

Consent Number: 033901384

**THE ENVIRONMENTAL IMPACT ASSESSMENT (FORESTRY) (SCOTLAND)
REGULATIONS 1999**

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

**Background and Statement of Reasons Supporting the Decision to Grant
Consent**

Purpose

To explain the background to Forestry Commission Scotland's decision to grant consent, subject to conditions, to the above application. This will include the main reasons for granting consent and considerations on which the decision is based and describe, where necessary, the main measures that have been agreed to avoid, reduce and, if possible, offset the major adverse effects of the project. The applicant is Andrew Hebard, the owner of Inverchaolain glen and his agents, who led on the application for consent, are Edwin Thompson.

Environmental Statement

The Environmental Statement and associated appendices referred to in this document are the final versions of each document named and dated as follows:

Environmental Statement	8 December 2015
Appendix 1 Scoping Report	31 July 2012
Appendix 2 Stakeholder Consultation Meeting Report	1 March 2013
Appendix 3 Ecology and Soil Survey and Impact Analysis	August 2013
Appendix 4 Mammal Survey and Impact Analysis	June 2013
Appendix 5 Landscape and Visual Impact Assessment	November 2013
Appendix 6 EIA: Golden Eagle Appendix	
Appendix 6a Golden Eagle Survey and Impact Analysis	December 2014
Appendix 6b Confidential Annex	November 2014
Appendix 6c Upland Bird Surveys	August 2012
Appendix 6d Report by Argyll Raptor Study Group	26 July 2013
Appendix 6e Additional Mitigation Measures	30 October 2015
Appendix 6f Additional Information for Inverchaolain EIA:	
Rabbit and Prey Base Assessment	30 October 2015
Appendix 7 Archaeology Survey and Impact Assessment	5 August 2013

Site and Ownership

Inverchaolain glen is a relatively remote glen located in the Cowal Peninsula on the eastern side of Loch Striven, at the end of the public road. Views of the glen are restricted from public viewpoints due to the contained nature of the surrounding landform. However the route of a long distance footpath through the glen connects it to neighbouring Glen Kin. At present Inverchaolain is unforested, although the cessation of agricultural grazing in the 1990s has led to an expansion of remnant native woodland through natural regeneration, particularly in the bottom of the glen and on the lower eastern side. The primary land use of the glen in recent years has been based around a commercial partridge and pheasant shoot run by the neighbouring Glen Striven Estate; this shoot has continued to the present time through agreement with Inverchaolain's current owner. The wider Inverchaolain estate extends to 1300ha.

Proposal for woodland creation and associated works

The proposal is create 262ha of new woodland, containing a balance of productive conifer forest and native woodland. 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.

Table 1 below sets out the constituent parts of the final woodland creation proposal, which would be grant fundable. There are 60ha of existing woodland and a larger area of open space on the slopes above the main site, beyond the proposed planting but within the deer fence for the scheme.

Table 1

New Woodland Component	Area within deer fence (ha)	% of Area within deer fence
Sitka spruce/SS mixture	146	48
Douglas Fir	4	1
Scots Pine	2	1
Native	60	20
Low Density Native	51	17
Open ground (OG) (capped 15%)	40	13
TOTAL	302	100
Other Land (OG, existing woods)	219	All within fenced area

Basis of the Environmental Impact Assessment

The Environmental Impact Assessment (Forestry) Scotland) Regulations 1999 ("the EIA Regulations") prohibit the carrying out of any work or operations in relation to a "relevant project" unless consent has been obtained from Forestry Commission Scotland. This proposal constitutes an afforestation and forest road works project under section 3 of the EIA regulations.

The EIA process provides the framework for assessing whether the project will have a significant impact on the environment. The decision on whether or not to grant consent takes account of the environmental impacts of a proposed project and takes into consideration the environmental information, representations received in relation to the application and any other material consideration. These include the assessment of direct and indirect impacts of the project on the environmental factors listed in Schedule 4 of the EIA (Forestry) Regulations 1999:

- i) Human beings, fauna and flora
- ii) Soil, water, air, climate and the landscape
- iii) Material assets and the cultural heritage
- iv) The interaction between the factors mentioned in (i) to (iii) above.

In assessing the proposal's impact on these factors, we considered the factors both individually and the interactions between them.

This Statement of Reasons will outline:

- The main reasons and considerations on which the decision is based
- A description, where necessary, of the main measures to avoid, reduce and, if possible, offset the major adverse effects of the project
- The conditions which are attached to the approval.

Background to the project requiring consent

Forestry Commission Scotland first considered proposals for afforestation in Inverchaolain glen in November 2011, when the EIA determination enquiry form was received. The applicant initially proposed establishing 441ha of woodland which would include 356ha of commercial conifer forest and 105ha of native woodland. This proposal was screened and in December 2011 the applicant was advised of Forestry Commission Scotland's Opinion that EIA consent was required. The reasons for requiring consent were set out in a letter from Forestry Commission Scotland to the applicant on 21st December 2011.

The primary reasons for requiring consent and requesting an Environmental Statement (ES) were the potential impact of the proposal on:

- Landscape
- Golden eagles and other birds of prey
- The natural heritage.

Secondary reasons were:

- Archaeology
- Deer
- Social and economic impact
- Access
- visitor and public access
- Bird interest.

The reasons are set out in full below.

The EIA scoping process began in January 2012 and, following agreement of the surveys required for the Environmental Statement (ES), the scoping report was completed in January 2013.

An application for EIA consent and an Environmental Statement for a smaller area of 323ha of new woodland creation were submitted to Forestry Commission Scotland in April 2014. We judged that the Environmental Statement did not cover all the relevant aspects of the environment and advised that additional information was required before the statement could be accepted for consultation.

In particular, more information was requested in relation to the impact of the proposals on golden eagles, priority habitats, timber transport and deer management. A revised Environmental Statement containing the additional information was received on 2 March 2015 and public consultation on the Environmental Statement began on 11 March 2015.

As a result of consultee responses, Forestry Commission Scotland requested additional information from the applicant, primarily relating to golden eagles to address the issues raised by consultees. Following the submission of this additional information there was a period of liaison between Forestry Commission Scotland, Scottish Natural Heritage and the applicant to discuss appropriate elements of mitigation for the proposal. During this period the proposals were further amended and the final application now proposes 262ha of woodland creation as set out in Table 1 above.

Reasons for project requiring consent

The main reasons for the project requiring consent were:

Landscape

The area lies within a glen that is currently very open with little or no tree cover so the creation of new woodland will have an immediate impact on the landscape. In the longer term the area will have a much more wooded appearance, which will significantly alter the local landscape character.

Golden eagle and other birds of prey

The proposal lies within the range of a golden eagle pair and although Inverchaolain glen does not fall within a Special Protection Area for golden eagles, it was agreed that the potential impact of the proposals on the golden eagle pair should be assessed using the PAT model as described in FCS Practice Note: Expanding woodlands in Special Protection Areas for golden eagles (August 2013)¹. This note builds upon the original work on PAT models set out in Forestry Commission Research Information Note 292: Golden Eagles and Forestry (May 1997)².

Natural Heritage

The proposals could have significant effects of the local population of otter (a European Protected Species), badger, water vole, invertebrates and priority open ground habitats.

Secondary reasons were:

Archaeology

The proposals could have an impact on archaeology, which will need to be surveyed and recorded in order to inform the planting designs.

Deer

The impact that the proposals may have on the current deer population needs to be carefully assessed; in particular the exclusion of deer and any proposed cull. The impact of any proposed deer fencing on the landscape, deer movement and grouse populations will need to be carefully considered.

Social and Economic Impact

The impact of the proposals on local employment associated with the current sporting enterprise and the social infrastructure of the area must be considered.

Access

Access for forestry operations associated with establishing the woodland and future harvesting operations need to be considered.

Visitor and Public Access

The impact of the proposals on the use of the area by members of the public needs to be assessed and proposals to improve the visitor management infrastructure, if appropriate, described.

Bird Interest

¹ [http://www.forestry.gov.uk/pdf/fcpn103.pdf/\\$file/fcpn103.pdf](http://www.forestry.gov.uk/pdf/fcpn103.pdf/$file/fcpn103.pdf)

² <http://scotland.forestry.gov.uk/images/corporate/pdf/RIN292.pdf>

The effect of the proposals on the existing bird population must be taken into account together with an analysis of how the population may change if woodland is established.

National policy context relating to Inverchaolain glen

National and regional policy documents provide context for considering applications under the EIA regulations. They help to inform the decision by setting down the contemporary standards that should be applied when determining whether or not an environmental impact is likely to be significant, what mitigation should be carried out to minimise the impact and to assess the value of any compensatory benefits.

Golden eagles

The golden eagle is an iconic species for the environment, conservation and culture in many countries. The UK population is around 5% of the total European population and ecologically is very significant as it comprises about a quarter of the population in the mountainous, Atlantic-influenced north-west of Europe; hence it contributes significantly to the maintenance of the golden eagles' range. Whilst the UK supports a notable proportion of the golden eagle population, the actual population size is nevertheless relatively small and hence vulnerable to any losses.

The golden eagle is recognised as a Category 3 Species of European Conservation Concern, indicating that it has an unfavourable conservation status in Europe, and the Birds Directive lists the golden eagle in its Annex 1, identifying it as a species within the European Union for which there should be special conservation measures. In the UK, it is also listed in Schedule 1 (part 1) of the Wildlife and Countryside Act (1981) as amended, meaning it is protected by special penalties.

The Scottish Forestry Strategy³

The Scottish Government's Scottish Forestry Strategy was published in 2006 and sets out government priorities for forestry in Scotland. The vision of the strategy is:

"By the second half of this century, people are benefiting widely from Scotland's trees, woodlands and forests, actively engaging with and looking after them for the use and enjoyment of generations to come. The forestry resource has become a central part of our culture, economy and environment."

Seven key themes to help achieve the vision are identified:

³ <http://scotland.forestry.gov.uk/supporting/strategy-policy-guidance/forestry-strategy>

- *Using forestry, and adapting forestry practices, to help reduce the impact of climate change and help Scotland adapt to its changing climate.*
- *Getting the most from Scotland's increasing and sustainable timber resource.*
- *Strengthening forestry through business development to underpin sustainable forest management and support economic growth and employment across Scotland.*
- *Improving the quality of life and well-being of people by supporting community development across Scotland.*
- *Making access to, and enjoyment of, woodlands easier for everyone - to help improve physical and mental health in Scotland.*
- *Protecting the environmental quality of our natural resources (water, soil and air), contributing to and improving our scenery, and helping to make the most of our unique historic environment.*
- *Helping to restore, maintain and enhance Scotland's biodiversity, and increasing awareness and enjoyment of it.*

New woodland creation

The creation of new woodlands is a key Scottish Government policy and the Scottish Government's target is to create 100,000 hectares of new woodland between 2012 and 2022, equivalent to an average of 10,000 hectares per year over the 10 year period. This should be done in a way that is integrated with other land-based objectives.

This target forms an important part of the Scottish Government's Low Carbon Scotland: Meeting our Emissions Reduction Targets 2013-2027: The Second Report on Proposals and Policies (RPP2)⁴.

UK Forestry Standard

The UK Forestry Standard⁵ (3rd edition, 2011) (UK FS) sets out the Scottish Government's (and that for other governments in the UK) approach to sustainable forest management. The UK Forestry Standard is supported by Guidelines and other relevant policy and information documents.

The UKFS provides the benchmark for judging the performance of the forestry sector in Scotland and defines the standards and requirements, providing a basis for regulation and monitoring. The UK FS together with the UK FS Guidelines and other supporting documents provide useful guidance for all the matters considered in this Environmental Statement.

⁴ <http://www.gov.scot/Topics/Environment/climatechange/scotlands-action/lowcarbon/meetingthetargets>

⁵ <http://www.forestry.gov.uk/ukfs>

There is a requirement that any woodland creation supported through Forestry Commission Scotland's Forestry Grant Scheme, complies with the UK Forestry Standard and associated Guidelines.

Regional policy context relating to Inverchaolain

There are a number of regional policies which are relevant to the assessment of this application.

Argyll and Bute Woodland and Forestry Strategy

The most important document is Argyll and Bute Council's Woodland and Forestry Strategy⁶, published in April 2011, which is statutory supplementary guidance. The strategy provides a clear indication of the vision for how the woodland resource and forestry industry in Argyll should develop over the next 20 years.

Chapter 3 of the strategy considers the potential contribution of Argyll and Bute to the Scottish Government's national woodland creation targets. The strategy suggests that across Argyll and Bute there could be scope to support up to 1000 hectares per year of new woodland creation. The strategy notes that this new woodland creation could include both conifers and hardwoods for timber together with native woodland expansion and forest habitats networks to increase connectivity and enhance biodiversity. Figure 7 (p27) of the strategy is a map showing the indicative suitability of land in Argyll and Bute for woodland expansion. Inverchaolain glen falls into the "potential" category for new woodland creation, meaning:

"land that offers considerable potential to accommodate a range of woodland types, but where at least one significant sensitivity exists. Design of proposals in this area will require careful, site-specific consideration to ensure they are of an appropriate type and scale to be successfully accommodated."

The strategy notes that the map based analysis is indicative and that new woodland creation is considered on a case by case basis but it does provide a starting point for the identification of suitable areas for woodland expansion of different types.

In the section on woodland expansion (p28 onwards), the strategy identifies six zones within Argyll and Bute. Inverchaolain glen falls within the Bute and Cowal zone. For Cowal, the strategy flags up the landscape and biodiversity benefits from restructuring of first rotation woodlands and highlights the value in securing high quality visitor access for woodlands.

The strategy also highlights the importance of the high scenic value of this heavily forested area, particularly the Kyles of Bute National Scenic Area. On new woodland creation, the strategy suggests there are opportunities for

⁶ <http://www.argyll-bute.gov.uk/woodland>

sensitive expansion of woodlands, which can enhance the scenic value although notes that particularly for the Kyles of Bute National Scenic Area, new large scale planting may not be appropriate.

Although Inverchaolain glen falls outwith the National Scenic Area it is visible from an important viewpoint on Bute as we discuss in the section below on landscape.

Landscape Assessment

The current landscape character assessment for the Cowal area is covered in Scottish Natural Heritage's Landscape Assessment of Argyll and the Firth of Clyde Review No.78⁷ produced in 1996.

There is also Argyll and Bute Council's Landscape Capacity Study⁸ from 2010, which although primarily directed at built development, links back to Review No.78.

In the 1996 Landscape Assessment, Inverchaolain glen sits within the "Cowal Ridges" Landscape Character Area (LCA). The LCA for the Cowal Ridges is described as:

- Underlying Dalradian rocks of the Southern Highland Group
- Dramatic mountain ridges with rocky outcrops
- Narrow glens and lochs
- Wild character
- Dispersed settlement pattern.

Review No.78 notes that whilst this assessment is useful as a preliminary guide is too broad in scale to provide landscape guidelines. Therefore the landscape character areas are broken down into smaller units as a basis for specific landscape guidelines. The landscape type which covers Inverchaolain glen is "steep ridgeland and mountains", see p65 of the Review).

The key characteristics of this type are:

- Dramatic mountain ridges with steep, plummeting slopes and numerous rocky outcrops
- Ribbon lochs and meandering rivers on narrow floodplains form dramatic contrasts to the surrounding slopes
- Extensive conifer plantations on lower slopes and open moorland or bare rock faces on upper slopes and summits

⁷ <http://www.snh.org.uk/publications/on-line/LCA/argyll.pdf>

⁸ <http://www.argyll-bute.gov.uk/sites/default/files/planning-and-environment/bandc%20final%20part%201.pdf>

- Contrast between open land on upper slopes beyond the head dyke, and large fields enclosed by stone walls within lower valley
- Scattered birch woodland alongside burns and on upper slopes and oak woodland on sheltered lower slopes
- Settlement confined to narrow strips along loch edge and oak woodland concentrated in small bays and at heads of lochs.

The key issues for this landscape type include:

- Design of commercial conifer plantations should aim to conserve distinctive landscape features
- Management and progressive replanting of broadleaved woodland.

Specific landscape guidelines for this landscape type include:

- Conserve and extend all broadleaved woodland, reinforcing the distinctive and varied woodland character of burns and lower slopes; give priority to the continued protection and management of semi-natural woodland.
- The extensive conifer plantations tend to form a homogeneous dark carpet across the ridges and valleys, detracting from the scenic qualities of this dramatic landscape and camouflaging its distinctive landforms. Further commercial forestry should be discouraged and the existing plantations not replaced wherever they occur on local ridgelines and in areas with distinctive landscape features; ensure that plantations are varied in structure, scale and form, so as to maintain contrasts in landscape character from one valley to the next.
- Explore scope for new planting, of native broadleaf trees, on the lower margins of existing conifer plantations to form a more natural transition to the scattered settlement at the foot of the slope and to create a more diverse, indented and distinctive shoreline landscape in some areas.
- Retain open character of river floodplains and dramatic contrasts with the surrounding steep mountain ridges.

The existing landscape character assessment published in 1996 is now dated to some extent and work is ongoing to update these assessments across Scotland.

We consider these landscape character assessment issues in relation to the woodland creation proposal in the section on landscape below.

Area of panoramic quality

The Area of Panoramic Quality is a local designation that is unique to Argyll and Bute Council. Argyll and Bute Council highlights the importance of such areas in their draft Supplementary Guidance⁹ to the Argyll and Bute Local Development

⁹ <http://www.argyll->

[bute.gov.uk/sites/default/files/supplementary_guidance_scot_gov_submission_jan_2016.pdf](http://www.argyll-bute.gov.uk/sites/default/files/supplementary_guidance_scot_gov_submission_jan_2016.pdf)

Plan. Although this primarily relates to built development it usefully sets out the context and policy for these areas. See p29 of the guidance:

"The aim of this policy is to provide locally important landscapes in Argyll and Bute, with adequate protection against damaging development that would diminish their very high scenic value. The Council has identified Areas of Panoramic Quality ... These APQs are important not only for their physical landforms and scenic value, but also for the environmental assets that they represent. These qualities could easily be destroyed or damaged by even a relatively small, insensitive development. They therefore must be protected."

Inverchaolain glen sits within such an Area, which covers a significant part of Cowal and Bute. See p20 of Appendix 5 (Landscape and visual impact assessment) of the Environmental Statement for a map. Argyll and Bute Council policy as set out in the above document for such areas is:

"Argyll and Bute Council will resist development in, or affecting, an Area of Panoramic Quality where its scale, location or design will have a significant adverse impact on the character of the landscape unless it is adequately demonstrated that:

- (A) Any significant adverse effects on the landscape quality for which the area has been designated are clearly outweighed by social, economic or environmental benefits of community wide importance;*

In all cases the highest standards, in terms of location, siting, design, landscaping, boundary treatment and materials, and detailing will be required within Areas of Panoramic Quality. Developments will be expected to be consistent with Policy LDP 9 – Development Setting, Layout and Design, associated SG and the relevant Argyll and Bute Landscape Capacity Assessment."

This is considered in the section on landscape below.

Argyll and Bute Local Biodiversity Action Plan 2010-2015

The Argyll and Bute Biodiversity Local Action Plan was published in November 2010.

The background and rationale for the plan is set out below:

"Biodiversity simply means the variety of life that surrounds and sustains us. This includes all living things both plant and animal, including people and the environment of which they are part. The aim of this policy is to give stronger protection to habitats and species, even when they are not associated with specifically designated nature conservation sites.

... In Argyll and Bute there are strong economic and social as well as moral and aesthetic, arguments for conserving biodiversity. Habitats and species could be lost to insensitive development and can never be replaced once lost. In order to ensure that biological diversity (or "biodiversity") is as rich as possible, it is very

important that every opportunity is taken to protect and enhance the quality of the wider environment."

The Local Biodiversity Action Plan identifies habitats and species important in the local context and includes Action Plans for their conservation and enhancement. For woodland, the focus is on native woodland expansion through restructuring of existing forests with a particular emphasis on enhancing habitat networks, including riparian corridors as well as integrating these with new productive conifer woodlands.

For the plan's uplands programme, upland heath is identified as a priority for action with the focus of many of the projects on monitoring and improving the habitat for black grouse.

Summary of Consultation Responses

A public consultation on the Environmental Statement prepared by the applicant began on 11 March 2015 after considerable engagement with Forestry Commission Scotland and stakeholders.

The Environmental Statement was made publicly available at the Visit Scotland Office in Dunoon and the Forest Enterprise Scotland office at Glenbranter in Cowal.

The Environmental Statement was sent to the following consultees:

- Argyll and Bute Council
- Scottish Natural Heritage (SNH)
- Scottish Environment Protection Agency
- West of Scotland Archaeology Service
- RSPB Scotland
- Argyll Raptor Study Group

Five responses were received and these are summarised below:

Argyll and Bute Council commented on that the condition of the minor public road leading to Inverchaolain may suffer due to the impact of increased traffic. They considered that the proposals would have no significant impact on public access and noted that the proposals would offer increased habitat opportunities.

Scottish Nature Heritage's comments primarily focussed on the potential impact of the proposals on golden eagles and expressed concerns regarding the quality of the golden eagle survey work and the planting design. SNH also provided comments on deer management, priority habitats and public access.

RSPB Scotland's comments related primarily to the potential impact of the proposals on golden eagles. They raised concerns regarding over-reliance on PAT modelling and the quality of the golden eagle survey work. They provided comments on additional mitigation measures to reduce impacts on golden eagles.

The Argyll Raptor Study Group raised similar concerns to those above relating to golden eagles.

Consultees also commented on prey availability, the proposed woodland design, and potential loss of open hill ground.

The Scottish Environment Protection Agency commented that the proposals could result in improvements to water quality, biodiversity and general ecosystems services but stressed that the proposals must be fully compliant with the UK Forestry Standard's Forest and Water Guidelines.

A detailed record of the comments made throughout the whole process is within the Issues Log, which is published alongside this document.

Assessment of the main issues and determination

The following specific issues were considered:

General

Time conditions, as required by the regulations, will be applied to ensure that the work consented is begun and completed within appropriate time period. Given the additional sensitivities in this proposal, work on the project will have to start within three years of the date of this consent rather than the standard five years.

Development of the design of the woodland

The design of the proposed woodland is important in relation to two of the primary issues in particular, landscape and eagles. Major changes to the proposed planting design have been made during the EIA process following consultation with stakeholders. The development of the proposal design is helpfully set out in Maps 3 to 6 from page 22 onwards of the Environmental Statement.

The initial proposal (Map 3 – initial proposal) comprised 335ha, made up of 230ha of Sitka spruce and 105ha of native broadleaves. Following screening and survey work the proposal was revised (Map 4 – revised hybrid proposal) to include more native broadleaved woodland and a reduced productive conifer woodland treeline with areas of low density woodland on the upper margins. This was generally well received by stakeholders.

The design proposal set out in the Environmental Statement (Map 5 – final hybrid proposal) excluded priority habitat flushes at the head of the glen from afforestation. To compensate for this loss of productive conifer woodland area, the upper planting margin of Sitka spruce was increased by 50m in altitude and areas of low density native broadleaved on the upper margins of the woodland creation site were lost.

The final design for the purposes of this assessment (Map 6 – design post EIA consultation) reinstates these areas of low density native woodland and pushes the top boundary of the areas of Sitka spruce down and further away from the ridges, particularly on the north side of the glen.

Landscape

The area lies within a glen that is currently very open with little or no tree cover so the creation of new woodland will have an impact on the landscape from the short term onwards.

As part of the EIA process, the applicant was required to produce a Landscape and Visual Impact Assessment (LVIA), which is Appendix 5 of the Environmental Statement. This work, carried out by Alex Glasgow Forest Design, considered both landscape character and visual amenity. The assessment identified effects on landscape character and visual amenity and rated these against sensitivity and magnitude. This approach follows that set out in the Landscape Institute's Guidelines for Landscape and Visual Impact Assessment (3rd edition).

The landscape character area, key characteristics, key issues and specific landscape guidelines for the area within which Inverchaolain glen sits are set out earlier in this Statement of Reasons. The design of the woodland creation proposal has changed a little from the design that was used for the Landscape and Visual Impact Assessment. The changes to the design have primarily been the inclusion of more low density native woodland on the upper margins of the woodland on the west side of the glen. This change did not merit a full update of the visualisation part of the assessment but the photographs in the assessment have been annotated to highlight the changes made in the final design.

Table 1 in Appendix 5 (p5) of the Environmental Statement sets out the criteria for rating the sensitivity of landscape character and visual amenity which is:

- High, medium and low.

Magnitude is assessed as:

- Substantial, moderate, slight, or negligible.

These factors of sensitivity and magnitude are then combined to provide an assessment of Significance:

- Major down to minor/negligible.

The assessment describes Inverchaolain glen as a landscape of open moorland, largely free of existing woodland and with an absence of conifers. Towards the western end of the glen the assessment notes that the landscape transitions into a farmed shoreline with woodland within and adjacent.

The LVIA assessment suggests that the glen represents a landscape anomaly in being largely open in contrast to the heavily wooded areas around it. Whilst this

is a relevant point, by itself it would not justify the landscape change proposed by the new woodland creation proposal.

In terms of importance of view and visibility, Inverchaolain glen has relatively low levels of visibility and is only open to the west and even then in part hidden by a ridge at the front of the glen. The western boundary of the proposed scheme is the most prominent and would be visible (6km away) from the road on the east side of Bute leading to the Rhubodach- Colintrave ferry, see View B (p14) in Appendix 5.

With the exception of the view to Bute, the most important view is from the right of way known as the "Coffin route" which runs from Glenkin to the north east of Inverchaolain glen to the graveyard at Inverchaolain itself, by Loch Striven. This route enters Inverchaolain glen at its north east corner at Bealach na Sreine. Although the route is not intensively used, it is a route promoted and used by Cowalfest, a local walking and arts festival. This view, View E (p17) in Appendix 5, looks directly down over the glen and through to Loch Striven.

From View B, six kilometres away, there will be a change in the landscape with the forest being seen but only relating to the front, northern shoulder of the glen below the ridge of Sron Dearg. The rest of the forest will be hidden from view. The forest that is visible on the shoulder of the ridge and along the shore is further mitigated by the final design of the woodland which incorporates three different woodland types and will reduce any block forest effect.

Given the distance of View B from the forest, the relatively small area of forest on view, the considerable mitigation in the design of the woodland and the afforested aspect of the other ground in view, the proposal is not likely to have a significant environmental impact in relation to this viewpoint.

From View E at the head of Inverchaolain glen, it is clear there will be a major change in the landscape. However, the change in the landscape is heavily mitigated by the sensitive design of the final woodland creation proposal, which uses:

- Natural features (such as the existing native woodland regeneration and riparian corridors),
- Paths and tracks,
- Differing types and shapes of new woodland, and
- The relatively low and non-uniform treeline

to break up any impression of uniformity.

This will allow the proposed woodland to sit sensitively in the glen.

In terms of the experience of those taking access in the glen, as the forest grows the experience in the glen itself will become a wooded one. There are two main walking routes in the glen of which, one follows the forest road on the north side of the glen and the other follows the ATV track on the south side of the glen before both meet up with the Coffin route right of way below Bealach na Sreine.

Both routes are marked on Map 9 of the Environmental Statement. The ATV track on the south side of the glen follows the right of way in part but deviates from it on the middle section where the right of way is marked in blue on Map 9. Where the right of way deviates from the ATV track it becomes very difficult to discern on the ground because walkers use the ATV track instead.

The change in the access experience is mitigated by ensuring that the two main walking routes and the right of way will all remain unplanted and that adjacent woodland planting will be kept back from these tracks using a variable, open corridor width of 9-25m. A condition will be applied to this effect under Visitor and Public Access.

Whilst the view from the bealach at the head of the glen will be different, the views to Loch Striven and of the ridges around Inverchaolain glen will remain undiminished and arguably there will be little loss to the sense of remoteness that the glen brings.

The assessment of landscape and visual effects is set out from p24 onwards of Appendix 5. The conclusion of the Landscape and Visual Impact Assessment is that the woodland creation proposals will have effects on the landscape character and visual qualities of Inverchaolain glen. The assessment states that the scale of change to the glen would be significant although visibility from outside the glen would be limited and further mitigated by the low levels of use of the glen by those accessing the glen such as walkers.

As set out above, the design of the proposed woodland has markedly changed from the initial proposal and the area of the proposal has also reduced. From a landscape and visual experience perspective, the final design for the woodland (Map 6) presents a diverse and well-designed woodland and builds on the existing areas of native woodland already evident in the floor of the glen. Whilst it is clear that the woodland creation will be a major change in the glen within five to ten years, what is proposed fits the key characteristics of the landscape type of "steep moorland and ridges" and the final woodland design addresses the key issues for this landscape type and generally follows the landscape guidelines set out in Review No.78. One guideline is to discourage further commercial forestry but this is a guideline more relevant to the time it was written and has been superseded by the terms of Argyll and Bute Council's Woodland and Forestry Strategy which provides a structure for the creation of new, appropriately sited productive woodlands within the council area.

The mitigation implemented, and the compensatory benefits provided, by the final woodland design including the relatively large areas of low density native woodland along with the relatively low levels of visibility and usage, means that the woodland creation proposal for Inverchaolain glen will not have a significant environmental impact for the purposes of landscape, visual amenity and experience.

Golden Eagle and Other Birds of Prey

Surveys and consultation around the use of Inverchaolain glen by golden eagles have been the most intensive part of the process for the applicant and

stakeholders in producing the Environmental Statement. The information in the Environmental Statement relating to eagles is set out in the 6 parts to Appendix 6. Appendix 6a builds upon, and to some extent repeats, the 2012 bird survey set out in Appendix 6c.

Appendix 6c is the Upland Bird Survey which was carried out over six separate days between March and July 2012. A modest number of buzzards and ravens were observed with occasional observations of hen harriers and peregrine. The site appears to contain two pairs of buzzards and at least one breeding raven pair. There is no evidence of breeding by hen harriers or peregrines.

No black grouse were seen and evidence from estate staff was that there have been no black grouse in the glen for the last decade. There was general consensus that there were no black grouse in the glen, the nearest recorded being some miles away. Nonetheless the type and design of woodland creation proposed, in particular the low density native woodland, will provide an increasingly beneficial black grouse habitat. Only a very small number of moorland breeding birds was observed.

Leaving aside eagles, the survey found that Inverchaolain glen is mainly used by breeding and foraging birds of low conservation importance. With the exception of golden eagles which are considered below, the woodland creation proposals are not likely to have a significant environmental impact on birds of prey.

Eagles – survey work and PAT model

The 2012 survey observed eagle activity on three out of the six survey days. This included the presence of an adult golden eagle, an immature male and an adult female. All the activity was on the west side of Inverchaolain glen on or around the ridge running north from Sron Dearg towards Cruach nan Capull and around the corrie below Leacann nan Gall. The immature eagle was building a nest.

As part of the assessment of the importance of Inverchaolain glen to a long established eagle range based towards the head of Loch Striven, Haworth Conservation carried out a PAT model. The PAT model is the standard approach advocated by Forestry Commission Scotland and Scottish Natural Heritage in Special Protection Areas for eagles and is well founded on eagle biology. Although Inverchaolain glen does not lie within an eagle SPA, the development of a PAT model for the range provides useful, additional information.

The PAT model predicted that Inverchaolain glen was in a zone which would be least used by golden eagles. The glen is on the south eastern edge of the nearest known golden eagle range. The PAT model for this woodland creation proposal indicated a non-material impact on this pair (0.55% loss of range). It should be noted that PAT models assume that eagles do not use any woodland over 12 years old. The modelling is therefore conservative.

Work, commissioned by Scottish Natural Heritage, has been done across known eagle ranges, and essentially looking at land cover, has identified broad areas which contain a constrained prey base and therefore may be suitable for

conversion to other land use without impacting upon the eagle range. The woodland creation proposal for Inverchaolain glen is largely within a constrained prey community (CPC). The proposal also covers some areas of predicted rich prey communities at low altitude around Inverchaolain and in the bottom of the glen. However, the survey work did not find this area to be used by eagles and Scottish Natural Heritage's recently produced report for the eagle range of which Inverchaolain glen is a part, when looking at the PAT model predicts that glen bottoms such as Inverchaolain glen will be little used. There will be limitations to the prey communities model within the report when considering a site in detail and vegetation and other surveys of the site itself become more relevant.

As a result of the nest building activity in 2012, in 2013 between 24 April and 3 July as discussed and agreed with the applicant and relevant stakeholders, the Argyll Raptor Study Group carried out 35 hours of observation over six days. Eagles, including a sub adult male and an adult pair, were observed on five of the six days in similar areas to the observations in 2012. There was no evidence of nest building activity in 2013.

Haworth Conservation carried out a further eagle survey on two days in September 2014, principally to look for evidence of nest building activity. The survey, which was designed to ensure all relevant crags and rocky outcrops were surveyed, found no evidence of nest building or roosts and the nest identified in 2012 was unused. No additions appeared to have been made to that nest since 2012. An adult eagle was observed three times during the first day of survey in similar areas to previous activity.

The most recent information for 2016, provided by the raptor study group highlights continued use of the glen by up to four golden eagles, seen on three days of survey in January and February 2016 with the sightings mainly on the hillside around Blar Buidhe on the south eastern side of the glen. This is well above the areas of proposed woodland creation on that side of the glen. There was no suggestion of any attempts to nest in the glen.

Prey availability

In its report on the golden eagle survey of 2014, Haworth Conservation highlighted a range of potential golden eagle prey including a high number of rabbits, pheasants, red-legged partridges and ravens.

The Argyll Raptor Study Group also commented on potential golden eagle prey in their 2013 survey, reporting high numbers of rabbits and flagged up a regular stream of gulls passing through the glen.

Following the comments on prey availability in the public consultation, Forestry Commission Scotland asked the applicant provide additional survey information relating to prey availability in Inverchaolain glen and, as set out above, review and revise the upper margins of the planting design. This information was submitted to Forestry Commission Scotland in June 2015 and forms Appendix 6f of the Environmental Statement (Appendix 6f – Additional information for Inverchaolain EIA – Rabbit and prey base assessment).

The additional information set out in this appendix, following survey work and communication with the gamekeepers managing the shoot in Inverchaolain glen as well as gamekeepers elsewhere, indicates that the rabbit population in Inverchaolain glen was at a low level in 2015 with Myxomatosis and potentially Viral Haemorrhagic Disease contributing to this decline. Gamekeepers managing the shoot in the glen control the rabbits because they feed on the partridge feed but the applicant advised that control measures were not increased during the EIA process. Thousands of game birds, (pheasants and red-legged partridges) are released in Inverchaolain glen annually for the commercial shoot there.

The additional information supplied by the applicant notes the presence of other prey sources in the wider range, including game birds. The applicant estimates that up to 10,000 game birds are released annually in Glen Striven. Without e.g. nest surveillance it is not possible to identify what prey the eagles are actually taking.

Assessment of impact on eagles

The survey work, PAT model and additional prey availability information, indicates that woodland creation in Inverchaolain Glen will result in a negligible reduction in eagle foraging habitat in a range where there is existing wider prey availability and a good history of eagle productivity.

We are satisfied that the PAT model has been developed following the approved methodology and produces useful information on the likely use of the glen by eagles. Paul Haworth of Haworth Conservation is a respected ornithological consultant and was heavily involved in the development of the PAT models.

Expert opinion increasingly indicates that eagles utilise and hunt around all kinds of woodland, including mature spruce plantations, where they catch prey such as wood pigeons, crows and black grouse. This means that some of the woodland areas excluded by this PAT model are likely be used by the eagles for hunting. This means that the 0.55% loss of habitat prediction could be an over-estimate of the range loss.

Discussions by experts at the joint FCS/SNH/RSPB forestry and raptor working group¹⁰ meetings in 2015 suggest that:

- Effects of forestry on eagles are complex and historically the impacts of afforestation on eagles has been overstated
- There is no major evidence that the large area of conifer planting in the second half of the twentieth century in NHZ 14 Argyll West and Islands has had a negative impact on golden eagles (the golden eagle population has expanded)

¹⁰ A working group established by the three bodies to further knowledge of raptor behaviour and oversee ongoing research particularly on eagles, including publications

- Keeping ridges clear is important and the distance to be kept clear from ridges will be specific in relation to the particular circumstances of the land
- Restructuring of first rotation forests will have a beneficial impact on golden eagles.

Haworth Conservation in Annex 6c notes that land above 350m may be important for foraging eagles. The final planting plan restricts Sitka spruce woodland to no more than 300m altitude and often down to 250m, with only low density native woodland above that. The ridge from Sron Dearg starts at around 380m altitude running up to almost 600m. The final planting plan shows around 50 ha of low density native woodland, which will provide beneficial edge habitat for prey species.

There has been detailed discussion and consideration of the importance of rabbits in the glen as potential eagle prey. It is clear that the rabbit population in Inverchaolain glen is currently at a low level but was higher between 2012 and 2014. It would seem likely that the release of large numbers of game birds might be of greater importance in terms of prey than the small, in comparison, rabbit population.

In accordance with best practice for golden eagle Special Protection Areas, the only active rabbit warren at Millstone Knowe will be left unplanted and a condition will be applied requiring the applicant only to control the rabbit population if the population reaches a level where it will threaten the successful establishment of the native woodland nearby.

Stoats and other mammal predators of rabbits may increase in numbers in the absence of the control carried out for a partridge and pheasant shoot, which may impact on the rabbit population.

Notwithstanding the release annually of a large number of game birds in Inverchaolain glen, the evidence suggests that Inverchaolain glen is not of particular importance to golden eagles. There is a possibility that the partridge and pheasant shoot may continue for a few years after planting of the woodland.

However, to counter any potential impact on prey availability in the short term, a condition will be applied requiring the applicant to 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 provision in the final year. This will not assist with golden eagle productivity which generally relies on fresh prey but the carrion will provide an additional general food source for eagles.

The increase in low density native planting along the upper margins of the scheme should, with time, provide further foraging habitat for the eagles. As a whole, the scheme will deliver significant areas of new native woodland, as well as the regeneration of existing native woodland remnants. It will provide a

significant positive environmental impact to the current relatively degraded habitat, benefitting native prey species and biodiversity in general.

Additional sources of prey such as corvids and pigeons will become available as the whole woodland develops.

It is likely that forest restructuring in Cowal, both now and in the future will improve the value of existing forests to golden eagles by diversifying the forest structure, and in particular by pulling productive forestry down from ridges and the ground below ridges. Forestry Commission Scotland carried out a short, desk based assessment of private sector forest plans and felling licences, and Forest Enterprise Scotland forest design plans/land management plans roughly within a 5km radius of Inverchaolain glen to obtain a broad picture of the likely impacts of restructuring of plantations over a twenty year period. This estimates that over the area assessed of around 130 square kilometres (100 square kilometres = 10,000ha) there should be an increase in open ground of 175ha, 150ha of new native woodland and a reduction in Sitka spruce of around 250ha. What will be of greater importance for golden eagles is that the restructuring is likely to mean that the top edges of conifer forests will be pulled down from the higher sides and off the tops of ridges.

No vantage point work was carried out as part of the survey work. Although vantage point surveys can be used in such cases, little emphasis was placed on this during formal and informal consultation. We are satisfied that sufficient evidence on eagle activity has been submitted to allow us to understand the use of the glen by golden eagles and assess its importance to them. This includes the survey work carried out both on golden eagle activity and prey together with the PAT model and further advice and clarifications from eagle experts.

Given all the information in the Environmental Statement and considered above, we have concluded that the proposed woodland creation scheme is not likely to have a significant effect on golden eagles. From all the information we have assessed, we are satisfied that Inverchaolain glen is not of particular importance to golden eagles.

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)¹¹ and 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)¹². A condition will be applied to this effect.

Given the use of Inverchaolain glen by both immature and adult eagles, the applicant has agreed to work with the Argyll Raptor Study Group to carry out low intensity monitoring of the site for a period of three years, the specific

¹¹ <http://scotland.forestry.gov.uk/images/corporate/pdf/Guidancenote32Birddisturbance.pdf>

¹² <http://www.snh.gov.uk/docs/A1617360.pdf>

monitoring to be approved in advance by Forestry Commission Scotland. A condition will be applied to this effect.

Natural Heritage

Natural heritage was identified as a primary reason for the project requiring consent because the proposals could have significant effects of the local population of Otter (a European Protected Species), badger, water vole, invertebrates and priority open ground habitats.

Appendix 4 (Mammal survey and impact analysis) of the Environmental Statement identified that otters were present in the lower stretches of the Inverchaolain burn but not elsewhere on the site although may still use the higher reaches of the burn or tributaries. Field survey did not find any evidence of the presence of water voles, badgers or red squirrels on the site although the surveyors thought given the suitability of the habitat that red squirrels were likely to use the site.

Any woodland creation scheme at Inverchaolain glen is only likely to take place with support of the Forestry Grant Scheme which requires the applicant to comply with the UK Forestry Standard and published guidelines in relation to the wide range of issues covered by the Standard.

Appendix 3 (Ecology and soil survey and impact analysis) of the Environmental Assessment identifies a range of habitats of greatest conservation importance at p41 of the appendix. With the exception of D1 (dry dwarf shrub heath) and D2 (wet dwarf shrub heath) which are discussed below, all the priority habitats identified on p41 and on the map at p42 have been left unplanted and expansion areas for the natural regeneration factored into the final woodland design.

Woodland creation will inevitably have an impact on areas of dry and wet heath. The survey identifies these habitats as having lesser conservation importance in the local context. Table 6 at p44 of Appendix 3 sets out the areas of wet and dry heath lost to either conifer woodland or native woodland within the woodland proposal area and Map 9 (BAP habitat lost to conifer plantation) in the Environmental Statement sets out the loss when the buffer area adjacent to the proposal area is considered.

Within the woodland proposal area boundary, 30 hectares of dry heath out of a total area of 42ha will be lost to woodland creation, mostly to conifer woodland. Similar figures apply to the wet heath. Looking at the wider site including the buffer area but still within the Inverchaolain estate ownership, no more than 30ha of dry heath are being lost out of 98ha of the habitat.

The woodland creation scheme proposes to create over 100ha of new native woodland and protects, and allows to expand, the natural regeneration taking place in the floor and lower slopes of the glen. In the longer term, the creation of the new native woodland and habitat networks as set out in the final design will provide strong biodiversity benefits which will compensate for the loss of these relatively small areas of wet and dry heath. Both dry dwarf shrub heath and wet dwarf shrub heath are widespread in Argyll.

Additionally, the applicant has committed to the removal of *Rhododendron ponticum* on the site, identified in section 6 of Appendix 3 as being the areas mapped as A1.2 in Figure 3 of Appendix 3 as well as the area identified to the north of King's Landing jetty in the west of the site. A condition will be applied to remove the rhododendron, which will include a requirement to keep the area free of rhododendron for a period of ten years. Any Forestry Grant Scheme contract would require the removal of any *Rhododendron ponticum* from any new woodland creation area.

Given the information in the Environmental Statement together with the various elements of mitigation incorporated into the final proposal, we are satisfied that the proposal is not likely to have a significant environmental impact on the natural heritage.

Secondary reasons were:

Archaeology

Appendix 7 of the Environmental Statement contains the Archaeological survey and impact assessment. The site of St Bridget's chapel and burial ground (Site 19) lies outwith the woodland creation scheme boundary. The report recommends that no mitigation is required for the shooting butts (Sites 13 and 29) and the fields with the lazy bed cultivation (Sites 12 and 20). The sheilings and two farmsteads discussed in section 6 of the survey are identified as being of Local Importance.

A condition will be applied to ensure that the applicant carries out the mitigation identified in section 5 of the survey. This will be sufficient to ensure the protection of the archaeology identified.

Deer

The applicant has produced a deer management plan, which is set out in Appendix 9 of the Environmental Statement. Table 1 in Appendix 9 lists the historic cull of red and roe deer and an estimate of the current population. Table 2 in the appendix sets out a proposed annual cull between 2016 and 2026. A condition will be applied to require the applicant to implement the deer management plan in Appendix 9 or another deer management plan approved in advance by Forestry Commission Scotland.

Within any approved Forestry Grant scheme contract for woodland creation there is a requirement to protect the newly planted woodland from herbivore damage for a period of 20 years following the initial planting payment.

Social and Economic Impact

The applicant has identified that the loss of the commercial partridge and pheasant shoot in Inverchaolain glen would jeopardise one of the two full time jobs associated with running this shoot and the one on the neighbouring Glen Striven estate.

The establishment of the new woodland will create a good level of employment of five man years (see Table 9 (p55) of the Environmental Statement) in the initial years but much less thereafter until the timber is harvested in 35-45 years time. It is likely that the 150ha of productive conifer woodland will produce at least 50,000 tonnes of timber and the applicant has made calculations of the likely economic value generated in Table 10 (p56) of the Environmental Statement.

This table seems to double count the economic benefit by adding the value achieved from timber sales to the costs of harvesting and haulage when these costs would be paid out from the gross timber value. Nonetheless, harvesting, haulage and ultimately processing timber from this site will generate good additional employment levels and economic value in the forest sector in Cowal and beyond.

A recent report: The Economic Contribution of Forestry in Scotland¹³ has estimated that the mainstream forestry and timber processing sector in Scotland generates around £770m Gross Valued Added based on an annual harvest in 2012 of 6.4m green tonnes.

We are satisfied that although there may be a loss of employment in Inverchaolain glen relating to the commercial shoot currently run there, overall the planting, maintenance and harvesting of the forest proposed will deliver additional economic value.

Access

Appendix 8 (Timber transport in glen Striven: Options and impact analysis) sets out the main issues in respect of timber haulage as a result of the woodland creation proposal and notes that the public road is currently marked as severely restricted for timber transport. The analysis identifies four potential solutions/routes for the timber from Inverchaolain glen of which the two identified in 4.2 (extension of the Dunoon timber haul route) and 4.4 (construction of a floating pier at Finart point) of Appendix 8 seem the most likely. Although it is difficult to look so far into the future with precision, given the increasing use of shipping for timber transport in Argyll, a floating pier or another shipping based approach seems a likely practical proposal given the timber volumes arising.

A condition will be applied requiring the applicant to follow good practice in relation to the construction of the forest roads and ATV tracks.

A number of existing borrow pits are being re-used and a number of new borrow pits are being created to provide road stone. These are set out in Map 7a (Proposals for access improvement and future forest road network) of the Environmental Statement. The borrow pits will be left open and used as passing places and turning points. They constitute less than 1ha and are not likely to

¹³ <http://scotland.forestry.gov.uk/supporting/forest-industries/economic-contribution-report>

have a significant environmental impact. Any future, increased area of new borrow pits may require a separate EIA determination.

Visitor and Public Access

As set out above in the section on landscape, a right of way known as the "Coffin route" runs through Inverchaolain glen and although the glen is not intensively used for access, the right of way is promoted and used by the local Cowal walking festival. Again as set out above, most of the right of way within the glen is not discernible on the ground and those exercising access use the two routes identified in Map 9 of the Environmental Statement.

Conditions are applied to ensure that both of the routes identified in Map 9 as well as the line of the right of way through Inverchaolain glen, also set out in Map 9, are managed as open space using 9-25m, variable width, open area corridors.

As set out in the landscape and visual impact section, there will be a change in the experience of those using the glen but the design of the proposed woodland and the use of open space and the variable width corridor will mitigate the loss of openness experienced.

Bird Interest

The bird survey in Appendix 6c (Upland bird surveys (2012) of the Environmental Statement notes that, with the exception of golden eagles, Inverchaolain glen is mainly used by breeding and foraging birds of low conservation importance. As part of any Forestry Grant Scheme woodland creation contract, the applicant will be required to comply with good practice in relation to birds as set out in the UK Forestry Standard and associated guidance.

Summary and conclusions

In considering whether to grant consent for the proposed project, Forestry Commission Scotland's concern has been to establish whether the project would result in any significant environmental impact in relation to all of the reasons identified for the project requiring consent, but particularly the primary reasons relating to landscape and golden eagles.

The information contained in the Environmental Statement has been examined in detail, consultees' responses have been investigated and further information and advice sought to determine whether the evidence presented by the applicant in the Environmental Statement was fit for purpose.

The conclusion of this process was that the evidence presented in the Environmental Statement was sound and of an adequate standard on which to base consideration of the impacts of the project.

Taking into account of all the information provided by the applicant and stakeholders and on the basis of our assessment as set out above, we are satisfied that the final woodland creation proposal in Inverchaolain glen is not

likely to have a significant environmental impact in relation to any of the matters identified as primary or secondary reasons for requiring consent.

In particular in respect of eagles, the significant mitigation proposed for this scheme as discussed above includes:

- Final, sensitive design of the woodland creation proposal, including large areas of low density and edge woodland
- Ensuring that the areas below the ridges as well as the ridges are kept clear
- Protection of the rabbit warren, and
- Provision of deer carcasses.

We believe that the woodland creation proposal will have a neutral to small positive impact on golden eagles as a result of the likely increase in suitable habitat for prey brought about by the creation of significant areas of low density native woodland as well as the removal of deer grazing pressure on vegetation within the fenced area.

We believe that the glen is not of particular importance to golden eagles. We are satisfied, in general terms, that if the glen increased in importance to golden eagles, that the woodland design and mitigation measures put in place will make it likely, again, that the scheme would have a neutral or small positive impact.

In respect of landscape, we are satisfied that although the change in the landscape of the glen from an unforested to a largely forested one is a major change, that because of the woodland design this will not reduce the quality of the landscape or the experience of those accessing it, and we are satisfied that the final proposals will not have a significant environmental impact on landscape, visual amenity and experience.

Forestry Commission Scotland Determination

Having considered the Environmental Statement, national and regional policy contexts, the advice received from statutory and other bodies and the views of consultees, **Forestry Commission Scotland grants consent for the project subject to the conditions below.**

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 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)¹⁴.

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

¹⁴ <http://scotland.forestry.gov.uk/images/corporate/pdf/Guidancenote32Birddisturbance.pdf>

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 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 roads¹⁵ (2014)
- Scottish Natural Heritage: Constructed Tracks in the Scottish Uplands¹⁶ (September 2015)
- Or any updates of the same.

Visitor and Public Access

¹⁵ [http://www.forestry.gov.uk/pdf/unsealedroads2014.pdf/\\$FILE/unsealedroads2014.pdf](http://www.forestry.gov.uk/pdf/unsealedroads2014.pdf/$FILE/unsealedroads2014.pdf)

¹⁶ <http://www.snh.org.uk/pdfs/publications/heritagemanagement/Constructedtracks.pdf>

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.