

EIA Ref Number: 034901232

Cockplay Afforestation

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 (FCS) 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 Buccleuch Estates Limited, and the forest manager of Buccleuch Estates [REDACTED], who led on the application for consent.

Environmental Statement

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

| | |
|---|---------------|
| Environmental Statement | November 2015 |
| Revised Planting Design Map | 13/06/16 |
| Implementation Plan | |
| <i>(Required as a condition before Commencement of works)</i> | |
| Cockplay EIA Issues Log | 06/06/16 |

Site and Ownership

The land on which the woodland creation is proposed is owned by The Buccleuch Estates Ltd.

Cockplay (Central Grid Ref NY343 800) lies 2 kilometres to the south west of Langholm in the Esk Valley. The original area surveyed to determine potential areas for woodland creation extended to over 950 hectares. The present proposal is within a boundary circa 442 hectares with the area of new woodland circa 358 net hectares. The area consists of predominantly low productivity hill grazings. The area has been managed as part of the out bye land for a number of sheep and cattle farms. Smaller areas may have been part of the in bye but **have been largely abandoned, reverting to rush pasture. Due to the land's long**

history of agricultural improvement in the forms of drainage, burning and high levels of stock grazing there has been a change in dominant vegetation. There has been a loss of diverse habitat and related species. In terms of agricultural capability, the area is classed as severely disadvantaged.

Proposal for woodland creation and associated works

The proposal is to create about 440ha (inc 11% internal open ground) of new woodland, containing mostly Sitka spruce (65%) forest with some Norway spruce, Scots pine and native woodland.

Background information on the proposal is set out in Chapter 4 (Site description) and Chapter 5 (Description of the proposals) of the main Environmental Statement.

Table 1 below sets out the constituent parts of the final woodland creation proposal.

Table 1

| New Woodland Component | Area (ha) |
|--|---------------|
| Sitka spruce | 286.98 |
| Scots pine | 2.18 |
| Norway spruce | 41.68 |
| Native Broadleaves | 20.14 |
| Native Broadleaves within OG (net) | 7.00 |
| Open Ground in mixture with NBL (net) | 13.6 |
| Internal Open Ground | 49.49 |
| Open Ground Archaeology | 5.63 |
| Open Ground Pipeline | 4.05 |
| Open Ground Water Supply | 1.71 |
| Existing Road | 1.98 |
| New Road | 2.79 |
| TOTAL | 437.23 |
| Existing Woods NBL | 1.81 |
| Existing Woods SS | 2.87 |

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 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 at Cockplay in February 2007, following which the EIA determination enquiry form was received in March 2009. The applicant initially proposed establishing about 950ha of mostly commercial conifer forest including about 15% broadleaves and 10% internal open ground. This proposal was screened and 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 31st March 2009.

The primary reason for requiring consent and requesting an Environmental Statement (ES) was because of the scale of the project.

The EIA scoping process began in April 2009 and, following a public scoping meeting in Langholm, the scoping report summary was completed in May 2009.

The Environmental Statement was received on 11th November 2015 and public consultation on the Environmental Statement began on 3rd December 2015.

Following consultation responses, issues raised included private water supplies identified by neighbours and potential impact on habitats identified by various consultees. Forestry Commission Scotland requested planting design modifications primarily relating to water supply, and habitats relating to deep peat and groundwater dependant terrestrial ecosystems. This resulted in the submission of a revised design in March 2016 and a subsequent second round of limited consultation commencing on 13th April 2016

Reasons for project requiring consent

The main reasons for the project requiring consent were the scale of the project relating to:

Archaeology

The proposals could have an impact on archaeology, which will need to be surveyed and recorded in order to appropriately protect the features.

Red squirrel woodland priority area

The proposals could have an impact on red squirrels in the woodland priority area, this needs to be assessed as part of the design development.

Road construction and future haulage

Access for forestry operations associated with establishing the woodland and future harvesting operations and timber transport need to be considered and appropriate solutions identified.

Landscape impact

The impact of the proposal on the landscape needs to be considered.

Soils

The proposals could have an impact on deep peat (>50cm depth), which will need to be surveyed and avoided in any planting design.

Birds

The proposals could have an impact on birds, which will need to be surveyed, and assessed. This will then inform the planting design.

Land use balance

The impact of the loss of agricultural land to forestry in the local area, and in the wider context, need to be considered.

People

Water - The proposals could have an impact on private water supplies, which will need to be identified and adequately protected within any proposed planting design.

Gas Pipeline - The proposals could have an impact on a gas pipeline, which will need to be identified and adequately protected within any proposed planting design.

Habitat

The proposals could have an impact on groundwater dependant terrestrial ecosystems, which will need to be identified and appropriately protected in any proposed design.

Water

The proposals could have an impact on water quality and riparian habitats, appropriate protection through the provision of suitable buffer areas will need to be provided within any planting design.

Recreation

The impact of the proposals on the use of the area by members of the public needs to be assessed.

National policy context relating to Cockplay

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.

The Scottish Forestry Strategy¹

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:

- ***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.***

¹ <http://scotland.forestry.gov.uk/supporting/strategy-policy-guidance/forestry-strategy>

- *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)².

UK Forestry Standard

The UK Forestry Standard³ (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.

Regional policy context relating to Cockplay

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

Dumfries and Galloway Forestry and Woodland Strategy

The most important document is Dumfries and Galloway Forestry and Woodland Strategy⁴, published in 2013, which is statutory supplementary guidance. The strategy provides a clear indication of the vision for how the woodland resource and forestry industry in Dumfries and Galloway should develop over the next 10 to 50 years.

² <http://www.gov.scot/Topics/Environment/climatechange/scotlands-action/lowcarbon/meetingthetargets>

³ <http://www.forestry.gov.uk/ukfs>

⁴ <http://www.dumgal.gov.uk/CHttpHandler.ashx?id=15086&p=0>

Spatial guidance is provided within the Woodland Strategy to guide opportunities for woodland expansion. This guidance is delivered through a series of maps and associated supporting text. For the proposals at Cockplay, the relevant map is **"Map 3 Opportunities for Woodland Expansion – Softwood Forests"**. The proposals at Cockplay **largely fall into an area identified as "Sensitive" or with "Potential" for woodlands of this type**. Subsequent site investigation and **assessment identified that the "sensitive" designation related to the potential presence of deep peats**. However these areas have been identified and excluded from the design, and as such this sensitivity has been addressed.

The woodland strategy document also provides guidance, at a sub-regional level, about the opportunities and priorities for woodland expansion within different identified areas within the Dumfries and Galloway.

The Proposal at Cockplay has been assessed against this guidance and is considered to comply with the 2013 Woodland Strategy.

Summary of Consultation Responses

A more detailed record of the comments made throughout the whole process is within the Issues Log 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.

Overall Development of the design of the woodland

Changes to the proposed planting design have been made during the EIA process following consultation with stakeholders.

The initial proposal in the ES (Draft Planting Design map dated 11/02/15) included about 67% Sitka Spruce, 5% Native Broadleaves, 20% Mixed Conifer with the balance comprising mostly internal open ground.

Although there have been several changes to the detailed design the final area and proportion of Sitka Spruce has remained almost constant. This has largely been achieved by moving the different elements around rather than by fundamentally changing the main species proportions. The final design for the purposes of this assessment (Revised Planting Design map dated 01/04/16) is summarised in Table 1 and includes about 66% Sitka Spruce, 6% Native Broadleaves and 10% Mixed Conifers.

The main change to the design, during the EIA process, centred on addressing concerns associated with the potential impact to the groundwater dependant terrestrial ecosystems. An on-the-ground assessment and identification of this

habitat resulted in the reduction of planting in the central area of the proposal and the establishment of suitable buffers to address concerns and mitigate the significance of impact.

People

- The site forms part of a private water supply and appropriate identification and protection of that supply was essential.
- The site incorporates part of a gas pipeline and appropriate identification and protection of that pipeline was essential.

The private water supply catchment and associated infrastructure has been identified and appropriately considered within the design development. Conditions have been placed on the consent to ensure its protection.

The Gas Pipeline has been identified and appropriately considered within the design development. Conditions have been placed on the consent to ensure its protection.

Given the information in the Environmental Statement together with the various elements of mitigation incorporated into the final proposal and the conditions placed on the consent, we are satisfied that the proposal is not likely to have significant environmental impact on social and economic interests.

Archaeology

- The site contains a number of assets and features of value which required to be effectively considered in any design.
- Additionally ongoing management of features (where required) was seen as important, as was an appropriate approach to implementation of works to ensure identified features were adequately protected and any new discoveries reacted to appropriately.

An archaeological survey was undertaken and assets and features of value were identified. These have, where appropriate, been excluded from the planting area and suitable buffers put in place to protect them from operational works. In addition a condition has been placed upon the consent to ensure an appropriate management plan is put in place for identified features where this was considered necessary to ensure protection of their long term value.

An appropriate approach to protecting archaeological features during establishment works has also been made a condition of the consent.

Given the information in the Environmental Statement together with the various elements of mitigation incorporated into the final proposal and the associated conditions placed on the consent, we are satisfied that the proposal is not likely to have significant environmental impact on the historic environment.

Soil

A number of key potential sensitivities and issues were identified within the site.

- Effective avoidance and protection of deep peat areas was considered essential
- Minimising adverse impacts from ground preparation was seen as important.

Areas of deep peat were identified as part of the soil survey on the site. The resultant design has excluded all significant areas of deep peat from the planting area.

The design process considered the relevant soils on the site and the species of trees being established. A condition has been placed upon the consent which requires the applicant to agree a suitable method of ground preparation with FCS prior to the commencement of those works.

Given the information in the Environmental Statement together with the various elements of mitigation incorporated into the final proposal and the conditions placed on that consent, we are satisfied that the proposal is not likely to have significant environmental impact on the soil and water environment

Flora

- The potential impact on groundwater dependant terrestrial ecosystems was considered a concern.

As part of the development of the proposal an assessment was carried out of the likely impacts on groundwater dependant terrestrial ecosystems, and subsequent revisions have reduced the significance of impact by either withdrawing these areas from planting or increasing open ground and incorporating appropriate buffers.

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 significant environmental impact on Ground Water Dependent Terrestrial Ecosystems.

Landscape

A number of potential sensitivities and issues were identified.

- Need to address Landscape Character, scenic areas (lies within Langholm Hills Regional Scenic Area) and avoidance of planting straight edges.
- Landscape impacts, such as the proposed planting of the northern boundary at Green Knowe, should be designed to avoid over spilling the ridge.

- Open areas were considered important and incorporation with peat areas, watercourses and areas around green lane provided opportunities to deliver well designed open ground.
- Species diversity, on the upper edge on Bloch Hill/The Rigg, was also considered important.

Initially submitted designs were not felt to adequately address a number of these issues, and further iterations of the design were required to adequately address these points.

In developing the design, consideration has been made to the likely long term forest structure and design of the adjacent woodlands and the proposed design for Cockplay will integrate with these areas as they evolve.

Given the information in the Environmental Statement together with the various elements of mitigation incorporated into the final design proposal, we are satisfied that whilst the proposal will lead to a change in the nature of land use and resultant landscape, that these changes are not likely to have significant environmental impact on the landscape.

Fauna

- The potential impact on birds, through the loss of open ground habitat, was considered a concern.
- **Impact on red squirrels within the 'red squirrel woodland priority area'** was considered a concern.
- Pressure from deer browsing was considered

As part of the development of the proposal an assessment was carried out of the likely impacts on birds and as a result subsequent revisions have reduced the significance of impact by either withdrawing the most important areas from planting or increasing open ground and incorporating appropriate buffers.

It is recognised that there will be some negative impact from this proposal on birds and their associated habitat.

However following survey reports, and through further redesign of the planting proposal, the impact on birds is considered as not being significant.

Since the initial determination was issued in 2009 the proposal is no longer **within a 'red squirrel woodland priority area'**. Although there are no known red squirrels within the area the planting design and species choice will, in the long term, support red squirrel habitat

A plan for effective management of deer populations will be made a condition of the consent.

Given the information in the Environmental Statement together with the various elements of mitigation incorporated into the final proposal and the associated conditions placed on the consent, we are satisfied that the proposal is not likely to have significant environmental impact on Fauna.

Access

- The existing access was not seen as a sustainable long term timber transport solution. Any design for significant productive woodland needed to identify and address this, including identification of an appropriate access point onto the public road network.
- Maintenance and repair of the existing access road during the establishment phase was identified as a concern.
- Articulation of any new roading requirements on site, including identification of suitable materials for construction needed to be considered.

An appropriate new timber transport access (including a suitable access point onto the A7 public road network) has been identified (and developed) at Grid Ref NY 370 810 during the development of the design. The future timber transport solution is described in Section 5.5.1 and 5.5.2 and is illustrated in "Map 8 (3/6/16)".

Alignments and associated construction methodology for future new internal roadlines on site have been considered and assessed as part of the design evolution.

Given the information in the Environmental Statement together with the various elements of mitigation incorporated into the final proposal, we are satisfied that the roading activity as considered within the ES is not likely to have significant environmental impact.

Recreation

- The potential impact on the proposed core path network was considered.

Public access to the site has been enhanced through the upgrading of existing roadlines within the proposed area and further roading proposed will increase opportunities for access to the 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 significant environmental impact on public access and recreation.

Water

- The potential impact on water quality and riparian habitats was considered

Given the information in the Environmental Statement together with the various elements of mitigation incorporated into the final design proposal, we are satisfied that the proposal will not have significant environmental impact on the water environment.

Land use balance

- The impact of the loss of agricultural land to forestry in the local area and in the wider context was a concern and needed to be considered.
- Related to this, the impact of the proposals on local employment associated with the current farming activity, proposed forestry activity, residential properties, recreation, tourism and the social infrastructure of the area needed to be considered.

As part of the development of the design, an assessment was carried out of the likely impacts of this proposed land use change in respect to agriculture and associated employment. This assessment concluded that the change was not likely to be considered significant in its impacts.

Impacts on employment were considered and this made it clear that the change from agricultural use to forestry would result in a different level and nature of employment activity within the site. During establishment works, employment levels would be significantly increased, thereafter reducing until subsequent harvesting activities were commenced. In conclusion whilst the nature and type of employment would change, these changes were not considered to be significant in the wider context.

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 reason relating to the scale of the proposal

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 all of 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 at Cockplay is not likely to

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

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.



John Dougan

Conservator
for Forestry Commission Scotland
6th June 2016

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.
3. Prior to the commencement of works, an Implementation Plan will be prepared and agreed with FCS which details how the agreed scheme will be delivered on the ground and how various elements of the design and mitigation will be achieved.

People

4. Private water supplies - as part of the preparation of the implementation plan, a plan must be developed and agreed with FCS to ensure appropriate protection and buffers to be delivered during implementation and beyond.

Reason: To ensure appropriate protection of the private water supply derived from the site.

5. Gas pipeline - as part of the preparation of the implementation plan, a plan must be developed and agreed with FCS to ensure appropriate protection and buffers to be delivered during implementation and beyond.

Reason: To ensure appropriate protection of the gas pipeline running through the site.

Archaeology

6. Prior to the commencement of works, all Archeaological assets and associated buffers identified for protection within the ES are to be clearly marked by a competent person utilising the GPS data contained with the archaeological report.

Reason: To ensure protection of these features

7. Within two years of work being commenced on the site, an agree appropriate management plan for identified features must be prepared and agreed with DGC

Reason: To ensure appropriate long term management of identified features

8. As part of the preparation of the implementation plan, a protocol to be agreed with DGC to deal with any Archaeological sites which may be identified during operations

Reason: To ensure adequate protection is put in place for sites which may not be known to us at this time.

Soil

9. An implementation plan must be agreed with FCS prior to the commencement of ground preparation works which adequately protects any significant areas of Deep peats identified during ground prep operations.

Reason: Protection of any significant areas of deep peat found whilst works are being undertaken

10. An appropriate ground prep treatment must be identified (potentially through on site trials) and agreed with FCS prior to commencement of main ground prep works.

Reason: To ensure that an appropriate ground preparation technique is used which delivers effective establishment whilst minimising wider environmental impacts

Landscape

11. The woodland creation scheme at Cockplay will be planted in accordance with the Environmental Statement and related documents dated as set out in the Statement of Reasons and to conform to the design shown in **'Planting Design map 03.06.16'** or to some other, similar design subsequently approved by Forestry Commission Scotland.

Reason: To ensure that the planting follows the final design for the site which contains important elements of mitigation

Fauna

12. Prior to planting works being commenced, a plan will be agreed with FCS to ensure effective deer management on site.

Reason: To ensure effective establishment of the woodland.