

# CAIRNGORMS NATIONAL PARK AUTHORITY

---

## FOR DECISION

**Title:** CNPA ARRANGEMENTS FOR RESPONDING TO FORESTRY CONSULTATIONS

**Prepared by:** Will Boyd-Wallis, Senior Land Management Officer

### **Purpose**

The purpose of this paper is to enable the CNPA to progress towards taking on the role of a statutory consultee in future forestry consultations within the Cairngorms National Park.

### **Recommendations**

That the Board:

- a) Agree that the draft Update of the Cairngorms Forest and Woodland Framework be made available for a 12 week period of public consultation.
- b) Agree the proposed arrangements for responding to forestry consultations.

### **Executive Summary**

The forests and woodlands of Strathspey, Deeside, Donside and the Angus Glens are world renowned. The Caledonian pine forests alone are iconic; embodying all that is strong and vibrant about Scotland's biodiversity and landscape. Stands of pine, aspen, juniper, broadleaved woodland, montane scrub and commercial forests all support both biodiversity and significant sections of the local economy.

CNPA has a duty to ensure that within the National Park this valuable resource is protected and enhanced. It also has the opportunity to lead the way in ensuring that within the National Park the management of forests and woodlands is integrated with and compliments other land uses such as agriculture and moorland management.

This paper presents an update of the Cairngorm Forest and Woodland Framework and seeks board approval for making it available for public consultation. It is proposed that during the consultation period, CNPA finalise arrangements with other statutory consultees for CNPA to take on the role of responding to forestry consultations in such a way that there is no duplication of effort or increase in overall administrative burden.

---

## CNPA ARRANGEMENTS FOR RESPONDING TO FORESTRY CONSULTATIONS – FOR DECISION

### Background

1. The forests and woodlands of the Cairngorms National Park form one of the most valuable ecological networks in Britain. Their future development, enhancement and integration with other legitimate land uses, will be critical both for biodiversity and economic prosperity within the National Park.
2. The updated Cairngorms Forest and Woodland Framework together with the National Park Plan, both supported by other public bodies, will provide essential guidance and direction on the future management of this important resource.
3. To date, the CNPA has not commented on forestry consultations within the National Park. In April 2005, the Board agreed to update the Cairngorms Forest and Woodland Framework in order for it to be used as a 'strategic forest plan'. It was agreed that "once the updated framework is in place, CNPA will comment on forestry schemes".
4. It was explicit within the text of the agreed board paper (paragraph 27) that CNPA would "take over consultations from local authorities with all the necessary protocols and procedures having been set up". This paper moves that process forward.

### Cairngorms Forest and Woodland Framework Update

5. The draft CFWF update is provided in Annex 2 to this paper.
6. The original Framework was published by the Cairngorms Partnership in 2000 following an extensive series of consultation meetings. The objectives and locational priorities derived from that consultation remain relevant today and are reiterated in the update. The update takes account of existing and emerging policies that were not in place when the original document was written.
7. The update has been written taking account of a wide range of new policies areas, in particular: The National Park (Scotland) Act 2000, the draft National Park Plan, the draft Scottish Forestry Strategy, the Cairngorms Local Biodiversity Action Plan and the Indicative Forestry Strategies for Moray, Aberdeenshire and Highland, CNPA Integrated Land Management Strategy and emerging policies previously approved by the Board.
8. Alongside the process of updating the text, the map section of the framework has been supplemented by the latest habitat modelling technology. BEETLE (*Biological and Ecological Evaluation Tools for Landscape Ecology*) are used to show the potential for species to disperse within and between separate forest habitat networks within the

National Park. This has the potential to assist forest planning by providing guidance on where habitat networks may most effectively be enhanced.

### **Public Consultation on the draft update**

9. The Cairngorms Forest and Woodland Framework is not only of relevance to those interested in the management of forests and woodland; it is of much wider importance. It relates to integration with other land uses, access and recreation, tourism, housing, renewables, climate change, health, community development and social justice.
10. It is important that the draft update is considered by a wide range of interest groups from both the private and public sector. It is intended that the draft be made available to the public, for a period of 12 weeks, via the CNPA website and distributed to a wide range of individuals and organisations with an interest in all aspects of land management within the National Park.

### **Recommendation:**

11. **The Board agree that the draft update of the Cairngorms Forest and Woodland Framework be made available for a 12 week period of public consultation.**

### **Arrangements for responding to forestry consultations**

12. Forestry Commission Scotland (FCS) undertake formal consultations with a range of statutory consultees when they receive applications for felling trees or grant aid for planting, regenerating or managing woods. Under Environmental Impact Assessment Regulations, they are also required to consult on long-term forest plans, woodland expansion, deforestation and forest roads.
13. The current statutory consultees are: the Local Authorities, Scottish Executive Environment and Rural Affairs Department, Scottish Natural Heritage, Scottish Environment Protection Agency, Deer Commission for Scotland and Historic Scotland. By statute, National Park Authorities are only consulted on planting schemes of greater than 5 hectares.
14. Board are reminded of the decision made in April 2005 that “the CNPA will comment on forestry schemes”. The paper “A CNPA Strategic Role in Forestry Consultations” details the importance of CNPA taking on the role currently undertaken by local authorities.
15. It is recommended that this course of action remains the preferred option for CNPA. The overriding benefit of CNPA taking on this role is the assurance of a Park-wide approach to consultation responses, promoting integrated land management and the objectives being developed in the National Park Plan. Further details and an outline of alternatives are provided in **Annex 1**.

16. In previous discussions (April 2005), the Board noted that specific arrangements needed to be put in place to avoid a number of potential difficulties relating to CNPA taking on the consultation role. The potential difficulties relate to: duplication of effort between CNPA and local authorities and Scottish Natural Heritage, ensuring expertise of local authorities is not lost, the need for internal protocols to determine the delegated authority of staff and the potential importance of forestry schemes outwith the National Park.
17. During the public consultation period, it is proposed that CNPA reach a formal agreement with **Forestry Commission Scotland** on the following basis:
  - a) Once the updated CFWF is finalised, **all** forestry consultations relating to schemes within the Cairngorms National Park area (currently passed on to local authorities by Forestry Commission Scotland) will be passed to CNPA instead. [This ensures that there is no additional administrative burden on Forestry Commission Scotland or those embarking on new forestry schemes. It ensures CNPA replace and do not duplicate the role of the local authorities. It also ensures continuity of approach across the park as a whole.]
  - b) In addition, any major forestry proposals outside the National Park area, potentially impacting on interests within National Park, will also be passed to CNPA.
18. During the public consultation period, it is proposed that CNPA reach a formal agreement with **local authorities** on the following basis:
  - a) CNPA and the local authorities agree a service level agreement or memorandum of understanding which enables CNPA to tap into specific expertise as appropriate and which commits CNPA to honouring the local priorities set within the local authority Indicative Forestry Strategies (IFS). [This ensures any gaps in current CNPA staff resources such as expertise in archaeology and road transport may be covered if and when necessary. It also ensure that whilst CNPA can cover a park-wide approach to consultation responses, it will also pay due regard to local priorities indicated in the IFS.]
19. During the consultation period, it is proposed that CNPA reach a formal agreement with **Scottish Natural Heritage** on the following basis:
  - a) CNPA will concentrate its responses on natural heritage and landscape issues in areas **outwith** Natura designated sites and National Scenic Areas. [This is to avoid duplication and is on the understanding that SNH will concentrate their efforts on the designated sites, which cover approximately 40% of the National Park area.]
20. Once the updated CFWF is finalised and the above agreements are in place, it is proposed that CNPA respond to forestry consultations on the following basis:

- a) CNPA will respond within a period of 28 days.
- b) Responses will be guided by the objectives, priorities, locational guidance and BEETLE analysis in the updated Cairngorms Forest and Woodland Framework. (NB. The Framework has been updated specifically in order to further the delivery of the National Park Plan)
- c) Responses would be led by CNPA Land Management Officers, taking guidance from relevant individuals as appropriate.
- d) The level of time commitment and detail in the responses will vary greatly depending on the nature of the scheme.
- e) CNPA will reserve the right not to comment if appropriate.
- f) It is not intended that the whole board be involved directly in responses, though the specific expertise or local role of individual board members may be called upon for guidance and advice.
- g) Responses will be monitored in order that the process of responding may be reviewed and assessed.

### **Recommendation:**

21. **The Board agree the proposed arrangements for responding to forestry consultations.**

### **Consultation**

22. There was extensive public consultation conducted during the drafting of the original CFWF.
23. In both the preparation of the CFWF update and in developing the proposed arrangements for responding, various individuals including CNPA staff, Board members, colleagues from Forestry Commission Scotland, Scottish Natural Heritage and local authorities have been consulted. In particular it has been necessary to confirm the support of both Forestry Commission Scotland and the local authorities for CNPA taking on the local authorities' statutory role in consultation responses.
24. Macaulay Research Consultancy Services also conducted their own consultation exercise during the drafting of the update.

### **Policy Context**

25. The draft National Park Plan Priority for Action on "Supporting integrated land management" includes reference to the provision of a strategy for woodland within the park through the updated CFWF. The Framework will be finalised and published following the consultation period around the same time as the National Park plan and will be presented as an integral component of the Plan.
26. Progressing an integrated approach to forestry and woodland management within the National Park will contribute towards achieving all 5 strategic aims and

indirectly contribute towards many of the goals within the corporate plan, but will have a direct impact on the following goals:

- a) 5 Plans, policies and actions developed through transparent and robust process that engages with stakeholders.
  - b) 11 Wide range of opportunities to experience the special qualities of the Park in a sustainable manner is available to all
  - c) 12 Public benefits which can be produced by land managers defined and supported through publicly funded integrated schemes.
  - d) 14 Residents, businesses, organisations and visitors contribute to protection and enhancement of wildlife, landscapes, cultural and natural resources.
  - e) 15 Stronger and more diverse economic opportunities within the CNP area
  - f) 17 Improved Community capacity to deliver the 4 Park aims.
  - g) 18 High levels of understanding and appreciation of the Park, and the role of the CNPA and partners.
27. CNPA's direct involvement in taking a strategic, cohesive and integrated approach to management woodland and forestry across the National Park provides an opportunity for helping to deliver a wide range of emerging public policies. These range from the global challenge of combating climate to the local challenge of providing affordable and sustainable, low-impact housing.
28. The Scottish Forestry Grant Scheme has been heavily subscribed to and despite extra funding has now been closed until 2007/8. The SFGS is likely to be incorporated into the Land Management Contract system outlined in the draft Rural Development Programme for Scotland 2007-13.
29. The concept of 'locational targeting' of support for the delivery of public benefits (endorsed by the Board in February 2006) may become increasingly important once the Scottish Rural Development Plan is in operation.
30. The draft Updated CFWF (Annex 2) contains a broader review of the policy context.

## **Implications**

### ***Financial Implications***

31. Responding to forestry consultations will place demands on CNPA staff time, but there will be sufficient flexibility within the land management staffing complement to cover this. There are no additional financial consequences anticipated.

### ***Presentational Implications***

32. The contribution of CNPA towards the implementation of a Park-wide forestry strategy is a welcome development in the establishment of the Cairngorms National Park as an area containing forests and woodlands of outstanding importance.

33. It is important that it is widely understood that the value of a variety of different land uses is reflected upon in the CFWF. The framework is intended to fully integrate the enhancement of forests and woodland with other land uses.

### *Implications for Stakeholders*

34. It is important that in delivering an integrated and cohesive approach to forestry consultations in the National Park, land managers, land based businesses and consultants value the contribution provided by CNPA. The process of CNPA involvement in forestry consultations has been designed to avoid any unnecessary duplication of effort or delays in progressing forest plans and grant applications.
35. It is essential that there is a clear hand over of responsibility from local authorities to the CNPA. Before CNPA takes on the role of responding to forestry consultations it will be necessary to clarify this new position with all other statutory consultees and forestry practitioners.

### **Next Steps**

36. Provided the Board are content with the above recommendations the following provides an outline of the next steps to be taken by CNPA
- a) *June 2006*: The draft CFWF update will be publicised on the CNPA website and distributed to a wide variety of stakeholders for a 12 week period of consultation.
  - b) *June-August 2006*: CNPA to agree the handover of responsibility from local authorities and agree working protocols with other statutory consultees.
  - c) *September 2006*: CNPA Board to approve the final updated CFWF document.
  - d) *October 2006*: Once protocols are in place with other statutory consultees and final version of CFWF approved, CNPA to commence formally takes on responding to forestry consultations.
  - e) *October 2006*: The CFWF update will be published.

**Will Boyd-Wallis**

19 May 2006

willboydwallis@ Cairngorms.co.uk

## Annex 1

1. The CNPA Board decided in April 2005 that “the CNPA will comment on forestry schemes”. The paper “A CNPA Strategic Role in Forestry Consultations” details the importance of CNPA taking on the role currently undertaken by local authorities. It is recommended that this course of action remains the preferred option for CNPA, but for further assurance, an outline of options is provided below.

### **Option A: CNPA substitute the forestry consultation role of the local authorities.**

2. The overriding benefit of CNPA taking on this role is the assurance of a park wide approach to consultation responses, promoting integrated land management and the objectives being developed in the National Park Plan.
3. This option enables CNPA to respond to forestry consultations without unnecessary duplication of effort with local authorities. It is the most clear cut option and by avoiding duplication represents efficient use of public resources. It is important that in responding to forestry consultations, CNPA provide a service that at least matches and at best builds upon the service currently provided by local authorities.
4. CNPA have a duty to “ensure that the National Park aims are collectively achieved in relation to the National Park in a co-ordinated way”. A direct involvement in forestry consultations enables CNPA to monitor and retain a detailed understanding of the implementation of the Cairngorms Forest and Woodland Framework throughout the National Park. Whilst taking a National Park wide perspective CNPA would also honour the aspirations of the local indicative forestry strategies.
5. By taking an active role in safeguarding this valuable resource, CNPA can bring a Park-wide view rather than a national or one more focused on local authority areas.
6. CNPA can help lead the way in developing best practice in integrated land management, benefiting the National Park and ultimately national and international thinking on forest and woodland management.
7. It is understood that this option is considered by FCS to be “by far the best” approach. It is also understood that the local authorities are fully aware of the Board’s previous discussions and are willing to pass on the role to the CNPA.
8. Although local authorities are statutory consultees, Section 17 (2) of the National Parks (Scotland) Act 2000 states that they may arrange for any of their functions to be exercised “on their behalf” by a National Park authority.



**Option B: CNPA provide a response to only the most significant schemes (e.g. >100ha, long-term forest plans, designated sites etc).**

9. Whilst this option might seem to be a pragmatic approach; in practice, forestry schemes need to be considered on a case by case basis and there may be good reasons for CNPA to input into much smaller schemes. It is understood that this option is not favoured by either FCS or the local authorities, who would prefer an 'all or nothing' approach. It is anticipated that SNH will continue to comment on designated sites; therefore limiting responses to these areas will lead to duplication of effort.

**Option C: CNPA responds in addition to local authorities and all other statutory consultees.**

10. Although this would be the simplest option for enabling CNPA to take on a consultation role, it would inevitably lead to duplication and/or potentially contradiction with other consultees. This duplication of effort would be wasteful of public resources and unnecessarily burdensome on the Forestry Commissions role of collating and analysing the responses.

**Option D: CNPA responds by co-ordinating and collating the responses of all statutory consultees.**

11. This would effectively be a duplication of the statutory role of FCS and as a result would not be practical and effective use of public funds.

**Option E: *Status quo*: CNPA continues not to respond to forestry consultations.**

12. Although the board agreed that CNPA should progress towards commenting on forestry consultations (April 2005), this option is included because the Board is open to reconsider its position.
13. It should be noted that by not responding to forestry consultations, CNPA would lose the opportunity to influence forestry schemes within the Park and lose a potentially valuable mechanism for monitoring the impact of the CFWF. It would be more difficult to identify opportunities for linking with other Park strategies, and the 'adding value' potential of integrated land management.
14. The benefits of undertaking Option A, above would be lost. In addition it should be noted that it could be detrimental to the reputation of CNPA if a lack of involvement were perceived as a lack of interest in forest and woodland management within the National Park.