

PE2119/B: Help protect the Black Grouse by reviewing how new forestry schemes are regulated and implemented

Petitioner written submission, 25 November 2024

Scottish Forestry failed to comment on some of the points raised, let alone address them.

Forestry Grant Scheme

ScotGov have set a target of 18,000ha of new forestry per year to reduce the impact of climate change. Cairngorm National Park has set a target of 35,000ha of new forestry before 2045 so potentially a lot of new forestry and fencing.

There is no scientific evidence to prove planting more trees will always mitigate climate change.

There is scientific evidence through the James Hutton Institute and the Friggens et al report proving planting trees on heather moorland does not achieve the expected carbon capture. Peatland stores more carbon than trees. Plots measured on heather moorland which had no trees stored more carbon than plots with planted trees. Mounding to plant trees releases even more carbon into the atmosphere, so why would you make 1 million mounds on this one site, releasing all that carbon into the atmosphere now if there is a climate emergency? These mounds are also a fire risk if ever there is a fire, mounds are nearly impossible to put out, they can smoulder for days, further destroying the peat.

Marking of Deer Fences

Reference was made in the Environmental Impact Assessment (EIA) to check forest research publication "Fence Marking to Reduce Grouse Collisions 2012", which states –

"Bamboo provides a limited visual area, only 25% of other materials. Bamboo should only be used as a last resort for fence marking on extremely high exposure sites."

The majority of fencing at the Cairngorms site is not a high exposure area, did Scottish Forestry ever check? As a comparison, 2 neighbouring properties have used wooden droppers as fence markers.

Timing of operations to protect breeding birds

Scottish Forestry say the referenced woodland creation applicant "committed to undertaking operations outwith ... mid-April to mid-August".

This is untrue.

The ecologist who did the EIA recommended "all operations on site be stopped by mid-March, end of March at the latest to protect ground nesting birds".

A local resident complained to Scottish Forestry about machines working on site into May 2023. Scottish Forestry replied, "operations taking place are in line with the approved operational plan and have confirmed the mitigations are in place". Did Scottish Forestry check on site?

Machines were also witnessed and filmed working into May 2024 on site.

5th April 2024, a woodcock nest with 4 eggs was photographed. On 11th April, two machines were working in close proximity to this nest, one passed within 60cm of the nest and made a mound resulting in the hen bird abandoning the nest. Under the Wildlife & Countryside Act 1981 **all** bird nests are protected by law from any disturbance.

The forestry agents say there is no locational data and the photograph taken of the nest could not be taken that day as there was snow. Time and date are recorded on the photograph.

Scottish Forestry say "only a very small area (less than 1 hectare) area of land was being worked on". This is untrue, to which year do they refer and did Scottish Forestry as regulator check?

When reminded the forestry agents were to contact NatureScot to ask for expert advice if they were to be working later than end of March, in case of bird disturbance, they answered "the team overlooked this commitment" and apologised.

Adherence to the FGS contract

After a complaint was made, Scottish Forestry did a site visit noting many failures, some were –

- Areas of natural regeneration of young trees had been mounded and planted.
- A Black grouse lekking site where birds gather at mating time had been mounded over and planted with trees.
- A hill track had been worked on with a digger without planning consent.
- Areas claimed for had no trees planted.
- It was noted by the site inspectors that bamboo canes had been used to mark fencing instead of the agreed wooden droppers.

The forestry agents were given until 31/10/2024 to have all remedial work done to sort the mistakes, there was no further mention of bamboo canes.

I checked the site on 10/11/2024, none of this work has taken place.

The site inspectors failed to notice or comment on a further 2 hill tracks that have been made on this site.

Environmental Impact Assessments of woodland creation (EIA)

It is the landowner's responsibility to employ an ecologist to do an EIA on proposed new forestry sites.

This ecologist can be a student from a university with no experience, there is no accountability if wrong.

The ecologist who did the EIA stated "there are no Protected Species on site". This is wrong, they failed to record hen harrier and merlin nesting sites, they failed to record mountain hares or adders, all of which are protected species. The ecologist failed to notice a black grouse lekking site which was then mounded over and planted with trees.

The ecologist did recommend marking the fence with wooden droppers. The ecologist did recommend work on site be stopped no later than March to avoid disturbing ground nesting birds, but these recommendations were ignored.

The EIA also covers the making of forest roads and their impact on site. The forest agent's state there will be no tracks made on site, but there are at least 3 new ones made. Scottish Forestry believes this is "a robust process and appropriate mitigation was identified and delivered to protect black grouse".

Sadly reports are coming in this is happening in other areas of Scotland.

Scottish Forestry as Regulator has failed.

Sale of land subject to an FGS grant

Scottish Forestry talk about "Succession".

This has nothing to do with "clawback" where a landowner, who has received an FGS grant with taxpayers money to establish woodland, then puts his woodland on the market for sale at an increased value, they should be made to return any grants given.

There needs to be an inquiry/review to protect our already vulnerable wildlife.