

CAIRNGORMS NATIONAL PARK AUTHORITY

FOR DECISION

Title: A CNPA Strategic Role In Forestry Consultations

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Purpose

To seek Board approval for a proposal to develop a strategic forestry plan for the Cairngorms National Park (CNP). Once this is in place, the CNPA will comment on forestry schemes proposed through the Forestry Commission Scotland grants and licenses, and planning processes.

Recommendations

The Board is asked to:

- a. Agree the proposal to develop a new strategic forest plan for the Park area based on an update of the Cairngorms Forestry and Woodland Framework, fitting within the context of the National Park Plan, and the Integrated Land Management Strategy Framework.
- b. Agree that once this is in place, the CNPA will comment on forestry schemes.
- c. Note that a further paper will be brought to Board outlining specific arrangements for responding to consultations, which will include solutions to the issues raised in paragraphs 16 to 20.

Executive Summary

Forestry and the forests of the Cairngorms are a key asset of the Park. A strategic forest plan would provide a valuable tool for ensuring forestry delivers its potential against all four Park aims. At the same time it would provide a mechanism for integrating management of this resource with other land uses.

The Cairngorms Partnership and other partners and stakeholders developed a respected and still cited Cairngorms Forest and Woodland Framework (CFWF) in 1999. Policy has since changed, and CNPA has a different remit and boundary. The CFWF would provide a valuable starting point for an up-to-date strategy, which delivers against all four Park aims and is set in the context of the integrated land management strategy. This document would be used to target potential additional incentives available to forest managers in the Park.

One of the fundamental mechanisms for monitoring the delivery of forestry policy is to know what types and quality of schemes are being received by the Forestry Commission Scotland for grant assistance. This would provide a useful mechanism to monitor the delivery of the strategy, to provide a consistent response from the Park area, and to review how communities are involved in forestry consultations. Protocols would need to be developed between CNPA and LAs, and CNPA and SNH with regard to these responses to ensure the minimum of overlap or duplication.

A CNPA Strategic Role In Forestry Consultations

Background and Introduction

1. In broad terms, and in a variety of ways, forestry issues within the Cairngorms National Park (the Park) have a direct bearing on all of the Park's four aims:
 - To conserve and enhance the natural and cultural heritage of the area, in particular through the presence in the park of one quarter of Scotland's semi-natural forest area. Much of the forestry and woodland is covered by European and national designations, citing their importance for habitats, species, geological features and landscape;
 - To promote sustainable use of the natural resources of the area, through sustainable forest management and local use of forest products;
 - To promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public, by developing a greater understanding forestry's contribution to the whole park; and
 - To promote sustainable economic and social development of the area's communities through supporting a diversified and sustainable forest industry.
2. The Park Authority has inherited from the Cairngorms Partnership Board (CPB) a Cairngorms Forest and Woodland Framework (CFWF)¹ which was completed in 1999 following a long and thorough consultation exercise across all the Partnership stakeholders. This document is still being used by many partners who are implementing current forestry policy within the Park. However, strictly it is out of date in a number of areas. Specifically regarding the boundary of the area covered, and the fact that there are now four Park aims, a national Scottish Forestry Strategy², and an Integrated Land Management Strategy (ILMS).
3. In addition there are four Local Authority (LA) indicative forest strategies of different ages (one dating from 1993) and different structures all which are effective within the Park. These are listed in the Annex 1. To develop one Park-wide strategy would iron out the inconsistencies and provide a coherent future for forests.
4. By forestry consultations this paper is referring to:
 - a. applications to Forestry Commission Scotland (FCS) for grants and licenses, in respect of areas of new planting and felling licenses;
 - b. forestry proposals of a scale or nature that trigger action under the environmental impact assessment regulations; and
 - c. the development of forest design plans for areas of national forest by the FCS estate managers.
5. Forestry consultations are a useful mechanism for monitoring how effectively strategic policy is being delivered, both by the type of incentives being provided and the response from land managers in the terms of the number and form of proposals. Through these consultations we can build a picture of the type of forestry schemes being planned across the Park.

¹ Towers *et al* (1999) Cairngorms Forest and Woodland Framework. Cairngorms Partnership

² Scottish Executive (2000) Forests for Scotland The Scottish Forestry Strategy SE/2000/199

6. The consultations processes are the key mechanism for influencing national forest design plans and environmental impact assessment schemes, providing an opportunity to increase their contribution to the delivery of the Park aims.
7. Having a role in consultations, and so access to information about schemes, the CNPA could ensure that wider consultation, such as with communities, is carried out satisfactorily.

Policy Context

8. Since 1988 Forestry Commission are required to consult widely on grant applications for new woodlands over 5 ha, for forest schemes requiring an Environmental Impact Assessment and for felling license applications (any felling over 5 cu m per quarter year).
9. The FCS' consultation procedures for public bodies is outlined in Annex 2, along with an outline of how SNH respond to consultations in the Cairngorms.
10. Neither the Cairngorms National Park Designation Order nor the National Parks (Scotland) Act 2003 set out the responsibilities of National Park Authorities in the role of grants and license consultations. The Loch Lomond and Trossachs National Park Authority is a planning authority and have taken responsibility for forestry consultations within the LLTNP.
11. Developing a strategic forest document and responding to consultations will contribute to a number of the Themes within the Corporate Plan 2005 - 2008, most specifically Themes 2 & 4. This proposal fits largely under the goal that 'Residents, businesses, organisations and visitors contribute to the protection and enhancement of wildlife, landscapes, cultural and natural resources.'

Proposal

12. Four options, set out below, have been assessed during the development of this proposal and the merits and drawbacks of these are set out in annex 3.
 - a. To prioritise establishing the necessary protocols with a view to taking over consultations as soon as possible, with no CNPA strategic policy (maybe 4 months).
 - b. To develop internal criteria for responding to forestry consultations and once in place, along with the necessary protocols, take over consultations (maybe 6 months).
 - c. To establish a Park strategy for forestry within the context of the National Park Plan with a view to taking over consultations once this and the necessary protocols are in place (to match NPP timetable).
 - d. To retain the status quo with partners continuing to undertake forestry consultations within the Park.
13. **Option c** has been identified as the preferred option and is set out below.

Consultations

14. In the preparation for the proposals in this paper discussions have been held with planning representatives from all four local authorities, two Forestry Commission Scotland Conservators, the SNH Land Use Advisor and SEERAD National Park Liaison Officer.

15. Internally, over the course of developing the options, issues have been discussed with a number of staff and board members.
16. **Proposal:**
 - a) **To establish a Park strategy for forestry within the context of the National Park Plan and the Integrated Land Management Strategy framework with a view to taking over consultations once this and the necessary protocols are in place.**

General Issues related to becoming a consultee for forestry consultations.

17. FCS has indicated that they would consider it duplication if CNPA were to become a consultee in addition to the LAs. This is a reasonable comment and one that is accepted by the LAs. However, in relinquishing their right as consultees, the LAs have requested that some form of protocol (or memorandum of understanding) is drawn up between CNPA and each LA to set out the changed relationship.
18. There are a number of different aspects to the LA role, including providing information and commenting on archaeological sites and landscape which it may not be possible for CNPA to directly replicate. We would work with partners to avoid duplication, for example, with SNH over landscape impacts in a NSA.
19. There may also be a benefit in CNPA establishing a protocol with SNH to ensure that duplication of effort is avoided. Such a protocol already exists for planning casework and could provide a template.
20. There will be a need to establish an internal protocol to determine the delegated authority of staff in this role and when it would be necessary for the Board to become involved, and whether the appropriate mechanism is the Board or the Planning Committee (a purely technical point).
21. We would also discuss with partners options for commenting on forestry schemes that cross the boundary of the CNP, or are outwith the CNP but are highly visible or have other impacts on the CNP.

Issues specific to the proposal

22. The CFWF is a well-produced, researched and respected document, not only across the CNPA area but also across Scotland. It is now out of date in so far as the Park designation of the Park has provided a different set of aims for the area. There have also been a number of national policy changes since its production, such as the Nature Conservation Act 2004, and the development of the Scottish Forestry Strategy, which is to be reviewed in 2005.
23. There are a number of CNPA strategic processes which provide an overarching context for any future Park wide forestry strategy, such as the National Park Plan (Plan) and the Integrated Land Management Strategic Framework (ILMSF). Within this context the CNPA can develop strategic policy and further enable forestry's significant contribution to the delivery of all four park aims.
24. This option proposes to update the CFWF as a Park strategy for forestry within the context outlined above. This requires further work and discussion on the structure of the document and the format of the strategy to fit within the ILMSF and not constrain the scope of land management contracts with the Park.

25. The timing for production of the strategy will fit with the schedule for the NPPlan. It is anticipated that it will start once the strategic objectives for the NPPlan have been broadly agreed. The strategy will be long term. The delivery will be monitored by the CNPA through forestry consultations.
26. A Park wide forestry strategy provides a framework for discussions with the Forestry Commission Scotland, on the potential for a Cairngorms Locational Premium.
27. Once the document is in place CNPA would take over consultations from LA's with all the necessary protocols and procedures having been set up.
28. **Recommendations:**
 - a) **Members agree the proposal to develop a new strategic forest plan for the Park area based on an update of the CFWF, fitting within the context of the NPPlan, and the ILMSE.**
 - b) **Agree that once this is in place, the CNPA will comment on forestry schemes**
 - c) **Note that a further paper will be brought to Board outlining specific arrangements for responding to consultations, which will include solutions to the issues raised in paragraphs 16 to 20.**

Implications

Financial implications

29. The resource requirements for this relate to staff resources and board resources. The former has been accounted for within the new 2005/2006 operational plan. There are currently approximately 10 consultations per annum in the CNP. Twenty staff days and a budget of £15,000 have been allocated in the 2005/2006 operational plans. The implications of the latter will be assessed during the next stage and be the subject of a further Board papers, once the solution to the issues raised in paragraph 19 has been identified. We will consider the need to transfer support from LAs and discuss with partners.

Presentational implications

30. The CFWF was very well received and well used. We will ensure that the benefits of the first CFWF will be built upon in updating it. We wish to be open, inclusive and transparent in updating it. We intend to work with stakeholders individually and through the Integrated Land Management Forum.

Implications for stakeholders

31. The next stage of developing the forestry strategy will be to update the CFWF. This will involve discussions with key stakeholders to ensure that the update meets their needs and captures the changes that have happened since it was published. This will include agencies, communities and land managers
32. Further discussions will be held with stakeholders, particularly SNH, FCS and Local Authorities to develop protocols.

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Local Authority Indicative Forest Strategies effective within the Park boundary:

Highland Forest and Woodland Strategy (consultative draft, Dec 2004);

Forest and Woodland Strategy for Aberdeenshire and Aberdeen City (June 2003, currently at the start of a minor revision),

Moray Forestry Strategy (October 2002).

Dundee & Angus Structure Plan 2001, Background paper: Tayside Indicative Forest Strategy (extracted from Approved Tayside Structure Plan 1993)

Forestry Commission Scotland Procedures for Consultations

1. The requirement for FCS to consult is outlined in a Ministerial Direction setting out procedures for implementing consultation in response to increasing public interest in forestry, particularly in relation to large-scale conifer plantations creating landscape and natural heritage issues. Such schemes are unlikely to cause an issue in the near future, however, the consultation process is a fundamental mechanism through which monitoring and influencing the delivery of the any forest management objectives within the National Park Plan, or other strategic forest documents, can be undertaken. In relation to integration it will also provide an opportunity to assess the quality of schemes in relation to all the Park aims.
2. The consultation exercise loosely mimics the planning process in that there are set timescales and procedures for responding, the key difference being that it is consultation not deliberation. However, the consultation includes the potential to object to a proposal. The procedure for resolving or otherwise outstanding conflicts is set out in the Ministerial Direction from 1998.

The Scottish Consultation agreements:

Relevant Statutory Body	Type of case
Scottish Natural Heritage	Planting or felling proposals that affect: National Nature Reserves; Sites of Special Scientific Interest Special Protection Areas Special Areas of Conservation Consideration is given to applications adjacent to these special areas where there may be an effect. Planting proposals of 5 ha or more in a: National Scenic Area Area of outstanding natural beauty Heritage Coast All new planting and felling proposals of 10 hectares or more where this is not subject to an agreement with SEERAD
Local (Planning) Authority	Planting proposals of 10 hectares or more. Felling proposals that affect trees that are subject to a Tree Preservation Order or are in a Conservation Area
SEERAD	Where land covered by the application is the subject of a management agreement under the Environmentally Sensitive Area Scheme New planting of: 50 hectares or more on an agricultural unit 10 hectares or more in agricultural land classed as 1,2, or 3.1 of the land capability classification for agriculture 10 hectares or more when SEERAD identified the area as being necessary to maintain a thriving sheep industry
Deer Commission Scotland	New planting of 50 hectares or more as individual woods.
Historic Scotland	Planting or felling proposals that effect a Scheduled Ancient Monument

3. In addition PAs are consulted on Forest Enterprise Forest Design Plans.
4. The FCS also advertise a Register of forestry proposals on their Web site or distribute by mail.

Additional SNH consultation procedures

5. SNH monitors this register and may choose to respond in the following circumstances (S North, personal communication):
 - Cases where SNH have some involvement through sponsorship of purchase or management agreements.
 - Cases where an Environmental Assessment is being sought on natural heritage grounds.
 - Cases over 100 hectares.
 - Cases where proposals are adjacent to, and may affect a Natura site (e.g. a Capercaillie site, or where the River Spey may be affected).
6. SNH are currently (S North 22.02.05) reviewing their role in forestry consultations and the above procedures may change.

Options for CNPA to undertake Forestry Consultations

Outline of the merits of the three options rejected

1. CNPA was faced with the following main options:
 - a. To prioritise establishing the necessary protocols with a view to taking over consultations as soon as possible, with no CNPA strategic policy (maybe 4 months).
 - b. To develop internal criteria for responding to forestry consultations and once in place, along with the necessary protocols, take over consultations (maybe 6 months).
 - c. To establish a Park strategy for forestry within the context of the National Park Plan with a view to taking over consultations once this and the necessary protocols are in place (to match NPP timetable).
 - d. To retain the status quo with partners continuing to undertake forestry consultations within the Park.
2. Each option is outlined below with the implications it may have on our partner relations, and on resources including staff and Board. However, there are a number of general points relating the role of that are common to options a - c that will require to be addressed before we can take over forestry consultations.

General Issues related to becoming a consultee for forestry consultations.

3. FCS has indicated that they would consider it duplication if CNPA were to become a consultee in addition to the LAs. This is a reasonable comment and one that is accepted by the LAs. However, in relinquishing their right as consultees, the LAs have requested that some form of protocol (or memorandum of understanding) is drawn up between CNPA and each LA to set out the changed relationship.
4. There are number of different aspects to the LA role, including providing information and commenting on archaeological sites and landscape which it may not be possible for CNPA to directly replicate.
5. There may also be a benefit in CNPA establishing a protocol with SNH to ensure that duplication of effort is avoided. Such a protocol already exists for planning casework and could provide a template.
6. There will be a need to establish an internal protocol to determine the delegated authority of staff in this role and when it would be necessary for the Board to become involved, and whether the appropriate mechanism is the Board or the Planning Committee (a purely technical point!).

Option specific implications

Option a: To prioritise establishing the necessary protocols with a view to taking over consultations as soon as possible, with no CNPA strategic policy.

7. LAs are currently undertaking forestry consultations in order to monitor delivery of forestry policy according to their own indicative forest strategies, although a number also take account of the CFWF.
8. For CNPA to take over being the main consultee at this stage would require the Park to use the existing LA IFS's with all their inconsistencies, and out of date elements. This is

analogous to the current Development control situation prior to having a Park Local Plan in place. However, there is a key difference, in the case of Forestry consultations we have the choice and the opportunity to wait until the necessary Park orientated strategic policy is in place before we take on this role.

9. Whereas the LAs have accepted a rationale for CNPA assuming the role of consultee once there is Park strategic policy in place, there may be a reluctance to forfeit this right before that time.
10. As indicated above this role will require a significant staff investment at a time when staff is necessarily focused on the National Park Plan and Local Plan. In addition, the Natural Resource Group is currently understaffed. The staff investment here would be greater than is likely under option c, because there may be a need for greater negotiations with LAs before any agreement is reached, in light of paragraph 23. There may also be an ongoing need for greater dialogue with LAs in terms of the interpretation of their strategies.
11. To not take on this role in this fashion at the present time would not have serious implications. The LAs are anticipating that we will be establishing Park specific strategies, and accept that there is not a strong rationale for us to monitor delivery of their strategic policies.

Option b: To develop internal criteria for responding to forestry consultations and once in place, along with the necessary protocols, take over consultations.

12. This option is the same as option a, above, but includes the proposal to write a strategy for responding to forestry consultations. This document would essentially be internal to CNPA in that it would not be widely consulted on and would be used simply to guide how we respond to consultations.
13. If this document is produced relatively quickly and is not consulted on then it cannot be considered Park wide policy. To that extent it would be a mechanism for bringing together what is in the four LA IFS's and what is considered still current and non controversial in the CFWF. It would necessarily be considered a short term, interim document.
14. The resource implications for this option would be the same as set out in option a, with the additional effort required to produce the strategy, say an additional 7 days of research and writing. This additional effort again would be required at a time when staff resources are already stretched.
15. There is a political gamble in developing an internal paper which is not widely consulted on, and one that would require careful handling if partners are not to be upset by it. It would appear to go against the CNPA policy of openness and transparency.

Option d: To retain the status quo with partners continuing to undertake forestry consultations within the Park.

16. There are two aspects to this proposal, we can provide strategic forestry guidance through the revision of the CFWF, as part of the NPPlan, or we cannot produce any park wide strategy beyond the strategic objectives that will appear in the NPPlan.
17. Whichever of these option, if we choose not to respond to Forestry consultations, we loose a potentially valuable mechanism for measuring the impact of any strategic policy. We also loose the opportunity to influence forestry schemes within the Park.

18. We will be dependent on strong and close relations with the LA's across the Park to be confident that they will satisfactorily play the monitoring role for us.
19. Where we are not involved in forestry schemes it will be more difficult to identify opportunities for cross compliance with other Park strategies, and the 'adding value' potential of integrated land management.
20. The resource implications of not assuming the role of consultee for forestry consultations, whilst obviously being significantly less initially than any of the previous options, may have political ramifications that in the longer term impact on resources. In order to stay in touch with forestry developments around the park additional effort will be needed on the part of staff, for example, in terms of being aware of opportunities to develop integration in land management. Similarly partners may interpret the decision as a lack of interest, particularly if no strategic forestry policy is developed, requiring additional effort to counter this perception.