

SCOTTISH ENVIRONMENT PROTECTION AGENCY	Identifier: LUPS-GU26
Land Use Planning System SEPA Guidance Note 26	Page no: 1 of 5
	Issue No: Version 2
	Issue date: 11 September 2017
Advice for the Forestry Commission Scotland and forest managers on how and when to consult SEPA including standing advice for small scale felling and planting applications and forest plans	

1. Purpose and scope

- 1.1 This guidance note provides advice to the Forestry Commission Scotland (FCS) and forest managers (including Forest Enterprise Scotland) on how and when to consult SEPA.
- 1.2 We wish to continue to prioritise, simplify and accelerate our engagement with forestry developments in a manner which reinforces the role and responsibilities of FCS, local authorities, forest managers and landowners. We want to focus our advice on consultations where we can add best value to protecting and improving Scotland's environment adding value to meet our shared statutory obligations under the Water Framework Directive and other legislation. This revised guidance note updates our previous advice from December 2012 and sets out how to consult us and what types of development we wish to be consulted on. It follows the signing of the Protocol between Forestry Commission Scotland (FCS) and Scottish Environment Protection Agency (SEPA) to facilitate the Direct Collaborative Working on Forestry Advisory and Regulatory Matters.

2. When to consult SEPA

- 2.1 We wish to be routinely formally consulted as set out in the table below. We would also welcome pre-application and informal discussions on these types and scales of development.

Type of forestry development	Consult us on
The Environmental Impact Assessment (Forestry) (Scotland) Regulations 1999	Scoping and Environmental Statement consultations where the impact identified in the screening assessment relates to issues within SEPA's remit, specifically: <ul style="list-style-type: none"> a) Flood risk b) Potential pollution and waste c) Quarrying d) Disruption to wetlands including Groundwater Dependant Terrestrial Ecosystems (GWDTE) e) The disturbance and re-use of peat f) Habitat restoration g) Engineering activities in the water environment h) Private water abstraction or dewatering
Forest Plans	All plans > 200 ha. Any other plans < 200 ha when the River Basin Management Plan has identified that a water body within or adjacent to the site is downgraded as a result of a forestry pressure.
Felling and replanting applications	All applications over 100 ha. Any other applications < 100 ha when the River Basin Management Plan has identified that a water body within or

SCOTTISH ENVIRONMENT PROTECTION AGENCY	Identifier: LUPS-GU26
Land Use Planning System SEPA Guidance Note 26	Page no: 2 of 5
	Issue No: Version 2
	Issue date: 11 September 2017
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	adjacent to the site is downgraded as a result of a forestry pressure.
Rural Development Contract applications	Forest Plans which meet the consultation requirements outlined above. Other applications, such as woodland creation, which meet the same criteria and where there is a direct impact on wetlands.

- 2.2 SEPA now provides FSC with specific information on which water bodies are downgraded as a result of forestry pressures or acidification pressures. It also provides information on water bodies where forestry is thought to be a pressure which could result in a subsequent downgrade in water body status in the future. FCS should screen applications against this information to determine where or not to consult us on a proposal which falls below the general size threshold. Other forestry managers should make use of our [RBMP Interactive Map](#) to make this determination. It is expected in the future that we will be able to provide FCS with suitable RBMP data to allow them to consider these issues without our advice.
- 2.3 FSC will make all EIA screening determinations without consulting SEPA. If FCS does consult us on screening the reason for consultation must be identified, otherwise we will be unable to provide a response. To assist FSC in dealing with our interests in the EIA process, we will work together to produce joint screening and scoping guidance which can be used by applicants, agents and FCS.
- 2.4 Appendix 1 should be referred to for our relevant **Standing Advice** for other small-scale forestry proposals. We have also developed a Forestry webpage which should also be referred to. It provides useful background information, regulatory advice and links to appropriate best practice guidance.
- 2.5 We will work with FCS to develop standing advice to cover the issues outlined in the above table in most circumstances. This will result in it only being necessary to consult us in particular complex cases where specialist advice is required.
- 2.6 Applicants considering applying for the UK Woodland Assurance Standard and certification bodies auditing applicants should refer to our **Standing Advice** in Appendix 1 to determine if it can be demonstrated that the Standard is being met in terms of our remit. On request, SEPA's Planning Service can provide certification bodies with copies of any relevant forest plan or felling and planting consultation responses we have previously made. Similarly on request SEPA's local regulatory services teams would be able to provide information on any regulatory action that has been taken in relation to the forest.

3. How to consult SEPA

- 3.1 All consultations outlined above should be sent to SEPA's Planning Service team in the relevant local office. Contact details for each of the local Planning Service teams are available from our [Planning page](#).
- 3.2 We prefer to receive all consultations electronically by way of email or CD-ROM. Individual files should be less than 20 MB.

SCOTTISH ENVIRONMENT PROTECTION AGENCY	Identifier: LUPS-GU26
<p style="text-align: center;">Land Use Planning System SEPA Guidance Note 26</p> <p>Advice for the Forestry Commission Scotland and forest managers on how and when to consult SEPA including standing advice for small scale felling and planting applications and forest plans</p>	Page no: 3 of 5
	Issue No: Version 2
	Issue date: 11 September 2017

- 3.2 You must highlight your reason for consulting us, especially for any small scale proposals which may raise unusual environmental issues or EIA proposals. All Forest Plan, felling and planting application consultations from FCS should be accompanied by the advice request checklist provided in Appendix 2 and we encourage other foresters to take a similar approach. Please note that for consultations which cover an area of less than the thresholds outlined above where it has not been made clear the specific reason for consultation we will simply refer forest managers and the FCS to our **Standing Advice**.

SCOTTISH ENVIRONMENT PROTECTION AGENCY	Identifier: LUPS-GU26
Land Use Planning System SEPA Guidance Note 26	Page no: 4 of 5
	Issue No: Version 2
	Issue date: 11 September 2017
Advice for the Forestry Commission Scotland and forest managers on how and when to consult SEPA including standing advice for small scale felling and planting applications and forest plans	

Appendix 1: Standing Advice for small scale felling and planting proposals, small scale woodland creation proposals and small scale Forest Plans

Small scale felling and planting proposals and Forest Plans should ensure compliance with appropriate regulations such as the Water Environment (Controlled Activities) (Scotland) Regulations (CAR) and follow the good practice advice provided in [The UK Forestry Standard](#). Forestry Grant Scheme applications should follow the relevant Forestry Commission Scotland guidance.

Other good practice advice is available on our [Forestry](#) web page.

SCOTTISH ENVIRONMENT PROTECTION AGENCY	Identifier: LUPS-GU26
Land Use Planning System SEPA Guidance Note 26	Page no: 5 of 5
	Issue No: Version 2
	Issue date: 11 September 2017
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Appendix 2: Consultation checklist

CONSULTATION WITH SEPA ON A FORESTRY APPLICATION (Forest Plan, Felling application and Rural Development Contract application)

- a checklist for Forestry Commission Scotland when consulting SEPA
- at least one box should be crossed

Is this a re-consultation of an existing application? (cross and complete as applicable) (If no, reference no. & case officer details not required)	No		
	Yes		SEPA reference no.
			SEPA case officer

	Type of forest development	Purpose of this Consultation (x as appropriate)
1.	The application covers an area of 200 ha or greater (Forest Plans and Rural Development Contracts) or 100 ha of greater (felling applications)	
2.	The application covers an area less than outlined in (1) above but there is a downgraded water body as a result of pressure from forest activities either within or adjacent to the site Please highlight the name of the downgraded water body within your consultation letter or in the comments section below.	
3.	The application covers an area less than outlined in (1) above but you consider that it raises a particularly unusual or significant environmental risk, and you wish our advice Please highlight the reason you are consulting us within your consultation letter or in the comments section below.	

Comments:
