

Scottish Forestry and NatureScot concordat on operational delivery August 2021

1. Purpose

This concordat explains how Scottish Forestry and NatureScot work together effectively to deliver forestry and environmental government policy and legislation.

2. General principles

- Scottish Forestry (SF) and NatureScot are both part of a wider family of public bodies who strive to deliver the Scottish Government's programme for government in efficient, joined up ways.
- In particular, SF and NatureScot work closely together to deliver, and influence others to deliver, government priorities for forestry, climate change and biodiversity; bringing their respective specialisms together.
- We strive to deliver and protect tree-planting, woodland regeneration and woodland management to tackle the twin challenges of climate change and biodiversity loss, and safeguard and enhance the wider environment.
- We will work together in a joined-up manner that maximises efficiency for applicants and both organisations, and provides a clear and consistent service across Scotland,
- In forestry casework, NatureScot has an advisory role to SF who is the regulatory authority, and the Competent Authority under the Habitats Regulations.
- To improve efficiency and focus inputs at the earliest stages of proposals, SF and NatureScot will commit to preparing and updating appropriate guidance in order to deliver current policies on biodiversity and climate change, with reference to the UK Forestry Standard requirements and guidelines.
- NatureScot and SF will offer and share training on key biodiversity and climate change issues, and NatureScot offer to develop further standing advice which can be embedded within, or linked from, documents the forestry sector already use.
- In general, NatureScot will focus on guidance, standing advice and early engagement. Inputs to individual applications will usually be restricted to those that could significantly affect protected areas, as detailed below.
- NatureScot expects applicants and agents developing forestry proposals to use online advice and guidance to identify key opportunities to protect and enhance protected areas and other natural assets, prior to any requests for advice from NatureScot which should be via SF in line with the arrangements detailed below.
- The role for NatureScot in this agreement is based on the [How and When to consult NatureScot checklist](#), with changes where justified by the availability of guidance and standing advice, and the potential risks to protected areas from different types of forestry proposals.

3. Forestry case types on which NatureScot advice will be sought by Scottish Forestry

Forestry case type	SF will consult NatureScot if the proposal...		
	...could affect an SAC/SPA	...could affect an SSSI or GCR site	...is within an NSA
Woodland creation pre-application (due diligence)	Y	Y	Y
FGS applications for woodland creation or sustainable management of existing woodland	Y	Y	Y if >5Ha (woodland creation only)
LTFP & FLS LMP scoping and final draft plan	Y	Y	N
Felling Permission applications	Y	Y	N
EIA scoping and consent for forestry projects	Y	Y	Y
Emergency works	Y	Y	N

- Biodiversity and landscape interests not listed above should generally be taken into account in forestry casework by following guidance and standing advice available online.
- There may be exceptional cases where Scottish Forestry seeks formal advice NatureScot on cases not listed above. Any such case should be agreed between both organisations before requesting or providing advice. Examples of issues that might generate such an exceptional request include:
 - the adequacy of deer management plans relating to large or complex woodland creation proposals and where there is no Deer Management Group;
 - where SF believes there are potential individual or cumulative impacts on the national status of species or habitats of outstanding conservation importance;
 - protected species circumstances not covered by [forestry guidance](#) or [NatureScot standing advice](#);
 - where a proposal could undermine delivery of local projects / initiatives funded by NatureScot (eg peatland action, species re-introductions)
- Brief, informal verbal advice can be requested or offered on cases that don't fit the categories for formal consultation listed above.
- NatureScot will provide advice in line with its [Service Statement](#), and [Development Management Guidance](#) (which also covers forestry casework).

4. Operational work on which NatureScot will consult Scottish Forestry

- Peatland Action or other grant applications involving the removal and loss of woodland.
- Biodiversity Challenge Fund applications involving woodlands.

5. Joint working on delivering favourable condition on protected areas

NatureScot and SF are members of a wider partnership of organisations responsible for delivering the Scottish Government's aim to increase the proportion of features on protected nature sites in favourable condition. SF leads delivery of favourable condition of woodland features in SSSIs and SACs. The two organisations work together as detailed below

Scottish Forestry role	NatureScot role
<p>Lead:</p> <ul style="list-style-type: none">• Prioritising sites / features for action• Working with applicants to develop schemes to improve the reported condition of the features to 'Unfavourable recovering due to management'.• Discussing with NatureScot if consider use of regulatory powers under Deer (Scotland) Act 1996 may be merited.• Informing NatureScot when agreed management measures are in place.	<p>Advise, if requested:</p> <ul style="list-style-type: none">• Prioritising sites / features for action.• Management requirements of non-woodland features, where they have implications for management of woodland features.• Whether draft proposals will improve the reported condition of the features to 'Unfavourable recovering due to management'.• Potential for use of regulatory powers under the Deer (Scotland) Act 1996. <p>Lead:</p> <ul style="list-style-type: none">• Any agreed use of regulatory powers under Deer (Scotland) Act in support of improving the condition of woodland features.• Sign off 'unfavourable recovering due to management' features once management measures in place.

6. Resolving differences

Any differences of view between NatureScot and SF in relation to areas of operational delivery covered by this concordat should, in the first instance, be discussed locally and promptly. If issues cannot be resolved between the NatureScot Area Manager and SF Conservator, they will be escalated to the Deputy Director of Sustainable Growth, NatureScot and the Head of Operational Delivery, SF.

7. Review

This concordat will be reviewed at least every 3 years, or sooner if changes to our operating environment mean that updates are needed.