

LINK Woodland group meeting with Colin Edwards, FLS: 31 May 2024.

Expected:

Colin Edwards, FLS; Duncan Orr-Ewing, SRSG, James Silvey, RSPB, Alan McDonnell, Trees for Life (joining via teams), Deborah, LINK

LINK office, Perth. Directions in email and calendar invite.

Agenda:

1. FLS context/Environment SOP/Biodiversity Duty and application (Colin intro)
 2. Landscape scale approach on FLS land to species conservation.
 3. Update on FLS operational issues and keeping stakeholder communications channels open: (a) discussions of options and needs; (b) invitation to have a named SE LINK rep support the development of the new CIEEM training course: Environmental compliance for Forest Works Managers
 4. Managing for woodland biodiversity, including beavers and red squirrels for example
 5. AOB
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Notes:

FLS context/Environment SOP/Biodiversity Duty and application:

Colin outlined the approach FLS now operate under due to changes following devolution and Scotland's 2018 Forestry Act. FLS is both a public agency and a business. FLS are operating as a business and need to pay for environment projects through generation of internal trading income. This will enable FLS to meet its responsibilities despite the Scottish Government budget restrictions. FLS therefore needs to raise funds in order to focus on priorities, which are:

- Delivering Value for money
- Statutory Plant Health Notices for notifiable tree diseases
- Land management plans. Priorities within management plans are deer, harvesting, restocking and 'civils' (roads). Secondary priorities cover restoration projects including habitat conservation and INNS removal. There is currently reduced FLS budget for conservation activities, with lower levels than in the past that enabled FLS to deliver the projects stakeholders still expected. Significant conservation work is proceeding through alternative Scottish Government funding – see below.

Operating as business entity and also as a public body with legal duties is clearly a difficult balance to achieve. FLS is expecting trading opportunities to increase over time but in the immediate short term FLS must use trading income to fund wider operations.

Of the environmental priorities at FLS, activity is currently happening on:

- Peatland restoration: funded by Peatland ACTION funds
- Atlantic rainforests and pinewoods – which also need external funding to develop / continue. Richard Thompson is leading on these.
- Archaeology: Matt is the lead.

FLS are therefore looking for private finance opportunities through eg SPEN and other transmission companies. They are looking to build a pipeline of projects: this includes non native conifer removal, Protected Area and other designation management, grazing and open habitats.

Action: add to next meeting agenda for any updates on the timeline for this.

Landscape scale approach on FLS land to species conservation.

Colin explained that FLS action on landscape scale habitat restoration delivery is currently limited in the short term by budgetary issues, which is why external funding is being sought. We all acknowledged that Nature Networks and land scape scale planning are vital for the land management priorities at FLS, the species specific conservation management needs and work with SF and FR.

~~Action: it may be helpful to set up a meeting with Scottish Forestry and Forest Research and LINK to discuss the need for and solutions to planning at landscape scale through nature networks and planning felling operations. DL to talk to Alan as Convenor and set up if / when helpful. Might also help planning for harvesting and raptors and red squirrels~~

Action: add to agenda for 9 August to discussion this again: there was no agreed understanding of the point.

Update on FLS operational issues and keeping stakeholder communications channels open:

The new standing sales contract: is supported by 2 SOPs. The emphasis is now on FLS Environment Teams to put more effort into up front planning and preparation and then to hand over all responsibility for compliance with all Environmental Law, regulation, and relevant policy and guidance to the successful contractor. We discussed the new contract and the SOPs. As a general point, concerns were raised that SoPs need to be more directive and with less flexibility and mitigation for removal of nest platforms etc. must be put in place.

The change in practice had come to LINK's attention through the increase in instances being reported where legal requirements around biodiversity – specifically red squirrels and raptors are not being met. Such instances are the responsibility of the local teams and Colin has been assured that all protections are in place and that no negative impacts have occurred in the roll out of the new contracts.

The process: is for local environment teams to take local advice from local experts, including LINK member experts and to take that into account in their advice on contract restrictions. As far as Colin is aware, they are doing that.

Action: ensure local stakeholder groups and FLS local environment teams are in touch - Colin to check at FLS, Duncan and James to check with relevant LINK members and ensure contacts are made through initial emails and / or ongoing regular conversations.

Update: regional Environment teams report they have effective ongoing discussions with local members of specialist groups, such as SRG, Scottish Badgers etc and often take their advice and suggestions into consideration when planning for operations.

Once the contracts are agreed, then responsibility for compliance lies with the contractors. Section 6.13 in the new contract is designed to alleviate the risk to FLS of vicarious liability. However, FLS are able to withdraw the contract if standards are not met. Contract monitoring is required to ensure this happens and further information on monitoring process would be helpful. Colin asked for evidence of where standards were not currently being met. There was acceptance though that trust has broken down since devolution of FLS and systems and communication need to be improved.

Action: send examples of damaging activity to Colin and Kenny who will take back to the local teams and find out what is going on. DOE has already raised Honey Buzzard issue in Loch Ard and is discussing with local FLS team shortly.

While respect and trust in FLS environment teams is high, current capacity and expertise outwith FLS environment teams in the private sector contractor Forest Works managers is low. This means expertise then needs to be brought in via environmental contractors.

Expertise: FLS are working with CIEEM to provide a new training course: Environmental compliance for Forest Works Managers. CIEEM are LINK members so LINK input is already assured through them. Colin is keen to have more LINK input if capacity allows.

Action: take offer to Wildlife, Wildlife Crime and Woodland Groups and ask for volunteer.

Capacity: James raised the concerns that are being noted around the perceived lack of capacity in Env Teams, which means SE LINK suggest they are not able to identify all high priority sites, which would require a more detailed licensing approach:

At high priority sites (red sites): an ecological clerk of works must be appointed and approved by FLS Environment teams. One of the requirements is an environment assessment up to 18 months before any work starts: this is too far in advance for many species who may move in over 18 months. The rapid walk over survey immediately before operations is vital.

SOP 4 and 5 are very important in defining what action and steps are required: they are a good start but could be clearer to help prevent future mistakes: mitigation action for example could be much better defined, examples given and action required.

LINK members are not sure that this process is happening. Areas that should be red listed, and where in house FLS harvesting and systems should therefore take place, are not being accurately identified and problems are arising. Local consultation with key stakeholder group eg. SRSBs would avoid problems.

Action: James to send tracked change suggestions and comments to Colin. COMPLETED.

Update: completed reply attached.

The high levels of concern being raised with LINK members is such as trust is breaking down and we need to re-establish this trust and working relationships. An efficient way to start to rebuild the necessary communication would be through a high level stakeholder forum where these issues can be discussed before they become critical. An example is the National Woodland Biodiversity Stakeholder Forum in England. See attached ToR for reference. Colin indicated that setting this up is better led by SF.

Action: Propose the urgent need to Juli Titherington for a new group set up to bring biodiversity and access interest into discussion around operationalising FLS strategic aims and objectives, including the biodiversity duty and being a leader on multi functional forestry.

We also discussed and agreed the benefit of continued discussions like this one in order to bring issues to the table at an earlier stage:

Action: DL to set up a meeting on Friday 9 August, 1000 – 1200: Colin will forward the invite to relevant FLS colleagues and James, Alan and Duncan will advise on which LINK members are active from the Wildlife, wildlife crime and woodland groups.

Update: a meeting room in FLS's Apex House office has been booked.

Suggested meeting agenda items – to prioritise and add to:

- Upcoming projects at FLS
- Contract roll out and accessing expertise – when and how
- Wildlife management: including but not limited to raptors and beavers

Stakeholder engagement:

Colin has drafted stakeholder guidance.

Managing for woodland biodiversity:

Flexible licensing:

FLS are a public body and statute recognises us as a responsible body, which means NatureScot can provide us with an organisation-wide species licence , currently held for red squirrels. FLS are looking at badger licensing too. FLS and NS are discussing options: Scottish badgers do not appear to be involved, but should be. We confirmed that LINK members would have major concerns about badgers and non-

schedule 1 raptors being added to list of species for flexible licensing, especially in the context of third party involvement in standing sales contracts, and the poor track record of some of these operators in implementing conditions and standards.

LINK members have been picking up concerns and instances where mitigation is not being adhered to with licenses, contracts / sites. These instances include red squirrel habitat removal with concerns over license conditions not being met. SF do not appear to be involved properly in monitoring and enforcement.

Action: Colin asked us to send him details of these examples: he was unaware.

Action: Duncan to set up a meeting between Cat, South Scotland Golden Eagle Project and local forestry team. Note progress has been made since meeting on this issue.

Next meeting: 9 August 1000 – 1200, Apex Building Edinburgh.

DL 5 June 2024
CE 20 June 2024