

Consent Number 032900741

THE ENVIRONMENTAL IMPACT ASSESSMENT (FORESTRY) (SCOTLAND) REGULATIONS 1999 ("the Regulations")

DETERMINATION OF AN APPLICATION UNDER REGULATION 4 OF THE REGULATIONS FOR CONSENT TO CARRY OUT A RELEVANT PROJECT

Applicant:

Stakis Forestry LLP

Location:

Halkshill & Blairpark, Largs, North Ayrshire.

Brief Particulars of Relevant Project:

The proposal is to create 501 ha of new woodland comprising both productive conifers and native woodland. The Project also includes the construction of 4590 m of new forest roads and 3.3km of new footpaths. Background information on the proposal is set out in Chapter 3 (Site Description) and Chapter 4 (Description of the proposals) of the main Environmental Statement and the updated and revised Non-Technical Summary and Project Description.

Date of Application:

14 May 2013.


Application Reference Number: 32900741

The Forestry Commissioners, having taken into consideration the Environmental Statement dated May 2016 and additional environmental information in the form of addenda dated February 2018, submitted by the applicant and all other environmental information submitted by the applicant, all representations received by them in relation to the above application and all other material considerations including in particular their assessment of the direct and indirect effects of the relevant project on the environmental factors specified in Schedule 4 to the Regulations HEREBY:

CONSENT to the carrying out of the relevant project within the boundaries set out in FCS Final Approved Map 1(Species Map 8 (25/1/18)) of the applicant's Environmental Statement & Addenda ("the project"), set out in Schedule 2 of this consent.

This consent is subject to the conditions listed in Schedule 1 and compliance with the Environmental Statement.

The reasons and considerations on which this decision is based are given in Schedule 2 of this consent.



Keith Wishart

Conservator
Forestry Commission Scotland
Central Conservancy

For and on behalf of the Forestry Commissioners

Date: 22nd August 2018

IMPORTANT NOTICES TO APPLICANT

You have the right to appeal to the Scottish Ministers against any of the conditions attached to this consent. The appeal must be in writing and made to the Ministers within 28 days of the date you receive this consent unless the Ministers agree within that period of 28 days to extend the period within which the appeal may be lodged.

Appeals (and applications for extension of the period for lodging an appeal) should be addressed to:

The Scottish Minister
ARFC RPID
Saughton House
Broomhouse Drive
Edinburgh
EH11 3XD

SCHEDULE 1

Annexed to consent to relevant project number 32900741

Conditions of Consent

General

1. Work in relation to the project shall commence within three years of the date of this consent.

Reason: To ensure the project is implemented in a reasonable time in order that the bird survey data remains a reliable basis for the decision.

2. Ground preparation and initial planting must be completed within three years of the date of this consent with subsequent maintenance works to be completed within ten years of the date of this consent.

Reason: To ensure the project is implemented in a reasonable time in order that the bird survey data remains a reliable basis for the decision.

3. All planting will be carried out in accordance with FCS Final Approved Map 1 (Species map 8 25/1/18).

Reason: To ensure delivery of the project as described in the Environmental Statement.

4. All roads will be constructed in accordance with Environmental Statement Forest Road Layout in the FCS Final Approved Map 1. The applicant will be responsible for ensuring that they comply with Planning (Permitted Development) Regulations and liaise with North Ayrshire Council accordingly.

Reason: To ensure designed in mitigation for landscape and water environment effects is delivered.

5. All borrow pits will be designed, located and restored following works in accordance with FCS Final Approved Map 2. Borrow pits should not exceed 1 metre in depth or 0.25ha in area. A maximum of 12 borrow pits will be excavated. Borrow pits must be reinstated at the end of road construction period as per Environmental Statement Addendum 3 "Response to SEPA objections", pg. 23.

Reason: To ensure designed in mitigation for the effects on the water environment is delivered.

6. Prior to the commencement of works underground services and water supplies to the property at Cockmalane are to be identified and protected and the details, along with a map, must be supplied to FCS.

Reason: To prevent damage to underground services and water supplies to the property at Cockmalane.

7. Within two years of commencement of works a fire plan will be prepared and agreed with FCS.

Reason: To minimise the risk of damage from fire to properties close to the project area.

Access

8. Prior to the commencement of works, the alignment and specification of all deer fencing and associated access gates is to be submitted to FCS for approval. In coming to a decision, FCS will seek advice from North Ayrshire Council. No works should commence until approval has been provided.

Reason: To ensure that the required access provision to and from the site is maintained.

9. Prior to the commencement of works, the specifications, quantities, locations and timing of delivery of all constructed footpaths, entry points, gates, signs, picnic benches and seating will be provided and agreed with FCS. In coming to a decision, FCS will seek advice from North Ayrshire Council. No works should commence until approval has been provided.

Reason: To ensure the designed mitigation for impacts on access provision is delivered.

10. Within three years of the commencement of works the creation of a minimum of 3300m constructed and waymarked paths will be completed. The route of the paths will accord with the mapped description provided in the Halkshill and Blair Park FCS Final Approved Maps 3 and 4, or any subsequent updated plan as per Condition 10.

Reason: To ensure the designed mitigation for impacts on access provision is delivered.

11. Within three years of the commencement of works the installation of all signs, interpretation panels, picnic benches and seating will be completed. The recreational infrastructure will accord with the mapped description provided in the Halkshill and Blair Park Environmental Statement FCS Final Approved Map 4 (appended below), or any subsequent updated plan as per Conditions 9 and 10.

Reason: To ensure the designed mitigation for impacts on access provision is delivered.

12. Prior to year five following the commencement of works an access maintenance plan will be prepared and agreed with FCS.

Reason: To ensure that the access provision (formal and informal) is fit for purpose throughout the duration of the Project.

13. A variable tree-free buffer zone of a minimum twenty metre width will be created either side of the whole length of the core path route and maintained open during the life of the Project.

Reason: To minimise impacts on the visual amenity and to maintain current views from the core path to the Firth of Clyde and Cumbrae.

14. A tree-free area will be maintained around the Cauld Rocks as shown on the planting plan in FCS Final Approved Map 1.

Reason: To mitigate impacts on local amenity and to ensure that this area remains suitable for both rock climbing and other outdoor pursuits.

15. Prior to the commencement of works the Terms of Reference and the membership for an access management group (or sub group of the NAC Access Forum or similar) comprising landowners' representative and a range of local relevant stakeholders including North Ayrshire Council must be agreed with FCS. The access group will remain active for as long as it is required by stakeholders.

Reason: To ensure that local stakeholders input into ongoing access management to and within the site is facilitated.

16. For the first 10 years following the commencement of operations on site, the developer shall meet with the access management group (or similar) at least annually, with a record of the meeting prepared by the developer and submitted to FCS within 4 weeks of the date of the meeting.

Reason: To ensure that local stakeholders input to the management of access to and within the site is ongoing throughout the duration of the project.

17. Prior to the commencement of works a transport plan detailing the anticipated use of all types of vehicles associated with this project both entering and leaving the site from all access points will be prepared and

submitted to FCS for approval. FCS will liaise with North Ayrshire Council on the Plan prior to approval.

Reason: To ensure disturbance and damage to private properties and their occupants by vehicles accessing the site as part of this project is minimised.

18. Within 3 years of commencement of the project a long term woodland management plan for both existing and newly planted woodland areas of high amenity value will be prepared and submitted to FCS for approval.

Reason: To ensure that systems other than clearfell are utilised in the areas of higher amenity value e.g. Gogo Glen core path.

Special Protection Area

19. Prior to the commencement of works a predator control plan must be submitted to FCS for approval. The plan must detail control measures for any predators of hen harrier and must be implemented throughout the duration of the afforestation project. In coming to a decision, FCS will seek advice from SNH.

Reason: To ensure any adverse impacts on the SPA arising from an increase in predator numbers are adequately mitigated.

Cultural Heritage

20. Prior to the commencement of works all archaeological assets and associated buffers within the entire project area that are identified for protection within the Environmental Statement must be clearly marked on the ground by a suitably qualified archaeologist. Any reduction in the area for marking on the ground must be agreed with FCS in advance.

Reason: To ensure the protection of archaeological assets.

21. Prior to the commencement of works on site, the material, specification, text and location for the signage to provide suitable warning to members of the public of the legal implications of interfering with the military crash sites must be submitted to FCS for approval and implemented following approval. This relates to the Protection of Military Remains Act 1986.

Reason: To help prevent damage to the military aircraft crash sites.

22. Prior to the commencement of works, the air crash sites (11AG and 15AI) will be monitored using fixed point photography to set a pre-operational baseline. Images will be captured for a period of 5 years following commencement of works to identify whether vandalism is an issue. If there is evidence of damage, the developer must discuss appropriate action with FCS.

Reason: To help prevent damage to the military aircraft crash sites.

23. UKFS Historic Environment Requirements and Guidelines must be applied.

Reason: To ensure that any undiscovered/ unknown historic features are protected.

Water environment

24. Where it is not possible to avoid deep peat or GWDTE roads will be floated where crossing M20 and M6 NVC habitat types. In all other locations the road will be cut with porous construction and where necessary culverts to ensure hydrological connectivity of GWDTE installed. Excavation depths will not exceed 1 metre. The approach to road construction will follow that outlined in Addendum 3 (and Addendum 3 Table 4).

Reason: To ensure that the integrity of all M20 and M6 habitats are protected.

25. A minimum twenty metre buffer will be applied between peatland, other wetland areas and any tree planting.

Reason: To ensure the integrity of any peatland and other wetlands is protected.

26. The methodology described within Environmental Statement Annex 4a to protect species rich habitats, flushes and springs (GWDTE) and the buffers/mitigation outlined are to be implemented.

Reason: To ensure these important habitats are protected.

27. Prior to the commencement of works a Diffuse Pollution Control Plan (DPCP) will be prepared and approved by FCS. No work will be undertaken until the plan has been approved.

Reason: To ensure the protection of the water environment during the construction and operational phases of the project.

28. There must be no application of fertiliser within the boundary area of the project.

Reason: The use of fertiliser was not specified within the project description and any adverse environmental effects that may result from the application of fertilisers were not assessed with the Environmental Statement.

29. The methodology to reduce the risk of large woody debris entering the watercourses as described in the Environmental Statement Technical Annex G must be followed.

Reason: To reduce the risk of flooding as a result of bridges and culverts becoming blocked by large woody debris.

30. The general approach to ground preparation and drainage as described in the Environmental Statement Technical Annex G must be followed.

Reason: To ensure the protection of the water environment during and after delivery of the project.

31. Before the commencement of works a ground preparation and drainage method statement must be prepared and submitted to FCS for approval. No works will be undertaken until the Plan has been approved.

Reason: To ensure the protection of the water environment during and after delivery of the project.

Landscape

See condition 3.

Ecology

32. Prior to the commencement of works a method statement for the prevention of disturbance to peregrine falcon must be prepared and agreed with FCS. This will include operational guidance that will be agreed with SNH to avoid disturbance to peregrine prior to and during the breeding season.

Reason: To minimise the impact of disturbance to peregrine falcon as a result of forest operations.

33. Prior to the commencement of works a method statement for the avoidance of damage or destruction of nests of breeding bird species will be prepared and agreed with FCS.

Reason: To prevent potential for damage or destruction of nests during forest operations.

34. Prior to commencement of works a suitably qualified ecological clerk of works (ECW) must be appointed with agreement of FCS. Mid to lower valley slopes generally contain grassland and other habitats with greater species diversity. Where these have not been identified and buffered

through the target notes approach, these areas must be walked ahead of any ground preparation, drainage and planting by the ECW and areas of importance identified and buffered from disturbance.

Reason: To prevent disturbance to and planting of areas of high conservation value.

