forest Enterprise Scotland (FES) Land Management Plans (LMP). FES also undertakes scoping, gathering information and suggestions from stakeholders that will help inform management proposals.

Details of current scoping exercises can be found on the FES website <https://scotland.forestry.gov.uk/managing/plans-and-strategies/land-management-plans/consultations>

Prior to approving a LMP we will place details on our public register for comment for 28 days.

EIA procedures apply in the same way on the NFE as they do on privately owned land.

## Plan Amendments

Any adjustment to proposals beyond limits agreed within a LTFP or LMP may require a formal amendment. Depending on the significance of the amendment FCS may formally consult and place details of the amendment on our public register for comment.

## Who we consult

As mentioned above, we have specific responsibilities to consult statutory bodies (listed below) as per the Forestry EIA Regulations, where an impact identified during screening is specific to their responsibilities.

In order to prioritise, simplify, and accelerate our engagement with statutory consultees on forestry developments we have agreed consultation protocols with these organisations. The protocols set out when statutory consultees will be formally consulted and can be found on our webpage <https://scotland.forestry.gov.uk/supporting/grants-and-regulations/planting-approval-procedures-review>.



The following table provides a summary of the current national arrangements; in addition local arrangements may also have been agreed between Conservancies and local planning authorities.

<b>Consultation Protocol</b>	<b>Woodland Creation</b>	<b>Felling and Forest Plans</b>
<a href="#"><u>Historic Environment Scotland</u></a>	All proposals with potential to affect a Scheduled Monument, Inventory Battlefield, and Gardens & Designed Landscapes.	All applications with potential to affect a Scheduled Monument, Inventory Battlefield, and Gardens & Designed Landscapes.
<a href="#"><u>Scottish Environmental Protection Agency</u></a>	All proposals where an impact identified during screening is specific to SEPA's remit. Specifically flood risk, potential pollution and waste, quarrying, disruption to wetlands, disturbance and re-use of peat, habitat restoration, engineering activities in the water environment and private water abstraction or dewatering.	All applications that include felling where the River Basin Management Plan has identified that a waterbody within or adjacent to the site is downgraded as a result of a forestry pressure. All Felling Licences >100ha. Scoping LTFP/LMP >200ha. Scoping LTFP/LMP where there is a direct impact on wetlands.
<a href="#"><u>Scottish Natural Heritage</u></a>	All proposals within or with the potential to affect NNR, SAC, SPA or SSSI. All proposals >5ha within a NSA. <sup>2</sup>	All applications within or with the potential to affect NNR, SAC, SPA or SSSI. All proposals >5ha within a NSA.
<a href="#"><u>Local Planning Authority</u></a>	All proposals >10ha.	All applications subject to a TPO or are in a Conservation Area. Scoping LTFP/LMP.
<a href="#"><u>National Park Authority</u></a>	Large, contentious, or strategically important proposals.	Contentious or strategically important applications. Scoping LTFP/LMP.

In certain situations we may also choose to seek the views of NGO's, other bodies, neighbours or local interest groups, this is done by notification at the Woodland Officer's request. Examples of this would be the Local Planning Authority Archaeology Service for woodland creation that may have a potential impact on the historic environment, Community Councils, for large or sensitively located proposals, or the RSPB where birds have been identified as a sensitivity.

<sup>2</sup> See Page 9 **Definition of Terms** for an explanation of the abbreviations in the table above.



## Where you can get information

We currently maintain three public registers on our website:

1. [Register of legacy grant schemes and Forest Plans](#)

This Register contains details of new and amended LMP's and LTFP's. This Register also contains amendments to legacy grant scheme contracts. Details are placed on this register for four weeks.

2. [Register of felling licences and Forestry Grant Scheme woodland creation applications](#)

This register contains details of felling licence applications and FGS applications for Woodland Creation and Agroforestry. This register also contains amendments to FGS Woodland Creation and Agroforestry contracts. Details are placed on this register for four weeks.

3. [Register of Environmental Impact Assessments](#)

This register is required under EIA regulations and shows information about decisions that we make during the EIA process. The register shows details of individual cases at three possible stages:

- Opinion:** This is the first stage, following our screening opinion when we have decided whether the applicant must apply for consent. Information about this stage will be displayed for four weeks.

If consent is required and the applicant seeks consent, then details of two further stages will be shown:

- Scoping:** A scoping meeting is held to help decide the issues that must be covered in the EIA Report. Information about this stage will remain on the register for five weeks.

- Determination:** This is the final decision stage. We decide whether to give consent for the project after receiving the EIA Report. Information about this stage will be displayed for six weeks.

Further information on forestry projects that require EIA consent can be found on our [EIA Reports for forestry projects webpage](#). If you wish to receive more information of a case on a public register you should contact the relevant [Conservancy office](#), quoting the application reference number.

## Providing us with your comments

When applications appear on our public register anyone may provide us with comments or additional information relevant to the proposal. If you submit comments about an application, we will take these into account as part of the approval process and discuss them with the applicant. The Woodland Officer managing the case will be able to advise you on how we have taken your comments into account.

It is vital that you provide us with your response within the consultation periods stated above, as late responses may not be considered.

## Comments about applications and the Data Protection Act 2018

Information on how FCS handles your personal information can be found at <https://scotland.forestry.gov.uk/supporting/grants-and-regulations/complaints-appeals-and-your-data>.

## How we resolve complex cases

Nearly all conflicts of view are resolved satisfactorily during the consultation process. If we receive comments or other information about an application we will discuss these with the applicant, and where appropriate ask them to amend their proposal to take these into consideration. In most cases where this happens, reasonable changes can be made and a satisfactory solution reached. Conversely, we may decide that in light of the information we have received, or in a situation where the applicant refuses to amend the proposal, the application should be rejected.

Statutory consultees rarely object in principle to forestry consultations. More commonly, where the consultation information provided is insufficient to provide advice, additional information will be sought via an objection based upon lack of information. We strongly advise applicants engage with stakeholders at an early stage of the application process to reduce the likelihood of this happening. Objections are not intended as barriers to delay or frustrate progress; they are used to indicate in a clear and unambiguous way that additional information is required to assess the impact of a proposal.

For those cases where substantive comment and advice is offered by FCS and the statutory consultee yet, after all local avenues for resolution have been explored, no satisfactory local resolution has been possible, both parties will endeavour to resolve disputes through negotiation between staff with relevant expertise. Where despite rigorous effort resolution proves impossible because of issues of national importance the case will be referred to respective senior managers in both organisations.

## Making a complaint or appealing our decision

Depending on the circumstances of why we reject an application, the applicant may request a review or will appeal our decision. Further information on complaints and appeals related to grants, felling licences, and EIAs can be found at <https://scotland.forestry.gov.uk/supporting/grants-and-regulations/complaints-appeals-and-your-data>

There is no third party right of appeal on the decisions we make. Only statutory consultees have the right of objection. If a Community Council wishes to object to a proposal, this must be channelled through the Local Planning Authority as a statutory consultee. The Local Planning Authority will undertake this role, where they consider a valid objection has been raised.

In the case of EIA consent, only an applicant may appeal our decision to the Scottish Ministers, however any person who feels aggrieved by the granting of EIA consent can make an application to the Court of Session if they feel that their interests are prejudiced. This must be done within six weeks of consent being granted.

<http://www.scotcourts.gov.uk/the-courts/supreme-courts/about-the-court-of-session>

Information on our general complaints procedure can be found at

<https://scotland.forestry.gov.uk/contact/complaints>

## Definition of Terms

**Conservation Area** - Designated under Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. Trees often contribute significantly to the character of conservation areas. It is an offence for any person to cut, lop, top, uproot, wilfully damage or destroy any tree in a conservation area unless six weeks' notice has been given to the local planning authority. This gives the planning authority time to consider making a Tree Preservation Order (TPO).

**National Nature Reserve (NNR)** - The national accolade of National Nature Reserve is applied to land and water of acknowledged significance for nature that is being managed to agreed high standards for nature and the enjoyment of nature.

**National Scenic Area (NSA)** - Designated under Part 10 of the Planning etc. (Scotland) Act 2006 National Scenic Area is Scotland's only national landscape designation. Defined as areas "of outstanding scenic value in a national context" for which special protection measures are required, the designation's purpose is both to identify our finest scenery and to ensure its protection from inappropriate development.

**Special Area of Conservation (SAC)** - protects one or more special habitats and/or species terrestrial or marine, listed in the EC Habitats Directive.

**Special Protection Area (SPA)** - protects one or more rare, threatened or vulnerable bird species listed in Annex I of the EC Birds Directive.

**Site of Special Scientific Interest (SSSI)** - Designated under the Nature Conservation (Scotland) Act 2004 areas of land considered of special interest for their flora or fauna, geology or geomorphology.

**Tree Preservation Order (TPO)** - is made by the Local Planning Authority, under Section 160 of the Town and Country Planning (Scotland) Act 1997, and within the procedures set out in the Town and Country Planning (Tree Preservation Order and Trees in Conservation Areas) (Scotland) Regulations 1975-1984. They are made to protect individual trees, groups of trees or woodlands which have particular amenity value, make a significant contribution to the landscape or townscape or because there may be a potential threat to the trees.

**Screening opinion** – when FCS (as competent authority) decides whether a project “is likely to have significant effects on the environment by virtue, inter alia, of its nature, size or location” under the Forestry (Environmental Impact Assessment) (Scotland) Regulations 2017.

**Scoping** – there are two distinct processes both referred to as scoping in this document:

1. **EIA scoping** – a process, involving consultees and other interested parties, to discuss and agree the direct and indirect significant effects of an EIA forestry project that must be addressed by the EIA Report; and
2. **LTFP scoping** – an integral part of the forest planning process; it provides forest managers an opportunity to explain their objectives and interested parties to provide comments at an early stage.