

Consent Number: 030902211 Cambusmore

**THE FORESTRY (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND)
REGULATIONS 2017**

**DECISION NOTICE OF AN APPLICATION UNDER REGULATION 7 OF THE
REGULATIONS FOR CONSENT TO CARRY OUT AN EIA FORESTRY PROJECT**

**Description and reasoned conclusion supporting the decision to grant
consent**

Purpose

To explain the reasons for Scottish Forestry's decision to grant consent, subject to conditions, to the above application. This will include the considerations on which the decision is based and describe, where necessary, the main measures that have been agreed to avoid and reduce the significant environmental effects of the project.

Environmental Impact Assessment Report

The Environmental Impact Assessment Report (EIA Report) and associated appendices referred to in this document are the final versions of each document named and dated as follows:

EIA Report

5 July 2019

Volume 1 – EIA Main Text (Confidential and Non-Confidential Versions)

Volume 2 – Figures (Confidential and Non-Confidential Versions)

Volume 3 – Non-Technical Summary

Appendices

Appendix A. Issues Log

Appendix B. Habitat Management Plan

Appendix C. Soils

Appendix D. Woodland Creation Potential Report

Appendix E. Archaeology

Appendix F. CONFIDENTIAL Hen Harrier Report

Appendix G. Scottish Forestry Screening Response

Appendix H. Scottish Forestry Scoping Response

Appendix I. RSPB and SNH Scoping Responses

Modifications to the EIA Report

19 Nov 2019

Cambusmore Estate Forestry EIA Addendum (Confidential & Non-Confidential versions)

Cambusmore Estate Habitat Management Plan

Revised Figure 2 Proposed Development

Revised Figure 3 Management and Grazing Areas

Revised Figure 7 (CONFIDENTIAL) Hen Harrier Nesting - Historic Data with future planting proposals

Final Versions

Cambusmore Estate Habitat Management Plan FINAL 10 Mar 2020

Revised Figure 2 Revised Proposed Development 19 Feb 2020

Revised Figure 3 Revised Management and Grazing Areas 10 Mar 2020

Revised Figure 7 Revised(CONFIDENTIAL) Hen Harrier 10 Mar 2020

Nesting - Historic Data with future Planting Proposals

1. Basis of the Environmental Impact Assessment

The Forestry (Environmental Impact Assessment) (Scotland) Regulations 2017 ("the EIA Regulations") prohibit the carrying out of any work or operations in relation to an EIA forestry project unless consent has been obtained from Scottish Forestry, acting on behalf of Scottish Ministers. This proposal constitutes an EIA forestry project under Regulation 8 of the EIA Regulations.

The EIA process provides the framework for assessing whether the project will have a significant effect on the environment. The decision on whether or not to grant consent takes account of the environmental effects 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 significant effects of the project on the environmental factors listed in Regulation 5 para 3 of the Regulations:

- i) Population and human health
- ii) Biodiversity, and in particular species and habitats protected under Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and Directive 2009/147/EC of the European Parliament and of the Council on the conservation of wild birds
- iii) Land, soil, water, air and climate
- iv) Material assets, cultural heritage and the landscape.

2. Policy Context

National policy context relating to Cambusmore

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 effect is likely to be significant and what mitigation should be carried out to minimise the effect.

Hen harriers

The hen harrier is an iconic species in many countries. Hen harriers have a widespread global distribution. The UK breeding population is concentrated in upland areas of Wales, northern England and, especially, Scotland where breeding habitat includes managed and unmanaged moorland and young forestry plantations.

The hen harrier is classified in the UK as Red under the Birds of Conservation Concern 4: the Red List for Birds (2015). The Birds Directive lists the hen harrier in its Annex 1, identifying it as a species within the European Union for which there should be special conservation measures. Hen harrier is a qualifying species within the Strath Carnaig and Strath Fleet Moors SSSI and SPA as it regularly supports a population of hen harrier; in 2008 it supported 12 breeding pairs, representing 2.5% of the GB population of 483 pairs. In addition the hen harrier is listed in Schedule 1 (part- 1) of the Wildlife and Countryside Act (1981) as amended, meaning it is protected by special penalties.

Scotland's Forestry Strategy 2019-2029

The Scottish Government's Forestry Strategy was published in 2019 and sets out government priorities for forestry in Scotland. The vision of the strategy is:

"In 2070, Scotland will have more forests and woodlands, sustainably managed and better integrated with other land uses. These will provide a more resilient, adaptable resource, with greater natural capital value, that supports a strong economy, a thriving environment, and healthy flourishing communities."

Six key priorities to help achieve the vision are identified:

- *Ensuring forests and woodlands are sustainably managed*
- *Increasing the adaptability and resilience of forests and woodlands*
- *Expanding the area of forests and woodlands, recognising wider land-use objectives*
- *Enhancing the environmental benefits provided by forests and woodlands*
- *Improving efficiency and productivity, and developing markets*
- *Engaging more people, communities and businesses in the creation, management and use of forests and woodlands.*

New woodland creation

The creation of new woodlands is a key Scottish Government policy and the Scottish Government's target is to increase Scotland's woodland cover from 18% to 21% by 2032. The ambition of the policy is to increase the rate of woodland creation from 12,000 hectares per year in 2019 to 15,000 hectares per year by 2025. This target forms an important part of the Scottish Government's Climate Change Plan: third report on proposals and policies 2018-2032 (RPP3)¹.

Using the Woodland Carbon Code it is estimated the native woodland at Cambusmore would be storing approximately 400,000 tonnes of carbon by 2075.

UK Forestry Standard

The UK Forestry Standard (4th edition, 2017) (UKFS) 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, inter alia, and defines the standards and requirements, providing a basis for regulation and monitoring. The UKFS, together with the UKFS Guidelines and other supporting documents, provides useful guidance for all the matters considered within the EIA Report.

There is a requirement that any woodland creation supported through Scottish Forestry's Forestry Grant Scheme complies with the UKFS and associated guidelines.

Regional policy context relating to Cambusmore

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

Highland Forest and Woodland Strategy

In November 2018 Highland Council refreshed their Forest and Woodland Strategy², which is statutory supplementary guidance. The current strategy provides a clear vision for the future expansion and stewardship of the Highland forest and woodland resource over the next 20 years.

Section 5 of the strategy outlines the Highland Council's policy objective for woodland expansion. It notes that the expansion of forests and woodlands in Highland will be looked upon as a means of contributing to achieving national targets for increasing the areas of productive and native woodlands subject to appropriate scale, type, objective and overriding constraints.

¹ [Climate Change Plan: third report on proposals and policies 2018-2032 \(RPP3\)](#)

² https://www.highland.gov.uk/downloads/download/69/trees_woodland_and_forestry

Section 5 further highlights the strategy objective of encouraging planting that contributes to integration with, and expansion of, native woodland and other woodland habitat networks.

Map 1 of the strategy "Spatial mapping guidance for woodland expansion in highland" (p40) is a map showing the general level of opportunity for woodland expansion. The proposal area at Cambusmore falls into the *preferred, potential, potential with sensitivities* and *sensitive* categories for new woodland creation. The area of the proposal within the SPA is sensitive meaning:

"land which offers limited potential for woodland types which predominantly deliver biodiversity, landscape and/or amenity objectives. A combination of known sensitivities are only likely to support woodland of a scale and character which can be accommodated without likely significant adverse effects on sensitivities, and/or where it would enhance features of local, regional, national and international interest."

The strategy notes that the map-based analysis is a strategic process giving a general overview of an area's suitability and that the classifications are indicative rather than prescriptive. It highlights the importance of site-specific assessment of individual proposals for woodland expansion but provides a starting point for the identification of suitable areas for woodland expansion of different types.

The Highland Local Biodiversity Action Plan 2015-2020

The Highland Local Biodiversity Action Plan was published in June 2015.

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

Local Biodiversity Action Plans (BAPs) are tools in a process that aims to protect and enhance biodiversity through working together to identify and prioritise issues, and then deliver projects to address them. They also aim to influence local strategic planning decisions and policy development.

The Highland BAP states "Whilst there are many laudable projects to increase native and semi-natural woodland cover across Highland, the area is still suffering from thousands of years of deforestation. An expansion in native woodlands through natural regeneration or planting of local provenance trees, particularly along water courses and up the hills, would improve biodiversity and result in many ecosystem services benefits such as improved water quality, flooding prevention, soil retention and carbon sequestration."

3. Description of the Project

Site and Ownership

The applicant is K R Greenland Farming, the owner of Cambusmore Estate. The area proposed for woodland creation is located within Strath Carnaig, 11km southwest of Golspie and 13km northwest of Dornoch, to the west of the A9 Inverness Wick trunk road. Cambusmore is mainly comprised of heath, bog and grassland habitats with areas of native woodland at Torboll and The Mound. There is also a recently felled conifer area to the southeast, near the A9. The primary land use in recent years has been sheep and cattle farming. The site is also grazed by red, sika and roe deer. Much of the proposed planting at Cambusmore falls within The Strath Carnaig and Strath Fleet Moors Site of Special Scientific Interest (SSSI) and Special Protection Area (SPA) and is adjacent to The Mound Alderwoods Special Area of Conservation (SAC) and Dornoch Firth and Loch Fleet SPA. Torboll Woods SSSI also lies within the proposal area.

Background to the project requiring consent

EIA Timeline

EIA screening opinion request	24 Jan 2018
Screening Meeting	21 Feb 2018
Screening Opinion	21 Feb 2018
Scoping Meeting	21 Feb 2018
Scottish Forestry Scoping Opinion	28 Mar 2018
EIA Report submitted to Scottish Forestry	5 July 2019
EIA Report advertised/ consultation start	12 July 2019
Consultation close	11 Aug 2019
Modifications sent to stakeholders and those who responded to initial consultation	19 Nov 2019
Modifications comments close	19 Dec 2019

Screening

An EIA screening opinion request to create 3030 hectares (ha) of native woodland was submitted to Scottish Forestry (then Forestry Commission Scotland) by Cambusmore Estate "the estate" on 24 January 2018. On 21 February 2018 Scottish Forestry confirmed that the proposed forestry project was an EIA forestry project and that consent would be required due to the potentially significant environmental impacts of the proposal, which related to the Strath Carnaig and Strath Fleet Moors SSSI and SPA, in particular on the availability of the hen harrier nesting and foraging habitats.

Scoping

A scoping meeting was held on the 21 February 2018. The meeting was attended by representatives for the applicant, Scottish Forestry, Royal Society for the Protection of Birds Scotland (RSPB), Scottish Natural Heritage (SNH) and 5 other interested individuals. Written responses were received from Historic Environment Scotland (HES) and Scottish Water. The scoping meeting highlighted the effects of the proposal on hen harriers as the primary issue which may result in significant environmental effects and significant effects on the conservation objectives of the Strath Carnaig and Strath Fleet Moors SPA. Scottish Forestry received further information on the likely significant effects of the proposal on hen harriers from SNH and RSPB in March 2018 and provided the applicant with our scoping opinion on 28th March 2018.

Scoping opinion

The reasons for the project requiring consent and the areas to be covered in the EIA Report are set out below and in the letter from Scottish Forestry (Appendix 2).

The proposal will significantly affect the biodiversity of the Strath Carnaig and Strath Fleet Moors SSSI and SPA by impacting on the availability of the hen harrier nesting and foraging habitats. Planting on this scale would result in the loss of a significant area of suitable open foraging ground and the possible displacement of breeding hen harriers.

Specifically the following effects:

- Loss of nesting habitat; including decreased breeding success and productivity.
- Disturbance of breeding hen harriers.
- Loss of high quality foraging habitat; including potential decrease in prey species and increase in competition for prey.
- Increased predation of nests and adults at nest.

To help inform the above, the EIA Report was to provide an assessment of the short and long term impacts of the proposals including changes in:

- Foraging habitat, including prey level and availability.
- Nesting and roosting sites and habitats.
- Potential for displacement of breeding hen harriers.
- Risk of predation.

It also stated that the EIA Report must consider the impact of the woodland creation proposal and confirm whether the project would affect the SPA's conservation objectives.

The potential for the proposal to impact on other environmental factors was considered as part of the scoping process. As it was agreed that these were not likely to be significant it was agreed that the EIA Report should be focused on the impacts on hen harriers.

The EIA Report and application for consent

Following scoping and survey work, an EIA Report was produced by the applicant and submitted to Scottish Forestry for EIA consent on 5th July.

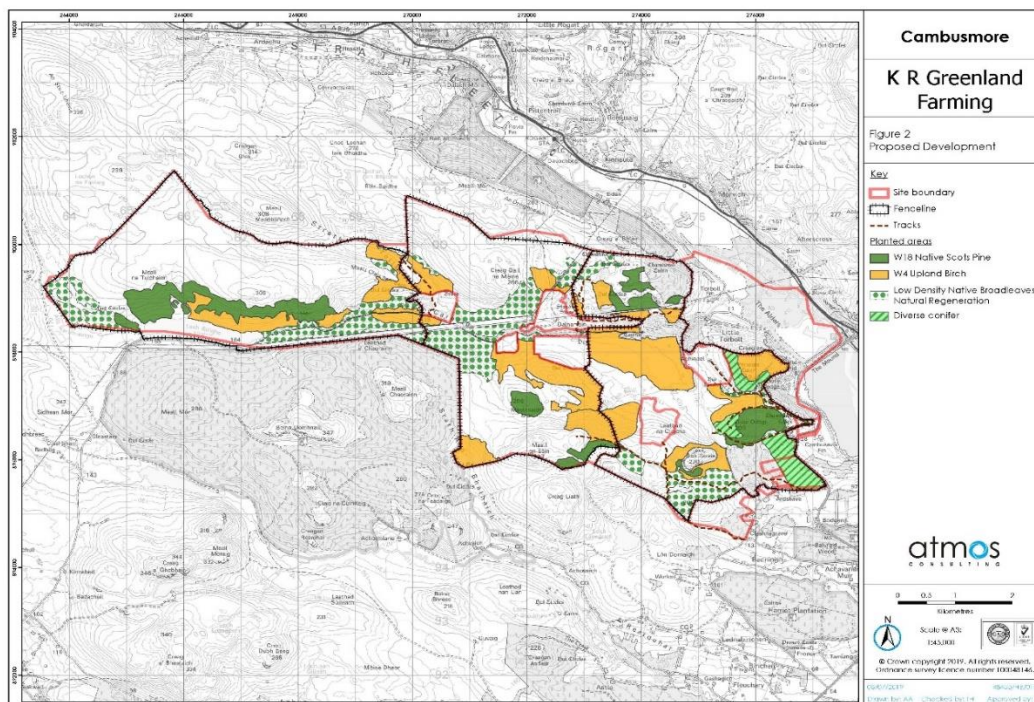
The area proposed for woodland creation in the EIA Report was reduced by over half of that submitted for screening opinion to 1258 ha of planting and natural regeneration. The proposal (see map 1 below) would be deer fenced to form three separate management areas of approximately 2000 ha in total, the remaining 742 ha within the fenced areas was to remain unplanted. Sheep would also be excluded from these areas and would be contained within smaller grazing enclosures (see map 1). Given the sensitivity of the site, minimal ground preparation, mainly mounding, was proposed to ensure low levels of ground disturbance.

Approximately 998 ha of woodland creation was proposed within the Strath Carnaig and Strath Fleet Moors SPA, the remaining 260 ha outwith, on its eastern boundary. The woodland type proposed within the SPA comprised areas of native Scots pine, upland birch and mixed native broadleaves. The area outwith the SPA included a proportion of diverse conifer woodland predominantly Scots pine with some Norway spruce.

A draft Habitat Management Plan (HMP) was included as part of the EIA Report.

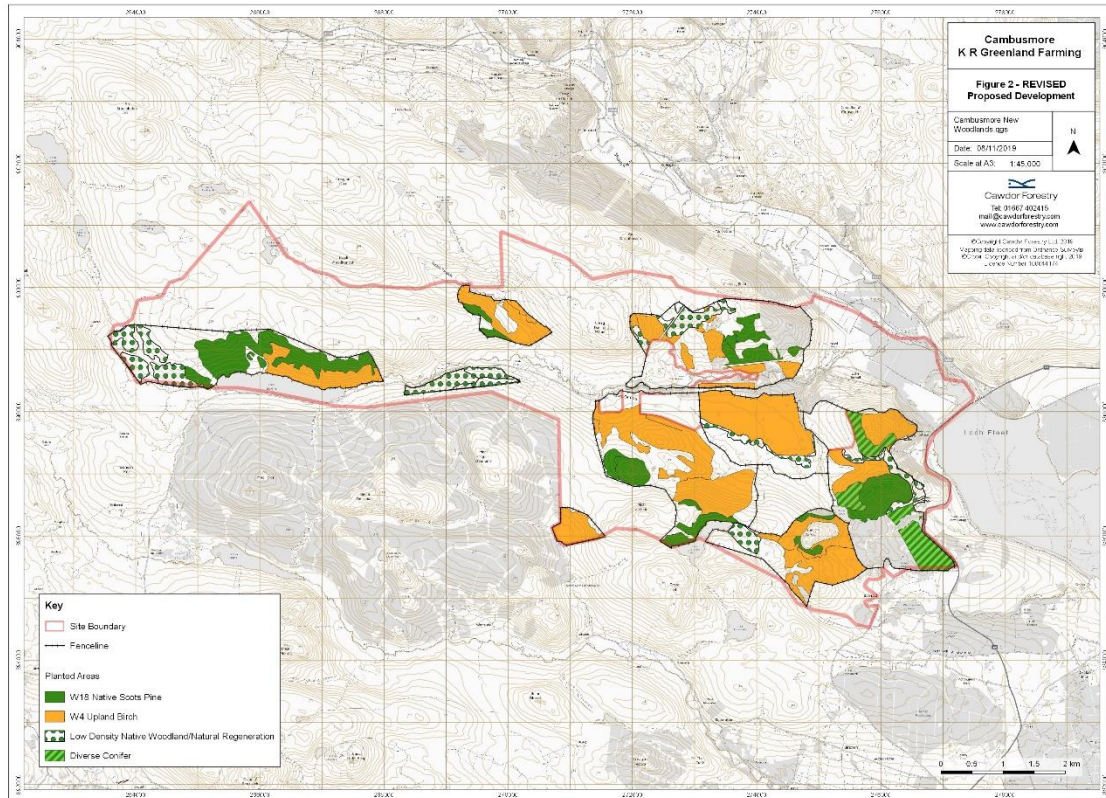
The EIA Report was subject to consultation from 12 July to 11 August 2019.

Initial proposal (map 1) 5 July 2019



Modified Proposal (map 2) 8 Nov 2019

Following consultation responses to the EIA Report, the proposal was modified by the applicant and further reduced to 1112 ha (map 2) of which approximately 923 ha was within the SPA. Areas were removed from the part of the site which survey and historic nest site data showed was most used by hen harriers for nesting and foraging. To ensure no planting in this area the boundary fencing was removed with nine separate fenced enclosures proposed. The proposal area and therefore EIA Forestry Project was now limited to within these enclosures.

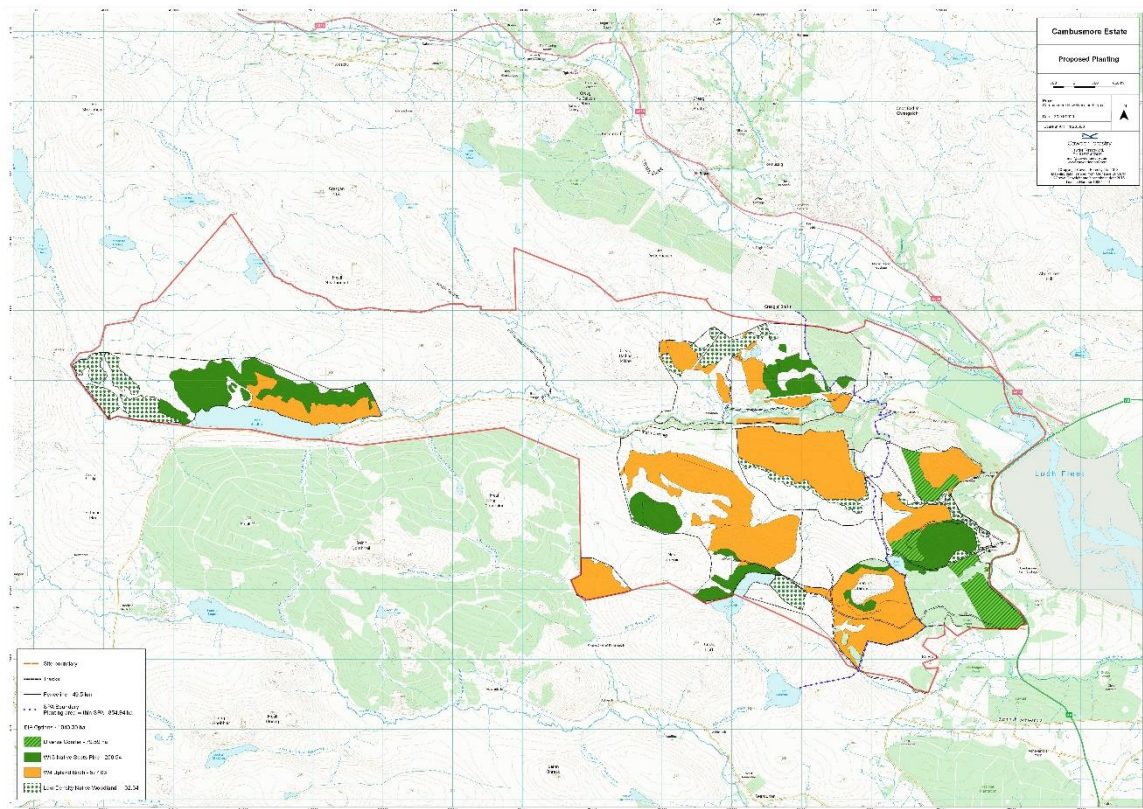


Final proposal (map 3) 19 Feb 2020

Following further comments from SNH and RSPB on the modified proposal the applicant produced the final proposal (map 3). This reduced the area further to 1097 ha of proposed new woodland, of which a gross area of 879 ha is within the SPA. The woodland would be protected by seven deer fenced enclosures.

Planting within the SPA will be of native species of local provenance and will be done at variable density as per the guidance in Forestry Commission Bulletin 112 Creating New Native Woodlands. Some areas will be planted at a low density and some areas of native woodland regeneration will be encouraged, particularly near the designated woodlands. At least 15% of the planting area will be left as designed open ground. Given the sensitivity of the site it is proposed to undertake minimal ground preparation to ensure minimal ground disturbance. The separate grazing enclosures for livestock remain.

Map 3 below sets out the design of the final version of the woodland creation proposal that has been assessed through the EIA process.



4. Consultation on the EIA Report

After considerable engagement with stakeholders, public consultation on the EIA Report was undertaken between 12 July and 11 August 2019.

The EIA Report was displayed on our EIA register and website and advertised in the Northern Times and the Edinburgh Gazette. Copies were made publicly available at the Scottish Forestry office in Dingwall and at the Forestry and Land Scotland office in Golspie.

A copy of the EIA Report was sent in July 2019 to SNH, RSPB Scotland and, in October 2019, to Scottish Environment Protection Agency (SEPA) and HES. A link to the EIA Report was sent to Dornoch Community Council, Highland Council, Forestry and Land Scotland and other neighbours.

Following this consultation the applicant made modifications to the forestry project which was sent in November 2019 to all those who had responded to the consultation. This was SNH, SEPA, RSPB, HES, Highland Council, a neighbour and an interested individual.

5. Summary of the responses to consultation

Six responses were received and these are summarised below:

SNH stated that they could not support the initial proposal due to concerns over the loss of foraging and nesting habitat for hen harrier within the Strath Carnaig and Strath Fleet Moors SPA. This loss related to proposed planting and possible regeneration. SNH also raised concerns over winter roosting. To safeguard habitat favoured by hen harriers SNH requested removal of certain planting areas. SNH also requested an HMP which should be perpetual in duration, to be agreed prior to work commencing. SNH also commented on The Mound Alderwoods SAC, Dornoch Firth and Loch Fleet SPA and Torboll Woods SSSI. Concerns were that The Mound Alderwoods may be affected by increased deer browsing and there could be disturbance to birds using the Dornoch Firth and Loch Fleet SPA. The risks of non-native regeneration into Torboll Woods SSSI were also raised.

Following consultation on the modifications provided by the applicant, SNH provided further comments relating to the Strath Carnaig and Strath Fleet Moors SPA, with no changes to the comments for the other designated sites. SNH stated that they were unable to support the proposal until Scottish Forestry had completed an appraisal of the effects. SNH requested further areas to be removed from the proposal and for Scottish Forestry, as part of the determination of the EIA application, to carry out an appraisal of regeneration presence and future potential for regeneration from planted trees.

RSPB Scotland objected to the proposal and raised concerns relating to displacement of hen harriers from nesting, foraging and winter roosting areas. This loss relates to planting and possible regeneration. To avoid displacement RSPB requested that certain areas of planting be removed. RSPB also expressed

concern over increased predation. RSPB sought management of open areas in perpetuity, and were keen to encourage management of grazing to improve heather habitats. Comments noted that there are other protected bird species present on the estate such as wading birds, other raptors and black grouse which may be impacted by the proposal. RSPB also commented on the felling permission application for Torboll Wood, raising concern that the proposals for managing the existing wood were not included in the EIA. RSPB also raised concerns about cumulative impacts of other windfarm and powerline developments and other proposed woodland creation within the SPA.

Following consultation with RSPB on the revised proposal, their objection was maintained as concerns remained over the risk of displacement impacts on nesting and foraging and risk of regeneration. They recommended further areas to be removed from the planting proposal, requested further information on impact assessments and requested more detail to be included on open land management in the HMP.

SEPA had no objection to the initial proposal, but asked for a more detailed National Vegetation Classification Survey (NVC) in future applications to aid them in identifying botanically rich Ground Water Dependent Ecosystems (GWDTes). They welcomed the proposal to create wet woodlands. As a result of these comments the proposal was revised to take account of such GWDTes and areas of deep peat.

HES objected to the initial proposal on the basis of requiring further information on potential significant adverse effects on the site and setting of scheduled monuments. HES raised concerns over the proximity of fences and planting to scheduled features, and concerns over some fences crossing scheduled areas.

Following engagement with the applicant and additional changes made to the proposal, HES confirmed that the revisions to the proposal addressed the concerns originally raised and removed direct and setting impacts to the scheduled monuments; therefore they no longer objected to the project. HES noted that Scheduled Monument Consent (SMC) will be required for two features where the boundary fence crosses the scheduled area.

A response was received from a neighbouring crofter. He raised concerns over the impact on Torboll Common Grazings and a boundary issue. No further comment was received following consultation on the revised proposal.

A member of the public, sent a response commending the planting proposal as an exemplar for upland management and environmental outcomes. No further comment was made as a result of the consultation on the revised proposal.

The additional issues which emerged during the development of and consultation on the EIA Report of archaeology, other bird interest, peat, adjacent designated sites and deer are assessed below.

6. Assessment of the main issues and reasoned conclusion

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

This reasoned conclusion will outline:

- The main reasons and considerations on which the decision is based
- A description, where necessary, of any measures necessary in order to avoid, prevent or reduce, if possible, offset likely significant effects on the environment of the project.
- The conditions which are attached to the approval.

Development of the design of the woodland

Modifications to the woodland design have been made following consultation and feedback from stakeholders. Changes to the design were made in order to avoid any significant impacts on hen harriers. This has resulted in all proposed planting and regeneration being removed from the part of the estate which is the favoured nesting and foraging habitat for hen harriers. This area will continue under the current management regime. The changes avoid and buffers any planting from all historic nest sites. An HMP which commits the applicant to management measures within the proposal area was included in the EIA Report.

Scottish Forestry sought advice from consultees on the modifications made by the applicant to the woodland design throughout the EIA process. The evolution of the proposal design is set out in Maps 1 to 3 in section 3 above.

All modifications sought by SNH have been incorporated into the final proposal. These can be summarised as follows;

- No planting to the north of the Abhainn an t Sratha Charnaig.
- No planting to the east of the burn that runs into the Abhainn an t Sratha Charnaig.
- 500m unplanted buffers around the 2018 and 2019 nest sites.
- Removal of the Strath Tollaidh and Strath Carnaig planting and regeneration enclosures.
- In the Dalnamain and Loch Laoigh enclosures a 600m unplanted buffer from the nesting buffers.

This has resulted in a proposal area (within the fences) of 1097 ha with a maximum gross area of 879 ha within the SPA. Within the proposal area the planting will be undertaken as per FC Bulletin 112 to establish native woodland and so will be variable in density with a minimum of 15% open ground. This will reduce the area for planting and regeneration to a maximum of 748 ha (less than 5% of the SPA area). However due to the broken nature of the ground it is likely that considerably more ground than this 15% will be left unplanted and therefore will remain suitable for hen harrier use into the long term.

Hen harriers

Surveys and consultation around the use of Cambusmore by hen harriers have been the focus of and the most intensive part of the EIA process for the applicant in producing the EIA Report. The EIA Report includes a detailed survey of nest sites and foraging areas and also included consideration of historic nest site locations provided by the Highland Raptor Study Group, RSPB and SNH. The data on nest sites and foraging identified the parts of Cambusmore which had been, and continued to be, most favoured by hen harriers for nesting and foraging.

A detailed assessment of prey availability was undertaken as part of the EIA Report. This identified the area which had the highest populations of prey availability (Meadow pipits and voles) within the estate which explained why hen harriers favoured this area. The modifications to the proposal has excluded this area, which will continue under the current management regime.

Assessment of impacts on hen harriers

Foraging and nesting habitat, including prey availability and displacement

The proposal is mostly located within the Strath Carnaig and Strath Fleet Moors SPA and is within proximity of two known hen harrier territories where two nest sites were identified in 2018 and 2019. The SPA is designated for 12 pairs of hen harriers, however in 2013 SNH noted a reduction to 10 breeding pairs.

The EIA Report concluded that the effect of the proposed development would be to increase the availability and function of suitable habitat for breeding and roosting. The EIA Report assessed that this would be a major, beneficial, permanent effect over the medium to long term for breeding habitat. The effect on roosting habitat was assessed as being a minor and significant beneficial effect. The scale of this benefit was later assessed as being reduced in light of the modifications to the proposal.

The EIA Report assessed that the changes to foraging habitat caused by the proposed development would have a major, beneficial, long term effect due to increased prey habitat and therefore increased prey availability. The modifications to the proposal changed this assessment as the new woodland habitat suitable for prey species would be more remote from core hen harrier areas. It also noted that the hen harrier distribution may change to be in closer proximity to the food resource, which as this would remain inside the SPA would be a neutral effect.

The EIA Report assessed that there may have been some long term negative effects from displacement due to habitat being lost as trees closed canopy. It was assessed that these long term negative impacts would be outweighed by the benefits of the suitable habitat expanding in currently unsuitable areas. These effects were reassessed following the modifications to the proposal at which stage it was assessed that the proposal would no longer be likely to displace hen harriers and therefore there would be no significant displacement effects.

However SNH and RSPB raised concerns in their responses to the EIA Report, that as the native woodland matures this will result in some permanent habitat loss within the SPA affecting both foraging and nesting habitats (i.e. as open moorland changes to woodland) and therefore result in a likely significant effect on hen harriers and the SPA conservation objectives. Scottish Forestry have undertaken a detailed Habitats Regulations Appraisal of the proposal.

To address the concerns raised by SNH and RSPB the final proposal has been modified to exclude all historic nest sites and the areas favoured for foraging identified in the 2018 survey. These areas are now excluded from the proposal, not to be fenced, and so there is no change to current management regime and will continue to be grazed as at present by sheep, cattle and deer.

All the modifications sought by SNH in their letters of August 2019 and December 2019 have been agreed and incorporated into the final proposal. These are summarised above. Similarly all modifications sought by RSPB have been incorporated except the December request to reduce the planting in the east of the Loch Buidhe management area. This was because the final proposal avoids all recorded nesting sites and favoured foraging areas.

The final HMP commits the estate to maintaining any open ground within the proposal area free of regeneration and this will be conditioned by Scottish Forestry. This will be monitored by the applicant and they will review the implementation of the HMP with Scottish Forestry and SNH on a 5-yearly cycle and are committed to continuing the HMP beyond 20 years.

SNH and RSPB also raised concerns about the spread of tree regeneration as if this was left without management then it would establish to a higher density and over time reduce the foraging opportunities. To assess the potential for loss of foraging and nesting habitat over the long term SNH asked Scottish Forestry to undertake an appraisal of the following with regards to tree regeneration;

- Current level of regeneration within proposal area (within fences)
- Model the extent of regeneration likely to be generated from this proposal in the absence of new management at 50 and 100 years
- An assessment of the effect of the regeneration on the conservation objectives for the SPA.

Current level of regeneration

There is a total of 90 ha of native woodland within the SPA. There is 43 ha of native woodland within the proposal (fences), some of which lies outwith the SPA. This was identified from the Native Woodland Survey of Scotland (NWSS) and site survey. Within the area favoured by hen harriers this woodland can be characterised as upland birch, including the birch dominated upland oakwood of Torboll SSSI, and wet woodland (dominated by alder and eared willow). The woodland extending westwards up Strath Carnaig towards Loch Buidhe becomes increasingly fragmented and dominated by willow.

Over the whole estate natural regeneration of native species is very limited. Within the proposal area only 20ha of natural regeneration, predominantly birch, has been identified and mapped (12ha located at Coill an Iarsaidh and 8ha at Cambusmore Lodge). Within the rest of the proposal area there is no established/establishing regeneration although there are some small areas of mature willows and occasional birch and rowan but they are not regenerating outwards.

Similarly, outwith the proposal area only willow and occasional birch and rowan have managed to establish. The willow scrub is largely limited to wet flushes and watercourses where it will be of benefit to hen harrier prey. There is no evidence of birch or other native species being able to establish in any numbers during the last 10 years. This reflects the limited seed source and high browsing pressure.

The exception to this is the area to the south of the public road adjacent to Achormlarie Forest which is less favoured by sheep and deer and so has lower browsing pressure and there has been some regeneration of eared willow. Approximately 57 ha of Sitka spruce (SS) has also become established in this area to variable densities as it is unpalatable and resistant to deer and sheep browsing pressure. This regeneration lies outwith the proposal area but the applicant has indicated that they are keen to control the SS regeneration via a separate management agreement. The restructuring of Achormlarie forest which is now underway will increase the area of habitat for hen harrier nesting and foraging in the SPA and prey availability, particularly in the short to medium term.

Regeneration appraisal

Scottish Forestry have undertaken an appraisal of regeneration across the site to model regeneration from the proposed areas of planted native trees. This appraisal considers likely regeneration at 50 and 100 years from present. This assumes no change to the existing management of the estate outwith the proposal (fenced) areas and so the browsing levels are as present. The estate is subject to grazing by sheep and cattle and browsing by red, roe and sika deer. It should be noted that the HMP states the estate wishes to increase grazing by sheep and cattle within the proposed grazing enclosures and on the open hill.

To inform this appraisal Scottish Forestry have undertaken the following:-

- A literature review of the key factors for regeneration, focusing on birch and Scots pine.
- Woodland Herbivore Impact Assessment (WHIA) which shows that herbivore browsing is exerting a high, close to very high, overall impact.
- A site survey of the native tree regeneration present on the estate and within the proposal. This survey identified existing regeneration and assessed the distance from seed trees and considered the impact of predominant wind direction and NVC vegetation suitability.
- An analysis of NVC vegetation suitability for regeneration on this site. The analysis grouped NVC types into most suitable (dry heath) and least suitable (mires) for natural regeneration.

- Scottish Forestry also considered predicted climatic impacts on site suitability to see if this would affect regeneration. There was no significant change to site suitability indicated.

The literature review identifies that trees will not begin to produce seed until at least 20 years of age and on upland sites such as Cambusmore this is likely to be longer as the soil and climatic conditions will delay the establishment and therefore the length of time before the trees are capable of bearing seed. Once the trees are mature it is likely that the regeneration will be restricted to within 50m of the seed source and this was confirmed by the site surveys which Scottish Forestry carried out across the Cambusmore area. In order for the trees to spread further across the site within 100 years, high numbers of trees would need to establish up to 50m from the seed source. The Scottish Forestry assessment of the site indicated this was highly unlikely under the current management and site conditions and any regeneration is likely to be restricted to within 50 – 60m of the seed source within 100 years.

Having considered all the above Scottish Forestry is of the view that for this site any significant regeneration within 100 years would be within 1-4 tree lengths (50-60m) of the planted trees. Adopting a precautionary approach Scottish Forestry would consider 100m as a maximum distance to expect any significant regeneration. Therefore to further minimise any risk of regeneration spreading from planted trees into the areas favoured by hen harriers Scottish Forestry have also advised and agreed with the applicant to remove any planting proposed within a further 100m of the 500m nest site buffers in the Loch Laoigh and Dalnamain areas.

The results of the regeneration survey show that for this wet and exposed upland site, any regeneration present is very close to seed trees - most lying within 50m. There was no difference detected downwind. The survey indicated that due to the high browsing pressure very few of the seedlings present have established to saplings. Two exceptions to this were identified. Firstly an area which had been stock fenced under a Woodland Grant Scheme (WGS) in 1995 to promote regeneration at Coill an Iarsaidh which has resulted in some birch establishing but has subsequently been heavily browsed. Also an area near Cambusmore Lodge extending from The Mound Alderwood SAC where some birch has established. This latter area is outwith the SPA.

Scottish Forestry were asked to consider regeneration in the absence of any new management on this site. At present the site is grazed by sheep and cattle and red, roe and sika deer. This is exerting a high browsing impact on trees. There is no significant regeneration occurring across the estate, except for the area to the south of the public road adjacent to Achormlarie which is less favoured by sheep and deer and so has lower browsing pressure. This area has seen spread of Sitka spruce regeneration and some eared willow but does not lie within the proposal area and does not affect the assessment of regeneration by Scottish Forestry. A compensatory cull is likely to be required to account for the loss of grazing land available. The compensatory cull levels will be set to maintain the current grazing pressure and so no increase or decrease in pressure is expected as a result of the planting. A continuation of the current management, even with a compensatory

cull, would therefore as set out above, prevent spread and establishment of natural regeneration at a density where it would have a negative impact on the open ground. This would apply throughout the parts of the estate which are not enclosed by the woodland creation project and so would include the areas favoured by hen harriers. Scottish Forestry therefore consider the medium to long term potential for regeneration spreading and establishing outwith the enclosures to be extremely low. Any regeneration within the enclosures will be managed by the estate to ensure areas remain open in accordance with the final HMP.

If grazing and browsing pressure was significantly reduced this assessment would need to be reconsidered. It should be noted that without increased culling by the estate deer numbers and therefore browsing pressure will increase. Although outwith the scope of this proposal and the Habitats Regulations Appraisal appropriate assessment, the SS is likely to continue to be established and so a plan for its removal should be considered.

In addition the agreed HMP commits the applicant to the management of appropriate heather/grass mosaics by mechanical flailing on priority areas of open ground and targeted predator control.

The applicant has also agreed to work with the Scottish Raptor Study Group to carry out low intensity monitoring of the site for a period of twenty years to assess hen harrier breeding success, nesting and foraging.

SNH and RSPB sought management of open ground, including removal of regeneration in perpetuity or securing long term management. As described above the modifications to the proposal have excluded the favoured foraging and nesting areas from the proposal and so these areas will be subject to a continuation of the current management. This would maintain high levels of browsing of tree regeneration and thus prevent spread of regeneration to a density which could reduce suitable hen harrier habitat. We believe the long term assessment that we have undertaken, together with the exclusion of this large area addresses the issue of perpetuity. It is therefore our assessment that there will be no significant environmental impacts due to natural regeneration as a result of implementing this project.

In conclusion the final proposal includes modifications which has removed planting or regeneration from the areas favoured for foraging and nesting by hen harriers, and hence keep planted trees well back from nest sites and these sensitive parts of the estate. No historic nesting sites are to be planted. It is therefore our assessment that there will be no significant environmental impacts from planting.

The Scottish Forestry appropriate assessment for the SPA concluded that the conservation objectives would be met subject to conditions.

Disturbance

The EIA Report and HMP stated that operations would avoid the breeding season from March to mid-August and that 750m buffers for operations would apply to active nests. The EIA Report assessed that as there would be no operations within 750m of an active nest, the disturbance effects of human activity would have no significant effect.

All operations will take place outwith the hen harrier breeding season (stated as March to mid-August inclusive) or within this period only if preoperational hen harrier surveys have been done and concluded there was no breeding. No operations associated with this consent will occur within 750 m of an active nest. This will be conditioned and therefore disturbance to breeding birds will be avoided. The HMP also commits the applicant that prior to any winter operations, surveys will be undertaken for roosting hen harriers and prior to commencement of works any such sites will be buffered as per best practice.

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)³ and SNH Guidance: The use of helicopters and aircraft in relation to disturbance risks to Schedule 1 & 1A raptors and wider Schedule 1 species (June 2015)⁴. A condition will be applied to this effect.

As a result of the conditions being applied it is our assessment that there will be no significant environmental impacts due to disturbance for forestry operations.

Predation

The EIA Report and HMP commit the applicant to undertaking predator control, particularly targeted to foxes, with increased effort during the hen harrier breeding season. The EIA Report assessed that there would be no significant impact on the hen harrier population as the increase in predator control would mitigate against any potential increase in predator populations. Following the modifications to the proposal, this was assessed as having a beneficial impact on hen harrier and other ground nesting birds as there may only be limited changes to predator populations.

RSPB raised concerns in their consultation response that predator control programmes do not always work, and that the increase in woodland habitats would make the control programme difficult to implement. They also noted that the increase in woodland would increase the potential habitat for predator species, which could increase their population size.

The final HMP sets out fox control focussed during the hen harrier nesting season, with particular attention paid to the edges of planting areas, areas of open ground

³ <https://forestry.gov.scot/publications/30-forest-operations-and-birds-in-scottish-forests/viewdocument>

⁴ <https://www.nature.scot/sites/default/files/2017-09/Guidance%20Note%20-%20Helicopters%20Aircraft%20and%20Schedule%201%20%26%201A%20species.pdf>

and around grazing areas. Corvid control will also be carried out under general licence, particularly in the proposal areas nearest to the core hen harrier habitats. Scottish Forestry have assessed that as the implementation of the HMP will be a condition of consent, there will be no significant environmental impacts from implementing this project.

Assessment of other identified issues

Archaeology

The proposal could impact on archaeology, in particular the Scheduled ancient monuments at Carn Liath, Torboll Farm, Creag an Amalaidh and Brae Cottage. Appendix E: Archaeology, of the EIA report contains the Archaeological survey and impact assessment. This records sites, including the Scheduled Ancient Monuments, and the Appendix A: Issues log, commits the applicant to protecting and buffering them as per the requirements of UKFS. However HES objected due to impacts on the site and setting of scheduled ancient monuments.

Following the HES objection the applicant has done a detailed site survey, met with HES and modified the proposal to incorporate the detail of planting and fencing required to protect the Scheduled Ancient Monuments. Setting impacts have been reduced on SM 1782, SM 1772 and SM 1819 by incorporating areas of open ground and low density planting. All the above has been agreed with HES. SM 1772 has an existing boundary fence crossing the scheduled area, SM 1851 sits on the boundary of the estate and the Torboll common grazing land. Replacement of the fence at SM 1772 and installation of a new fence at SM 1851 has been discussed and agreed with HES, and the applicant will seek Scheduled Monument Consent for operations in these areas before works begin. A condition will be applied to ensure that the applicant carries out all operations as agreed with HES.

It is our assessment that there will be no significant environmental impacts on archaeological features as a result of implementing this project.

Bird Interest

The bird survey also identified the following birds of note; black grouse (known lek sites recorded), curlew, red and black throated divers, golden plover and merlin. RSPB also raised the impacts on such species in their response. The effect of the proposals on the existing bird population specifically black grouse, divers, waders and raptors, has been carefully considered in the EIA Report and incorporated into the modified woodland design. No significant impacts were identified on protected species in the EIA Report. As part of this consent the applicant will be required to comply with good practice in relation to birds as set out in the UKFS and associated guidance and the Forestry Commission Scotland Guidance Note 32: Forest operations and birds in Scottish forests (November 2006). Known black grouse lek sites will be protected and incorporated into designed open ground and sensitive fences will be marked. The type and design of woodland creation proposed, in particular the low density native woodland, will provide an increasingly beneficial black grouse habitat. In proximity of black throated diver nests, fencing and planting will be set back by 100m and fences marked as required.

It is our assessment that there will be no significant environmental impacts on existing bird populations as a result of implementing this project.

GWDTEs and peat

An NVC and peat survey were undertaken as part of the EIA Report. This identified and excluded from planting key areas of deep peat. Appendix A: Issues log, states no planting of peat of 50 cm depth or greater. SEPA raised the importance of protecting areas of deep peat and botanically rich GWDTEs from operations. A more detailed pre-commencement site survey is needed to identify small areas of peat and botanically rich GWDTEs. This will be undertaken as part of the FGS application and agreed with Scottish Forestry prior to operations commencing. No peat over 50cm or botanically rich GWDTEs will be cultivated or planted. This is a condition.

It is our assessment that there will be no significant environmental impacts on GWDTEs and peat habitats as a result of implementing this project.

Adjacent designated sites

The Mound Alderwoods SAC and Torboll Woods SSSI

Appendix A of the EIA Report set out the 250m planting non-native species buffer and commits to removal of any non-native regeneration. For both sites, areas adjacent to the sites will be left unplanted to encourage regeneration. SNH raised potential impacts on adjacent designated sites in their response to the EIA Report. They noted that SAC is currently in unfavourable condition due to browsing pressure.

The original proposal had a boundary deer fence which enclosed this SAC. Following consultation on the EIA Report, changes were made to the proposal to remove areas to address concerns over the impact upon the Strath Carnaig and Strath Fleet Moors SPA. This resulted in changes to the fencing and management areas and as a result The Mound Alderwoods will no longer be fully enclosed, however a deer grid will be erected on the public road west of Torboll Woods SSSI to reduce access to the site by sheep and deer therefore significantly reducing browsing pressure. The applicant will also target culling towards the SAC and SSSI. The applicant will produce a Deer Management Plan (DMP) for the estate through discussion with SNH which will help to address any increase in browsing pressure within the designated woodlands. In addition a DMP for the SAC has been agreed between SNH and the neighbouring Morvich Estate this year in order to address the browsing impact.

Dornoch Firth and Loch Fleet SPA

Waders and waterfowl species typically use The Mound lagoon area for roosting and feeding. The application boundary is approximately 800m from the lagoon at its nearest point. At this distance, and taking into account the trees between the works site and lagoon acting as a noise buffer, then disturbance from any ground preparation work will not be significant. The works will not displace or affect any supporting habitat for these species. Ospreys are summer migrants to the UK and the birds at Loch Fleet and The Mound Alderwoods typically return in early April.

All works will be undertaken outwith March to Mid-August inclusive or within this period only if preoperational surveys had concluded there was no breeding. Timing of operations is a condition.

Scottish Forestry has therefore concluded that there is no likely significant effect on adjacent designated sites.

Deer

Appendix A of the EIA Report noted the current deer presence and the need for fencing and culling. The site is used by red, roe and sika deer and the browsing impacts on existing native woodland is high, suggesting high deer numbers. The estate has only been taking a modest management cull of deer. For planting of this scale a compensatory cull will need be agreed by Scottish Forestry and SNH prior to operations starting. However SNH and RSPB have stated the need to maintain high levels of browsing on the areas outwith this proposal to keep them open and prevent the spread of regeneration. Therefore the estate and the agencies will consider this carefully when setting the compensatory cull. The applicant will produce a DMP for the estate through discussion with SNH which will help to address any increase in browsing pressure.

It is our assessment that there will be no significant environmental impacts on deer welfare, habitats and neighbouring interests as a result of implementing this project.

Cumulative effects with existing or approved forestry projects

The EIA Report considered cumulative impacts of the Garvary wind farm and Lairg to Loch Buidhe overhead lines and changes to woodland area within the SPA as a result of the proposal. The EIA Report concluded no significant impacts from the increased woodland cover due to the beneficial impacts associated with native woodland planting. For the powerline the EIA Report concluded no significant impacts from disturbance as both projects had put in place measures to ensure hen harriers are protected from disturbance. Also based on nesting proximity to existing lines no displacement was identified. For the windfarm the EIA Report notes these lie west of the SPA and have mitigations in place and so disturbance and displacement were not considered a significant issue or cumulative effects. However RSPB raised concerns about cumulative impacts of other developments within the SPA including the Garvary wind farm, Lairg to Loch Buidhe overhead lines and woodland planting. SNH did not raise these concerns following consultation on the EIA Report. Scottish Forestry have therefore considered cumulative impacts further and accept the EIA Reports assessment of no significant cumulative impact from implementing this proposal with the Garvary windfarm or Lairg to Loch Buidhe overhead line.

Woodland expansion approved by Scottish Forestry within the Strath Carnaig and Strath Fleet Moors SPA during the last 10 years totals 161 ha, an average of only 16 ha per year. Of this 53 ha has already been planted. This is all native woodland with associated open ground and is 1% of the SPA. Each proposal was designed to avoid disturbance or planting habitat favoured by hen harriers for nesting or foraging. We do not believe there has been any other woodland creation and therefore concludes that adding this proposal to the 161 ha already approved will not have a significant impact on hen harriers.

We have also considered the interaction between, and any cumulative effects of each of the issues identified in the EIA Report and through consultation. There are two areas where we considered this could be an issue. Firstly is regeneration onto important open ground within the proposal. This could arise as stock will be excluded and deer numbers greatly reduced. This could impact on hen harrier nesting and foraging habitat, other bird interest, peatland habitats and archaeology. The HMP sets out management to keep such important areas open and so this potential impact is avoided. There is also the potential interaction between deer numbers and regeneration onto areas outwith the proposal which are favoured for hen harrier nesting and foraging. The compensatory cull levels will be set in the DMP to maintain the current grazing pressure and so no increase or decrease in pressure is expected as a result of the planting. A continuation of the current management, even with a compensatory cull, would therefore as set out above, prevent spread and establishment of natural regeneration at a density where it would have a negative impact on the open ground. We therefore assess that there will be no significant impacts arising from the interaction or cumulative effects of the implementation of this project.

7. Summary and conclusions

In considering whether to grant consent for the proposed project, we are required to establish whether the project would result in any significant environmental impact in relation to the reasons identified for the project requiring consent, but particularly the primary reason relating to hen harriers. The information contained in the EIA Report has been examined in detail and consultees' responses have been carefully considered and discussed.

The conclusion of this process was that the information presented in the EIA Report was of an adequate standard on which to base consideration of the impacts of the project.

Taking into account all the information provided by the applicant and stakeholders, modifications have been made to the proposal and a HMP has been adopted. On the basis of our assessment as set out above, we are satisfied that the final woodland creation proposal for Cambusmore is not likely to have a significant environmental effect in relation to any of the issues identified.

The conditions set out below will cover the details set out in the final proposal (EIA modifications, Figures 2, 3 and 7 and the adopted final HMP) of fencing, ground preparation, planting of tree species and density required to avoid significant effects.

8. Scottish Forestry Decision

Having considered the EIA Report, national and regional policy contexts, the advice and comments received from consultees, Scottish Forestry grants consent for the project subject to the conditions below.

9. Conditions of consent

General

1. Work in relation to the EIA forestry project must be started within two years of the date of this consent.
2. No work may be carried out in relation to the project after the expiry of ten years from the date of this consent.
3. Only the works set out in the final proposal (EIA addendum, *Figure 2 - REVISED Proposed Development 19/02/2020, Figure 7 - REVISED CONFIDENTIAL Hen Harrier Nesting - Historic Data with Future Planting Proposals 10/03/2020, and Cambusmore Estate Habitat Management Plan FINAL 10/03/2020*) for fencing, ground preparation, planting of trees (species and density) and maintenance of trees and fences are consented.

Reason: Mandatory conditions, as per Regulation 4, must be applied to ensure that the work consented to is begun and completed within the stated time period. Given the additional sensitivities and to ensure that the bird survey remains a reliable basis for the decision, work on the project will be conditioned to start within two years of the date of this consent.

Hen Harrier

4. The area shown in *Figure 2 - REVISED Proposed Development 19/02/2020* is managed in line with the *Cambusmore Estate Habitat Management Plan FINAL 10/03/2020*, including the management of regeneration to ensure areas remain open, management of priority areas of open ground to maintain an appropriate heather/grass mosaic and undertaking of targeted predator control.

Reason: To avoid loss of foraging or nesting habitat.

5. The applicant will follow Forestry Commission Scotland Guidance Note 32: Forest operations and birds in Scottish forests (November 2006) 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).

Reason: To avoid disturbance to breeding and roosting hen harriers.

6. All operations will take place outwith the hen harrier breeding season (stated as March to mid-August inclusive) or within this period only if preoperational hen harrier surveys have been done and concluded there was no breeding. No operations associated with this consent will occur within 750m of an active nest. In addition prior to winter operations surveys will be undertaken for roosting hen harriers and any roost identified will be buffered as per best practice.

Reason: To avoid disturbance to breeding and roosting hen harriers.

7. The applicant will carry out monitoring on an annual basis of hen harrier activity including nesting and foraging and prey levels. To deliver this monitoring the applicant will work with the Scottish Raptor Group or a reputable ornithologist. The monitoring results will be provided to Scottish Forestry on a timely basis after each survey.

Reason: To identify any changes to management measures necessary to avoid loss of nesting or foraging habitat.

8. The applicant will set up a review group comprising of the landowner, SNH and Scottish Forestry. This group will advise on monitoring results and the applicant will be required to implement any changes to management measures Scottish Forestry consider necessary within 1 year of the change being notified.

Reason: To identify any changes to management measures necessary to avoid loss of nesting or foraging habitat.

Archaeology

9. The applicant will mark out on the ground the areas of archaeology, within the project, including the scheduled sites, identified in Appendix E of the EIA Report. The applicant will ensure that all these sites are fully protected from operations and left unplanted and that all works to be carried out in accordance with the UKFS and the Guidelines on Forests and Historic Environment. The applicant will obtain SMC prior to erecting the two fences within the scheduled areas SM 1772 and SM 1851.

Reasons: To ensure that the archaeology identified in Appendix E: Archaeology of the EIA Report is protected in line with the recommendations from HES and following best practice.

Other bird Interest

10. The applicant will carry out best practice for all operational work and in particular will follow Scottish Forestry Guidance Note 32: Forest operations and birds in Scottish forests (November 2006). In proximity of black throated diver nests, fencing will be set back by 100m and marked as required by Scottish Forestry.

Reasons: To ensure protected and priority bird species are not disturbed.

Peat

11. A detailed operational peat depth and GWDTE survey will be undertaken and submitted to Scottish Forestry prior to commencement of operations. All areas of deep peat (>50cm) and botanically rich GWDTEs will be excluded from cultivation or planting.

Reason: To protect areas of deep peat and botanically rich GWDTEs.

Deer

12. In advance of commencement of any works the applicant will agree a DMP with Scottish Forestry and implement the agreed level of compensatory culling.

Reason: The fencing for the woodland creation scheme will displace deer using these areas. A compensatory cull is required to avoid impacts on deer welfare and ensure impacts on other land, particularly the Strath Carnaig and Strath Fleet Moors SPA, are at an acceptable level.

John Risby
Conservator Highland and Islands
17/03/2020

Appendices

Appendix 1: Screening Opinion
Appendix 2: Scoping Opinion

Appendix 1: Screening Opinion



Highland and Islands Conservancy
'Woodlands', Fodderty Way
Dingwall, Ross-shire IV15 9XB

Gléidhteachais á Gháidhealtac'ds nan Eilean
'Fearann-coilleach', Rathad Fodderty
Inbhir Pheofharain, Sgìre Rois IV15 9XB

Mr K Greenland
Cambusmore Lodge
DORNOCH
Sutherland
IV25 3JD

Tel/Fòn 0300 067 6950

highland.cons@forestry.gsi.gov.uk

Conservator/Neach Dion Arainneachd
John Risby

21 February 2018

Our ref: 030902211

Dear Mr Greenland

The Forestry (Environmental Impact Assessment) (Scotland) Regulations 2017

I refer to your application for our Screening Opinion as whether the work you are proposing at Cambusmore Estate is an EIA project and will require EIA consent.

I can confirm that the work you propose is an EIA project and **will** require EIA consent for the following reasons:

The proposal will significantly affect the biodiversity of the Strath Carnaig & Strath Fleet Moors SSSI and SPA by impacting on the availability of Hen Harrier nesting and foraging habitats.

It is recommended that you now contact us to request a scoping opinion, which will provide the information that is to be included in your EIA report. We will contact the relevant consultation bodies during this process.

Yours sincerely,

Gareth Phillips
Woodland Officer
For Conservator

Appendix 2: Scoping Opinion



SCOPING OPINION

CAMBUSMORE ESTATE 030902211

Forestry Commission Scotland (FCS) has been asked to consider under the Forestry (Environmental Impact Assessment) (Scotland) Regulations 2017 the impact of creating a new 3,030ha woodland at Cambusmore Estate, Sutherland. The majority of the proposed planting area falls within the Strath Carnaig and Strath Fleet Moors Special Protection Area (SPA) which is designated for its breeding population of Hen harriers.

FCS considered the screening opinion request and on the 21st February 2018 confirmed the proposals will require EIA consent for the following reason:

- The proposal will significantly affect the biodiversity of the Strath Carnaig & Strath Fleet Moors SSSI and SPA by impacting on the availability of the Hen harrier nesting and foraging habitats.

Following the scoping meeting which included Cambusmore Estate, RSPB and SNH on the 21st February FCS sought further information from RSPB and SNH on the impact of the proposals on the SPA. Taking into account the information which has been provided we have outlined the matters which must be assessed and addressed within the EIA Report.

Requirements of the EIA Report:

The part of the Strath Carnaig and Strath Fleet Moors SPA within the application site supports 30% of the breeding hen harriers within the SPA. A woodland proposal of this scale is likely to have a significant effect on the SPA's Conservation Objectives.

The EIA Report must demonstrate that the woodland creation proposal will not adversely affect the SPA's Conservation Objectives which are:

- To avoid deterioration of the habitats of the qualifying species (Hen harrier) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and
- To ensure for the qualifying species (Hen harrier) that the following are maintained in the long term:
 - Population of the species as a viable component of the site
 - Distribution of the species within site



- Distribution and extent of habitats supporting the species
- Structure, function and supporting processes of habitats supporting the species
- No significant disturbance of the species

To help inform the above the EIA report must provide an assessment of the short and long term impacts of the proposals including changes in:

- Foraging habitat, including prey levels and availability
- Nesting and roosting sites and habitats
- Potential for displacement of breeding Hen harriers
- Risk of predation

The assessment of prey levels and risk of predation should include consideration of potential or predicted changes in prey populations, populations of nest and roost predator species, competing species, fledging success. Current and proposed levels of predator control should be set out.

The assessment of foraging habitat should include consideration of the importance of the small areas of open habitats such as narrow streamside grasslands and flushes along seepage lines/springs, which are likely to support good small mammal populations.

The level and nature of any disturbance during any management or maintenance operations should be considered. The retention of suitable nest habitat should be on a scale to accommodate movement of nest locations by Hen harrier.

The SPA is currently in a favourable declining condition. The EIA report should set out the current land use and as part of the assessment of the above factors, it should consider options for the scale, location and type of planting.

Information availability

In order to assist with the proposal design SNH would be able to provide the applicant with the Hen harrier nest locations for the application site plus a 2km buffer on receipt of a data request.

Forestry Commission Scotland.

28/03/2018