

**Consent Number: 033901439**

**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** Kippendavie Estate

**Location**

The proposed woodland creation site on Kippendavie estate sits wholly on the Sheriffmuir battlefield site, 2km east of Dunblane. It is identified on Map 7.1 (Location map - Kippendavie proposed woodland creation location - undated) of the Environmental Statement.

**Brief Particulars of Relevant Project**

The proposal is to create 55.6ha of new woodland on the Inventory battlefield site together with 7.5ha of compensatory planting to allow recently felled shelterbelts to be replanted within the woodland creation proposal area rather than their current location, which have been visual barriers to the battlefield.

**Date of Application** 21 December 2012

**Application Reference Number: 033901439**

The Forestry Commissioners, having taken into consideration the Environmental Statement dated July 2016, 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 Appendix 1 (Kippendavie SoE Appendix 1 – final project design 27 Feb 2017) of the Statement of Reasons ("the project"), set out in Schedule 2 of this consent.

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: 26 July 2017

*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 033901439

### **Conditions of consent**

#### General

1. Work in relation to the project shall commence within five 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: These are statutory timescales under the regulations.

### ***Primary reasons***

#### Archaeology

3. Prior to commencement of any works, the applicant will produce a method statement covering archaeology and public access conditions 4-11 and 25, to be approved by FCS in consultation with Stirling Council.
4. Planting will avoid all visible, above ground sites identified in Table 7 in the Archaeological Survey and Assessment report in Technical Annex A (Archaeology) of the Environmental Statement, with the exception of number 4 (rig and furrow adjacent to site C at page 31 of the report) in Table 7, which is dealt with below. All sites identified in the survey will be marked out on the ground by a qualified archaeologist prior to any site works starting and the appropriate buffers created around each site. All works to be carried out in accordance with the UK Forestry Standard, the Guidelines on Forests and the Historic Environment and associated guidance.
5. To better understand its age and significance, a further survey of the rig and furrow field patterns identified above must be carried out by a reputable archaeologist before ground preparation and planting is undertaken on that area.
6. The applicant will ensure that a full metal detector survey, under the supervision of a reputable archaeologist, of all areas of ground disturbed by the ground preparation works, is carried out before planting the site. The specification of the survey is to be agreed with FCS in consultation with Stirling Council.
7. A reputable archaeologist will carry out a walk-over survey of any areas of ground disturbed by operational works along the banks of the Wharry burn, specifically to check for the discovery of human remains.
8. Where any human remains are found Police Scotland and the Stirling Council archaeologist must be contacted. The human remains are to be recorded and

re-buried with the immediate area roped off and avoided and appropriate planting buffers put in place.

9. Those carrying out operational works must be briefed on the approach to be followed for the discovery of archaeological artefacts or human remains.
10. As part of the method statement identified above and to encourage community participation in the archaeological works set out above, the applicant working with Stirling Council, will deliver a range of community participation events. All to be subject to the approval of Forestry Commission Scotland in consultation with Stirling Council.
11. The applicant will ensure that the archaeological work set out in the conditions above is written up and published as a report in an appropriate journal or by other method as approved by FCS in consultation with Stirling Council, by 31 December 2019.
12. The applicant will bear all reasonable costs in relation to conditions 3-11.

Reasons: To ensure that the applicant delivers appropriate archaeological mitigation and enhancement.

#### Landscape

13. The woodland creation scheme at Sheriffmuir will be planted in accordance with the final project design set out in Appendix 1 (Kippendavie SoE Appendix 1 – final project design - 27 Feb 2017) of this statement, or to some other, similar design approved by Forestry Commission Scotland.

Reason: To ensure that the planting follows the final design approved in this statement.

14. The recently felled shelterbelts between the Linns and the MacRae memorial under Forestry Commission Scotland felling licence CB60046 issued on 28 June 2012, will not be restocked.
15. Jubilee wood, a plantation based on an original diamond shaped commemoration of Queen Victoria's jubilee, will be felled and restocked with low density broadleaved trees by 31 December 2018. The applicant will prepare an amendment to Forestry Commission Scotland Forest Plan No. 4720522 approved on 14 May 2015, to provide authorisation for these works.
16. For a period of ten years, the applicant will manage the vegetation of the area of the project site not being planted between the Sheriffmuir-Dunblane public road running to the north of the site and the Linns, to maintain the current open aspect.

Reasons: To improve the visual amenity and visitor experience to allow better interpretation of the battlefield landscape.

#### ***Secondary reasons***

## Natural Heritage

17. To ensure water quality in the Wharry burn is maintained during operations, the applicant will produce a ground preparation and site drainage method statement together with a site specific diffuse pollution control plan, all to be approved in advance by Forestry Commission Scotland after consultation with the Scottish Environmental Protection Agency (SEPA).

Reason: To reduce risk of diffuse pollution.

18. The applicant will retain as open ground or as a component of native woodland habitat, the areas of unimproved acid/neutral marshy grassland and associated calcareous flush on the steep banks of the north side of the Wharry burn as described in section 5.3 (Ecology – Habitats) of the Environmental Statement.

Reason: To protect the open habitats of greatest value.

## Public roads

None.

## Visitor and Public Access

19. The applicant will carry out the path construction and improvements between Dunblane and the MacRae memorial as set out in the Scottish Government's Forestry Grant Scheme contract with the applicant (Ref: 17FGS15757, agreed 17 July 2017), similar to the paths identified at Appendix 3 (Kippendavie EIA SoE – WIAT access improvements map – 13 March 2017) of this statement. The applicant will maintain these paths for a period of ten years.

20. The applicant will construct a path following the Kippendavie Lade as set out in Map 7.13 (New public access - undated) of the Environmental Statement, to a specification approved by the Scottish Government. The applicant will maintain these paths for a period of ten years.

21. Subject to approval from Stirling Council, the applicant will construct two lengths of off-road path between:
- a. The MacRae memorial and the new car park identified below at the start of the Lade path; and
  - b. From the end of the Lade path on the Sheriffmuir-Cauldhome road to the entry point to the Jerah plantation on the same road.

The path will be constructed to a specification approved by Forestry Commission Scotland in consultation with Stirling Council.

22. Subject to approval from Stirling Council, the applicant will construct and maintain for ten years, a car park for six cars at the current timber stacking area identified in this Environmental Statement, to a specification approved by Forestry Commission Scotland in consultation with Stirling Council.

23. All path works and construction of the car park identified above must be completed by 31 December 2019.
24. For the avoidance of doubt, conditions 19-23, relating to the construction of the paths and car park will apply, irrespective of whether the applicant chooses to take up any grant offer. This condition should not prevent the applicant from seeking grant aid in the future in respect of the two sections of path in condition 20.
25. At the car park, the applicant will provide interpretation panels covering all aspects of the Sherifmuir but with a particular focus on the battle itself, the number, specification and content to be agreed by FCS in consultation with Stirling Council. The applicant will maintain these in good condition (including provision of any replacement panels) for a period of ten years.
26. The applicant will remove the redundant fences as set out in Appendix 2 (Kippendavie EIA SoE – New fences, access and fence removal – 22 June 2017) of this Statement, or other fences as approved by Forestry Commission Scotland.
27. The applicant will install and maintain for a period of ten years, gates to access the fenced forest area as set out in Appendix 2 (Kippendavie EIA SoE – New fences, access and fence removal – 22 June 2017) of this statement or other access as approved by Forestry Commission Scotland in consultation with Stirling Council.
28. The applicant will ensure that public access to the Paradise pools is maintained and not compromised by the project.

Reason: To deliver the public access and visitor enhancements required as mitigation in this project.

#### Bird interest

29. Prior to the commencement of any works, the applicant will apply an appropriate exclusion zone around the colony of sand martins identified in the breeding bird survey at Technical Annex F of the Environmental Statement.

Reason: To prevent damage to, or disturbance of, the sand martin colony.

#### Deer

30. In advance of commencement of any works the applicant will produce an up to date deer management statement to be approved by FCS in consultation with Scottish Natural Heritage, and will implement the works identified within it within the timescales approved in the statement.

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