

## Woodland Creation Processing Agreement Information Note

### Background

Scottish Forestry are responsible for forestry policy, regulation and support functions within the Scottish Government – including the provision of technical forestry advice and cross-border activity as agreed with other UK administrations.

Scottish Forestry is committed to promoting woodland creation across Scotland whilst safeguarding and enhancing the natural and built environment, and promoting overall sustainability. Scottish Forestry is the competent authority to assess projects that require permission under the Forestry (Environmental Impact Assessment) (Scotland) Regulations 2017. Applicant guidance on EIA for forestry projects can be found at:

<https://forestry.gov.scot/support-regulations/environmental-impact-assessment>

To ensure that these commitments are met, and in line with the expectations of Scottish Government, Scottish Forestry will promote the use of Woodland Creation Processing Agreements (WCPA) for dealing with all woodland creation proposals that require consent under EIA Regulations.

Applicant guidance on the woodland creation application process and its supporting information document can be found at:

<https://forestry.gov.scot/support-regulations/forestry-grants>

### What is a WCPA?

A WCPA is a project management tool which sets out a route to a decision on a proposal, not necessarily to an approval. It is not intended to be a lengthy document; it sets out the key stages involved in determining a major woodland creation proposal, identifying what is required from those involved and setting realistic timescales for the delivery of the various stages of the process.

Scottish Forestry has prepared a WCPA template which will be used as the basis for any agreement.

The advantages of using a WCPA include:

- Greater transparency in decision-making
- Greater predictability and certainty over the timing of key stages
- Faster decision-making
- Clearer lines of communication

The guidance that the Woodland Officer gives will not bind them to a final recommendation nor override the requirements for a formal FGS application to be determined without prejudice and within the statutory requirements of current legislation.

The WCPA is not a legally binding document, however it is expected that both parties will be fully committed to delivering each stage of the application process within the agreed timescales, unless revised dates are agreed by both parties.

### **What type of application is a WCPA suitable for?**

A WCPA will be promoted for all proposals or applications that require consent under the Forestry EIA Regulations.

All pre-application enquires for a complex or large scale proposal should be sent to the local Conservancy office. Contact details for your local Conservancy office can be found at <https://forestry.gov.scot/about/structures/local-offices>

Following review of the proposal and where appropriate a site visit a decision will be made whether a WCPA is appropriate.

### **When can a WCPA be prepared?**

The drafting of the WCPA should come after the completion of the due diligence stage of the woodland creation application process, once Scottish Forestry has provided a screening opinion; or soon after a date for a scoping meeting has been agreed.

### **Implementing the WCPA**

This stage involves delivering the project according to the agreed timescales. Key dates will be reviewed regularly by both parties to ensure they remain achievable, revision of the WCPA may be necessary as the proposal evolves and a requirement for further information is identified.

As it may prove difficult to define the completion dates for all the stages at the beginning of the proposal the Key Dates section is grouped into 5 phases, each stage will be agreed and initialled at a point just as the previous stage ends. In agreement with the applicant Scottish Forestry will update the Key Dates section for each stage of the process, initial the WCPA and forward an electronic copy to the applicant. This will ensure timescales are achievable as the project moves forward through the process.

In circumstances where either party is unable to comply with an agreed date for reasons beyond their control, an agreement should be sought for a reasonable extension to ensure the satisfactory completion of that stage of the application process. In this instance the Key Dates section on page 2 of the WCPA should be updated accordingly and a record of the iteration noted at the bottom left side of the page.

### **Signatories**

The WCPA will be signed by the applicant [or their nominated representative] and by the Conservator or Senior Operations Manager on behalf of Scottish Forestry.