

**Consent Number: 033901384**

**THE ENVIRONMENTAL IMPACT ASSESSMENT (FORESTRY)  
(SCOTLAND) REGULATIONS 1999 ("the Regulations")**

**DETERMINATION OF AN APPLICATION UNDER REGULATION 4 OF  
THE REGULATIONS FOR CONSENT TO CARRY OUT A RELEVANT  
PROJECT**

**Applicant:**

Andrew Hebard  
c/o Edwin Thompson  
15 Rosehill, Montgomery Way  
Carlisle, Cumbria, CA1 2RW.

**Location:**

Inverchaolain glen, Cowal, Argyll and Bute.

**Brief Particulars of Relevant Project:**

The proposal is create 262ha of new woodland, containing a balance of productive conifer forest and native woodland in Inverchaolain glen. Associated with this is the construction of 2.4km of new forest roads and 3.5km of new All-Terrain Vehicle (ATV/quad bike) tracks. Existing borrow pits will be used for quarrying road stone. Background information on the proposal is set out in Chapter 3 (Site description) and Chapter 4 (Description of the proposals) of the main Environmental Statement.

**Date of Application:**

2 March 2015.

**Application Reference Number: 033901384**

The Forestry Commissioners, having taken into consideration the Environmental Statement dated 8 December 2015, submitted by the applicant and all other environmental information submitted by the applicant, all representations received by them in relation to the above application and all other material considerations including in particular their assessment of the direct and indirect effects of the relevant project on the environmental factors specified in Schedule 4 to the Regulations  
HEREBY:

CONSENT to the carrying out of the relevant project within the boundaries set out in Map 6 (Design post EIA consultation) of the applicant's Environmental Statement ("the project").

This consent is subject to the conditions listed in Schedule 1 and compliance with the Environmental Statement.

The reasons and considerations on which this decision is based are given in Schedule 2 of this consent.



Cameron Maxwell

Conservator  
Forestry Commission Scotland  
Perth and Argyll Conservancy

For and on behalf of the Forestry Commissioners

Date: 6<sup>th</sup> April 2016

#### *IMPORTANT NOTICES TO APPLICANT*

*You have the right to appeal to the Scottish Ministers against any of the conditions attached to this consent. The appeal must be in writing and made to the Ministers within 28 days of the date you receive this consent unless the Ministers agree within that period of 28 days to extend the period within which the appeal may be lodged.*

*Appeals (and applications for extension of the period for lodging an appeal) should be addressed to:*

**The Scottish Minister**  
**ARFC RPID**  
**Saughton House**  
**Broomhouse Drive**  
**Edinburgh**  
**EH11 3XD**

## **SCHEDULE 1**

Annexed to consent to relevant project number 033901384

### **Conditions of consent**

#### General

1. Work in relation to the project shall commence within three years of the date of this consent.
2. No work shall be carried out in relation to the project after the expiry of ten years from the date of this consent.

Reason: The project commencement period has been reduced to three years because of the relatively sensitive nature of the site.

### **Landscape**

3. The woodland creation scheme in Inverchaolain glen will be planted in accordance with the Environmental Statement and related appendices dated as set out in the Statement of Reasons and to conform to the design shown in Map 6 (Design post EIA consultation, dated 3 September 2015) in the Environmental Statement, or to some other, similar design approved by Forestry Commission Scotland.

Reason: To ensure that the planting follows the final design for the site which contains important elements of mitigation and compensatory benefits for landscape, golden eagle, natural heritage and visitor access reasons.

### **Golden Eagle and Other Birds of Prey**

#### Golden eagles

4. Prior to commencement of works, the applicant will provide Forestry Commission Scotland with an operational plan to mitigate any potential impacts on golden eagles during the preparation and planting of the site, to include:
  - A confidential annex identifying active golden eagle nest sites
  - A flight map showing excluded areas and flight routes for helicopters bringing in material for the scheme and ensuring that the operational plan is discussed and agreed with pilots.

The operational plan to be approved in advance of commencement of the works by Forestry Commission Scotland.

5. Any helicopter activity should adhere to "Scottish Natural Heritage Guidance: The use of helicopters and aircraft in relation to disturbance risks to Schedule 1 & 1A raptors and wider Schedule 1 species (June 2015)". The applicant will take account of the nest site selection period as well as the nesting season.
6. The applicant will carry out best practice in respect of raptors for all operational work and in particular will follow Forestry Commission Scotland Guidance Note 32: Forest operations and birds in Scottish forests (November 2006)<sup>1</sup>.

Reason: To ensure that best practice in relation to raptors is adopted by the applicant during operational works on the woodland creation scheme.

7. The applicant will work with the Argyll Raptor Study Group or other reputable ornithologist to carry out low intensity monitoring of the site for a period of three years, the timing and specifics of the monitoring to be approved in advance by Forestry Commission Scotland.

Reason: There was evidence of golden eagle nesting attempts in Inverchaolain glen in 2013 together with general use of the glen in other years and short term monitoring will provide useful information on golden eagle activity in the glen.

8. The applicant will leave an area of at least 3ha of open ground unplanted around the rabbit warren at Millstone Knowe in the centre of Inverchaolain glen as identified, hatched in green, in Map 6 of the Environmental Statement. The applicant will only control this rabbit population where damage to the new planting caused by rabbits makes it difficult for the applicant to comply with the establishment requirements of any future woodland creation contract under the Forestry Grant Scheme or other similar scheme.

Reason: It is best practice in golden eagle Special Protection Areas to leave rabbit warrens unplanted and unmanaged to ensure continued levels of golden eagle prey availability, and this practice is followed for this proposal because of the presence of golden eagles in the glen in recent years. The rabbit population in Inverchaolain glen is currently at a low level and should not cause problems with woodland establishment given the open area left around the warren.

9. The applicant will leave two deer carcasses in the corrie below Cruach nan Capull at the head of Inverchaolain glen at an altitude of around 500m, every month for four months from November to February each year, for a period of five years with a phased withdrawal by reduced

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<sup>1</sup> <http://scotland.forestry.gov.uk/images/corporate/pdf/Guidancenote32Birddisturbance.pdf>

provision in the final year. Carrion provided to eagles must not have been shot with lead ammunition.

Reason: To provide compensatory feeding for golden eagles to account for any shortfall in prey in the short term as a result of the woodland creation works, compensatory cull and cessation of the commercial game bird shoot.

### **Natural Heritage**

10. The areas of native woodland in the proposal will be planted with species in accordance with Section 6.10.2 of Appendix 3 of the Environmental Statement or as otherwise agreed with Forestry Commission Scotland.

11. The areas of Basic flushes (National Vegetation Classification (NVC) M11) and Bryophyte-dominated-springs (NVC M32) identified in Map 6 (dated 17 January 2015) in Appendix 3 of the Environmental Statement should be left unplanted with generous open ground buffer strips as recommended in section 6.9.3 of that Appendix.

12. The areas of *Rhododendron ponticum* in Inverchaolain glen identified in section 6 of Appendix 3 of the Environmental Statement as being the areas mapped as A1.2 in Figure 3 of Appendix 3 together with the area identified to the north of King's Landing jetty in the west of the site, will be removed and managed to remain free of *Rhododendron ponticum* for a period of ten years from completion of the clearance work.

Reason: The ecological survey in Appendix 3 identified that the current areas of *Rhododendron ponticum* in the woodland are now spreading onto the open ground in Inverchaolain glen. The presence of *Rhododendron ponticum* within new or established woodland is inimical to the healthy condition of a woodland.

### **Archaeology**

13. The applicant will employ a reputable archaeologist to mark out on the ground the areas of archaeology within the woodland creation scheme boundaries, identified in Appendix 7 (Archaeology survey and impact assessment) of the Environmental Statement. The applicant will implement the mitigation set out in section 5 of that Appendix to ensure that these areas are left unplanted. All works to be carried out in accordance with the UK Forestry Standard and the Guidelines on Forests and historic environment.

Reasons: To ensure that the archaeology identified in Appendix 7 is protected in line with the recommendations from the survey in that appendix and following best practice.

### Deer

14. In advance of commencement of any works the applicant will implement the deer management plan set out in Appendix 9 (Deer management plan) of the Environmental Statement or such other deer management plan as is approved in advance by Forestry Commission Scotland.

Reason: The fencing for the woodland creation scheme will displace deer normally resident or visiting Inverchaolain glen. A compensatory cull is required to ensure deer pressure is not displaced onto other land.

### **Access**

15. The applicant will build and upgrade the forest roads and ATV tracks in accordance with the routes identified in Map 7 of the Environmental Statement, or on other routes agreed in advance with Forestry Commission Scotland. All roads and tracks to be built or upgraded in line with the following guidance:

- Timber Transport Forum: The design and use of the structural pavement of unsealed roads<sup>2</sup> (2014)
- Scottish Natural Heritage: Constructed Tracks in the Scottish Uplands<sup>3</sup> (September 2015)
- Or any updates of the same.

### **Visitor and Public Access**

16. The applicant will ensure that the two main walking routes on the north and south sides of Inverchaolain glen and the whole right of way, all as marked in Map 9 of the Environmental Statement, will remain unplanted and that adjacent woodland planting will be kept back from both these tracks and the right of way using a variable, open corridor width of 9-25m.

Reason: To keep planted trees back at a variable distance from the roads, tracks and right of way identified, to reduce the impact of woodland creation on the experience of those accessing the glen.

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<sup>2</sup> [http://www.forestry.gov.uk/pdf/unsealedroads2014.pdf/\\$FILE/unsealedroads2014.pdf](http://www.forestry.gov.uk/pdf/unsealedroads2014.pdf/$FILE/unsealedroads2014.pdf)

<sup>3</sup> <http://www.snh.org.uk/pdfs/publications/heritagemanagement/Constructedtracks.pdf>