



## **SCOPING OPINION FOR THE PROPOSED WARB LAW WOODLAND CREATION EIA FORESTRY PROJECT**

### **Introduction**

This scoping opinion has been adopted pursuant to Regulation 15 of The Forestry (Environmental Impact Assessment) (Scotland) Regulations 2017<sup>1</sup> (“the Regulations”). It is based on information available at 19<sup>th</sup> March 2026 and relates to Warb Law which is located to south of Langholm in Dumfries and Galloway (see figure 1 -site location map from the applicant’s scoping report). The site extends south to the C70 road and bound by B7068 to the west and the A7 to the east. The site’s current land use is agriculture; cattle and sheep grazing, in addition recreational access for activities such as walking, horse riding and cycle also occurs. The site includes cultural heritage features including a scheduled monument under the Ancient Monuments and Archaeological Areas Act 1979, Old Irvine, and is partly within Langholm Regional Scenic Area. There is a telecommunication mast on the top of Warb Law.

The project area as shown on Figure 3 – Planting Proposal from the applicant’s scoping report, and described in the scoping report provided on 28<sup>th</sup> January 2026 is circa 1053 ha with circa 234.5 ha of non native conifer being predominantly Sitka spruce with circa 11.5 ha comprising Scots pine, circa 90.5 ha of native broadleaves and circa 75.5 ha of open ground. The remainder of the site, circa 641 ha, comprise of other land i.e. with constraints making it unsuitable for afforestation. Details of the surveys/ assessments undertaken so far for the project can be found on the applicant’s [website](#).

No forest roads/ track or quarries are proposed as part of the project.

### Commencement of the Environmental Impact Assessment (EIA) process

The landowner decided in April 2025 after discussions with Scottish Forestry and their agent that the project would progress as an EIA Forestry project with the project being assessed after submission of an EIA report. Due to this decision, the project has not been subject to a Screening Opinion or Statement of Reasons as a Scoping Opinion has been requested under Regulation 15<sup>2</sup>.

---

<sup>1</sup> <http://www.legislation.gov.uk/ssi/2017/113/contents/made>

<sup>2</sup> <https://www.legislation.gov.uk/ssi/2017/113/regulation/15/made>

## Purpose of Scoping Opinion

The purpose of this document is to identify all of the likely significant effects of the EIA forestry project on the environment identified during the scoping process; and determine the level of detail of information required for the assessment, so the required information can be adequately addressed in the EIA Report.

A separate set of comments relating to UK Forestry Standard 5<sup>th</sup> edition<sup>3</sup> (UKFS) matters have also been provided to the applicant to ensure that the woodland creation proposal, which will form part of the EIA report, is UKFS and FGS compliant. UKFS and FGS compliance is separate from the EIA process but the applicant should ensure that the EIA forestry project described, complies with UKFS and FGS eligibility.

In accordance with the Regulations, the EIA Report must be based on this scoping opinion. To reduce the risk of additional information being requested, which would be subject to further publicity and consultation cycles, applicants are advised to consider all aspects of the scoping opinion when preparing a formal application for EIA consent.

## Consultation with statutory consultees and wider stakeholders

The purpose of the consultation with statutory consultees and other interested stakeholders was to seek representations to aid Scottish Forestry's consideration of which potential effects could be scoped in and out of the EIA report.

This scoping opinion has been adopted following consultation with Scottish Environmental Protection Agency (SEPA), NatureScot (NS), Historic Environment Scotland (HES), Dumfries and Galloway Council (Archaeology, Roads, Landscape and Biodiversity) as the statutory consultation bodies and with Langholm, Ewes, and Westerkirk Community Council, Canonbie and District Community Council, Langholm Alliance, Langholm Initiative, Save Warblaw Action Group (SWAG), Royal Society for the Protection of Bird (RSPB) RES - Bloch Windfarm, Arqiva - Pegasus Group, Scottish Power, Dumfries and Galloway Raptor Study Group, Galloway Fishery Trust, Scottish Water, South Scotland Golden Eagle project, Rural Payments and Inspections Division (RPID), Eskdalemuir Deer Management Group, Muckle Toon Jogger (local running group) and neighbours, whom we considered likely to have an interest in the proposed EIA forestry project.

---

<sup>3</sup> [The UK Forestry Standard | Scottish Forestry](#)

### Scoping meeting

A scoping meeting was held on the 10<sup>th</sup> July 2025 with all the above parties being invited. Minutes from this meeting and written responses were used by the applicant to produce a scoping report. Scottish Forestry took account of the information received through this consultation in developing this scoping opinion.

The final scoping report (available via Scottish Forestry's [website](#)) was shared with the statutory consultation bodies on the 4<sup>th</sup> February 2025. NS, SEPA and HES provided comments.

NS's comments highlighted the need for a habitat regulation appraisal which requires consideration of connectivity and potential impacts on Hen Harrier population associated with the Langholm-Newcastleton Hills Special Protection Area (SPA), given the data available indicate there may be connectivity between the site and SPA.

SEPA's comments provided some additional details regarding buffer sizes in relation to water courses and ground water abstraction and also agreed with the scoping out of a number of issues subject to compliance with UKFS.

HES's comments stated they were content with the Scheduled Monument being scoped out of the EIA report based on the commitments outlined in the scoping report.

Scottish Forestry are satisfied that the requirements for consultation have been met in accordance with regulation 15(4) of the Regulations.

### Adoption of Scoping Opinion

In adopting this scoping opinion we have taken into account:

- a) the specific characteristics of this particular forestry project, including its location and technical capacity;
- b) the specific characteristics of forestry projects of the type concerned; and
- c) the environmental features likely to be affected by the forestry project.

In adopting this scoping opinion, Scottish Forestry are not precluded from requiring the applicant to submit additional information in connection with any EIA Report that may be submitted pursuant to the application for EIA consent.

### EIA Report must be based on Scoping Opinion

In accordance with the Regulations, the EIA Report must be based on this scoping opinion. To reduce the risk of additional information being requested, which would be subject to further publicity and consultation cycles, applicants are advised to consider all aspects of the scoping opinion when preparing a formal application for EIA consent.

The EIA Report must be based on this scoping opinion and must include the information that may be reasonably required to reach a reasoned conclusion on the significant effects that the project has on the environment.

### Information to be included in EIA Report

Information on how to undertake an EIA, including the preparation of the EIA Report is available in Scottish Forestry's guidance 'Undertaking an Environmental Impact Assessment in Forestry (2022).<sup>4</sup>

The EIA report must include, at least, all those requirements set out in regulation 6(3)(a)-(f) of the Regulations:

- a description of the EIA forestry project comprising information on the site, design, size and other relevant features of the project;
- a description of the likely significant effects of the EIA forestry project on the environment;
- a description of the features of the EIA forestry project and any measures envisaged in order to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment;
- a description of the reasonable alternatives studied by the applicant, which are relevant to the EIA forestry project and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the EIA forestry project on the environment;
- a non-technical summary of the information referred to in sub-paragraphs (a) to (d); and any other information specified in schedule 3 relevant to the specific characteristics of the EIA forestry project or of the type of EIA forestry project in question and to the environmental features likely to be affected.

Guidance on predicting the environmental effect and determining significant impacts is available in 'Undertaking and Environmental Impact Assessment in Forestry (2022)' and should be followed in the EIA Report. Tables 1 and 2 on pages 18 and 19 of the Guidance detail the multi-criteria analysis framework, or similar, to be adopted for this assessment.

---

<sup>4</sup> [Undertaking-an-environmental-impact-assessment-in-forestry-2022.pdf](#)

The EIA Report must detail mitigation to address likely impacts and the predicted residual impact of the project on each specific issue as listed above, including making a judgement about the significance of this impact. The significance of the predicted impact should be considered at the local, regional and national level.

### Description of the reasonable alternatives

Paragraph 2 of schedule 3 of the Regulations requires the applicant to include within their EIA report:

*A description of the reasonable alternatives (for example in terms of forestry project design, technology, location, size and scale) studied by the applicant, which are relevant to the proposed forestry project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.*

As set out in the Regulations, the alternatives for which information should be provided, are ones that the applicant has studied and which are relevant to the project and its specific characteristics.

The applicant should consider, at least, the following alternatives when preparing their EIA report in respect of the overall project and in the EIA report chapters to which the alternative would be relevant:

- No planting
- Consideration of different methods for tree establishment
- Consideration for different herbivore management approaches such as deer fencing, fence routing options, active herbivore management or combination of these approaches
- Alternative species choice including the use of mixtures
- Alternative woodland designs, density of initial planting and the balance between productive area, native broadleaved area and designed open ground
- Timing of operational activities.

### Mitigation measures envisaged to avoid, prevent, reduce or offset

Regulation 6(3) of the Regulations require the applicant to describe mitigation measures envisaged:

- (c) a description of the features of the EIA forestry project and any measures envisaged in order to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment;

Any mitigation proposed should adopt the mitigation hierarchy of avoid/prevent/reduce/offset.

## Presentation of EIA Report

As required by the Regulations, the EIA Report must be prepared by competent experts and must be accompanied by a statement outlining the relevant qualifications or experience of those experts (regulation 6(6)).

The format and layout of the EIA Report should follow the Scottish Forestry's 'Undertaking an Environmental Impact Assessment in Forestry' guidance<sup>5</sup>.

The Report should go through an appropriate internal review process prior to submission to Scottish Forestry to ensure clarity, accuracy, and completeness. It should also have version-control, numbered paragraphs and page numbers to aid review. All supporting maps should be of an appropriate scale and size to clearly articulate the required information with the avoidance of doubt.

## **Specific issues to be addressed in the EIA Report**

Having regard to Regulation 6(4) of the Regulations, the EIA Report submitted in relation to the proposed EIA forestry project must address the following issues:

1. Landscape and visual amenity
2. Ecology including cumulative effects
3. Ornithology including cumulative effects
4. Private Water Supplies, hydrological impacts on peat and ground water dependant terrestrial ecosystems (GWDTes)
5. Socio-Economic
6. Wildfire Risk
7. Future Timber Transport

---

<sup>5</sup> [Undertaking-an-environmental-impact-assessment-in-forestry-2022.pdf](#)

## **Specific issues to be addressed through UKFS and published guidance and included in EIA Report project description**

Several additional issues were raised by stakeholders during the scoping meeting, and others emerged while Scottish Forestry reviewed the Scoping Report. Scottish Forestry are satisfied that these matters can be resolved through the project's design by applying the UK Forestry Standard and relevant published guidance.

These are:

8. Cultural Heritage including Old Irvine Scheduled Monument (SM4406)
9. Electricity overhead power line
10. Mast – operated by Pegasus Group on behalf of Arqiva
11. Establishment infrastructure
12. Climate change, species selection, pest and diseases
13. Flood risk and water quality
14. Redundant materials plan
15. Forestry and Woodland Strategy

## EIA Report sections

With respect to the specific individual issues and environmental receptors the EIA Report should address, it should consider the following:

### 1. Landscape and visual amenity

#### Scottish Forestry assessment and decision

##### *Scoped in*

The following likely significant effects from the EIA forestry project (afforestation) have been scoped in:

- Effects on landscape (physical and character)
- Visual amenity
- Effects on receptors beyond 5 km (see below regarding cumulative assessment)

##### *Scoped out*

- Effects on people at their place of work

Scottish Forestry largely accepts the proposals for assessment for landscape and visual amenity set out in chapter 4 of the scoping report but additional requirements and clarifications have been set out in the sections below.

#### Cumulative Assessment

The cumulative study area proposed as being 5 km from the project is not considered sufficient. The project has the potential to impact on four landscape character types which have been subject to current afforestation projects.

The extent of the cumulative assessment should consider all the relevant LCT as whole units and the full extent of the Langholm Hills Regional Scenic Area. This is supported by Para. 7.20 and 7.21 of GLVIA3, and having a larger study area for a cumulative LVIA is common for other forms of development.

Impact from afforestation proposals approved under either the FGS grant scheme since 2015 or EIA regulations should be considered along with the impacts from afforestation schemes known to be under development.

Additional details regarding the afforestation proposals can be provided by Scottish Forestry, where applicant is unable to obtain sufficient details elsewhere. Screening opinions are available via [EIA screening public register](#) and FGS scheme locations are available via [Scottish Forestry Map Viewer](#) or [Open Data Hub | Scottish](#)

[Forestry](#). The applicant should specify the schemes they are proposing to consider in this assessment for approval by Scottish Forestry.

### Nature of Effect

As stated in the scoping report, GLVIA3 explains that assessing nature of effect is a matter of judgement. However it is recommended that these assessments consider factors such as how the proposal relates to existing landscape character and the quality of design. Scottish Forestry require that these (with reference to UKFS - Forests and Landscape along with Forestry Commission (2014), Design Techniques for Forest Management Planning) are the considerations given when determining the nature of effect which will result from the proposal.

### Visual receptors

The scoping report includes users of four Core Paths as potential visual receptors. There are several other Core Paths known to be in the study area and from which the Zone of Theoretical Visibility (ZTV) indicates that there may be visibility of the proposal. The EIA report should make clear which core paths have been included and which have been excluded along with provide a relevant explanation to support this decision-making.

### Mitigation

The scoping report appears to include conflicting statements, at Para. 4.3.7 and Para. 4.8.13. GLVIA3 is clear that LVIA should inform iterative design which seeks to mitigate potential effects, and that principle should be applied as part of the EIA report.

## 2. Ecology

### Scottish Forestry assessment and decision

#### *Scoped in*

The following likely significant effects from the EIA forestry project have been scoped in:

- Open habitats of conservation significance (Scottish Biodiversity List, Annex 1 habitat, on Schedule 8 of the Wildlife and Countryside Act 1981(WCA))
- Establishment of non native conifer regeneration (referred to as Spread of Sitka Spruce Seed in scoping report)
- Peat and Peatland
- Hydrological Impacts of Afforestation on peat and ground water dependant terrestrial ecosystems (GWDTEs)
- Bryophytes
- Designated sites- Langholm-Newcastleton Site of Special scientific Interest
- Existing native woodland, tree and scrub including areas recorded on Ancient Woodland Inventory
- Herbivore Management (referred to as Deer Management and to include Wildlife Displacement section)
- Cumulative impacts

#### *Scoped out*

- All receptors detailed in section 6.11 of the scoping report  
Namely River Esk, Glencartholm SSSI, Bigholms Burn SSSI, Bell's Flow SSSI and Penton Linns SSSI
- Impact on Fisheries
- Pesticide Usage
- Protected species (including badgers and bats)

Scottish Forestry supports the approach proposed in Chapter 6 of the scoping report subject to comments and additions below set out below. Where Scottish Forestry has not commented on a particular section of the report, it means there was nothing further to add.

In terms of terminology, the applicant should reference the Scottish Biodiversity List, which has been prepared to meet the requirements of section 2(4) of the Nature Conservation (Scotland) Act 2004, setting out the species of flora and fauna, and habitats considered by Scottish Ministers to be of principal importance for the biodiversity duty to further the conservation of biodiversity in section 1(1) of the Act.

The biodiversity duty is for public bodies and office-holders, in the exercise of their functions, to further the conservation of biodiversity so far as is consistent with the proper exercise of those functions (see section 1(1) of the 2004 Act).

While ecological impacts on peat, peatland and GWDTEs are normally addressed by the production of a UKFS compliant woodland creation design, given additional surveys and analysis will be presented as part of the EIA report Scottish Forestry agree that those issues should be scoped in.

In relation to impacts on fisheries, pesticide usage and protected species (including badgers) there is nothing in the information provided to date to suggest likely significant effects, the applicant should undertake the work set out in the scoping report chapter in relation to these receptors as part of the descriptions of the project.

#### Open habitats of conservation significance

The EIA report should present National Vegetation Classification (NVC) habitat surveys which cover the proposed planting areas and the surrounding areas to inform the consideration of reasonable alternatives and the assessment of the likely significant effects. As well as direct impacts due to planting, indirect impacts such as shading and loss of habitat connectivity should also be considered. The NVC survey provided with the scoping report only covers the proposed planting area and this will not be sufficient to support the EIA report.

#### Establishment of non native conifer regeneration

The assessment of impact from establishment of non native conifer regeneration should consider all unplanted habitats rather than solely focus on deep peat and GWDTEs. In addition to mitigation detailed in scoping report, the EIA report should include management to remove tree regeneration as well as the mitigation described in the scoping report. Consideration of impacts off the site should also be included in the assessment.

## Peat and Peatland

Deep peat is defined as peat over 50 cm as detailed in UKFS Requirements for Forests and Soil number 4 - page 102.

The EIA report should present peat depth survey to identify areas with peat over 50 cm in depth (deep peat) and the assessment should consider the impact of afforestation on these areas along with adjacent areas which are hydrologically connected to the identified areas of deep peat. The surveys identifying areas of deep peat as detailed in the scoping report along with assessments of hydrological connectivity should be used to further inform the design.

## Hydrological Impacts of Afforestation

It is noted that habitat surveys ((Findlay Ecology Services, 2019) and 2025 surveys referenced in the scoping report) have identified NVC habitats such as M6, M10, M15, M19, M23, M25 are present on the site. It is also noted that mosaics have been recorded which include M6 are proposed for planting. As M6 is generally associated with flushes, the suitability for afforestation of these mosaics should be considered against the UKFS Forest and Water guidance that flushes and springs should be buffered from productive conifer afforestation.

In relation to GWDTes, the applicant should follow the 2018 sector specific guidance<sup>6</sup>, which has been co-authored by Scottish Forestry, SEPA and Confor to provide the most relevant advice.

The impacts on deep peat and GWDTes should also include consideration of any proposed drainage and ground preparation methods. (see comments in hydrological section).

Impact should also be considered from the project on the hydrology of adjacent bog or wetland habitats.

## Bryophytes

As highlighted in SWAG's scoping response, consideration of base rich springs and their sensitive bryophytes assemblage should be included in the EIA report as detailed in section 6.1.7 of the scoping report.

---

<sup>6</sup> [practice-guide-on-ground-water-dependent-terrestrial-ecosystems.pdf \(confor.org.uk\)](https://www.confor.org.uk/practice-guide-on-ground-water-dependent-terrestrial-ecosystems.pdf)

### Designated Sites

The consideration of impacts on Tarris Valley Nature Reserve is to be included in the designated site section.

### Existing native woodland, tree and scrub including areas recorded on Ancient Woodland Inventory)

While the scoping report has included Ancient Woodland Inventory in the designated site section, Scottish Forestry considers that existing native woodland, tree and scrub including areas recorded on Ancient Woodland Inventory should be a separate issue. The EIA report should include a survey detailing the location and extent of existing native woodland, tree and scrub along with their habitat type/ species mix and current condition.

Impacts on these habitats from afforestation should be considered and the design should enable these habitats to be enhanced and expanded. The alternatives considered for this issue should include natural regeneration as well as new planting.

The expansion of these existing habitats should be incorporated into the design and where this may require planting this should be with appropriate species from local provenance. Opportunities to create riparian woodland should be included in the design.

### Herbivore Management

As well as deer management and protection options as detailed in the scoping report, the EIA report should consider other relevant herbivores e.g. hares, rabbits and goats.

The EIA report should consider a full range of alternative approaches from no fencing, fencing only the palatable species, a number of enclosures to perimeter fencing.

Impacts of fence route options should include those during the construction phase as well as medium/ long term impacts on the identified ecological receptors, recorded archaeological sites and recreational access. Matters such as such as fence life span and removal plans should also be considered.

As well as impacts on wildlife welfare, this section should also consider the impact of any deer fencing on wildlife movement due to displacement/ exclusion leading to changes in herbivore impacts on adjacent land use and habitats. The impacts of any proposed fences on species considered in the ornithological section also needs to be considered especially regarding the risk of bird collision.

The deer management plan<sup>7</sup> should include details such as the current herbivore populations, method(s) to monitor current and target level of impact and planned action/ response to achieve target level of impact.

### Cumulative Impacts

Cumulative impacts should be considered from afforestation schemes and other development types within the Langholm, Ewes and Westerkirk community council and the Canonbie and District community council areas.

The assessment of cumulative impacts should be against same ecological receptors scoped in as detailed above.

Impact from afforestation proposals approved under either the FGS grant scheme or EIA regulations since 2015 should be considered along with the impacts from afforestation schemes known to be under development.

Other development type such as windfarms should be considered where they may affect the same ecological receptors scoped in for this project.

Screening opinions are available via [EIA screening public register](#) and FGS scheme locations are available via [Scottish Forestry Map Viewer](#) or [Open Data Hub | Scottish Forestry](#).

Additional details regarding the afforestation proposals can be provided by Scottish Forestry, where applicant is unable to obtain sufficient details elsewhere.

The applicant should specify the schemes they are proposing to consider in this assessment and a methodology for approval by Scottish Forestry.

### Consultation

Comments and views on ecological aspects were provided at the scoping meeting and captured in the minutes. In addition, SWAG provided additional written comments regarding impact on deep peat and other matters which have been appended to the scoping minutes. RSPB provided a written response which while focused on ornithological matters did also include comment on priority habitats which would be covered by the above issues.

---

<sup>7</sup> [Scottish Forestry Deer Management Plan Template](#)

### 3. Ornithology

#### Scottish Forestry assessment and decision

##### *Scoped in*

The following likely significant effects from the EIA forestry project have been scoped in:

- Langholm- Newcastleton Special Protection area
- Langholm- Newcastleton SSSI (to include Tarras Valley Nature reserve)
- Barn owl
- Black grouse
- Hen Harrier
- Curlew
- Golden plover
- Grasshopper warbler
- Lapwing
- Linnet
- Mistle thrush
- Red grouse
- Skylark
- Whinchat
- Cumulative impacts

##### *Scoped out as per scoping report*

- Solway Firth SPA
- Golden eagle

Scottish Forestry supports the approach proposed in Chapter 7 of the scoping report subject to comments and additional below set out below. Where Scottish Forestry has not commented on a particular section of the report, it means there was nothing further to add.

### Langholm- Newcastleton Special Protection area/ Hen harrier

This section should consider the impacts of the project against the conservation objectives of the SPA which are:

- The population of the species as a viable component of the site
- Distribution of the species within site
- Distribution and extent of habitats supporting the species
- Structure, function and supporting processes of habitats supporting the species
- No significant disturbance of the species

In addition, this section should consider likely significant effects from the project on the site either alone or in combination with other proposals, any impacts which could adversely affected the integrity of the site and measures which would avoid any such adverse effects. This assessment should include consideration of impacts from other proposals within 2km of the SPA as this is the core foraging range for hen harrier.

The impacts of the project on both breeding and over wintering population should be considered.

### Black Grouse

In addition to the potential impacts detailed in this section of the scoping report, impact on any proposed fences in relation to bird collision should also be considered. As well as habitat improvement, predator control should be considered as part of any proposed mitigation.

### Curlew

The predator control should be considered as part of any proposed mitigation.

### Golden plover, Grasshopper warbler, Lapwing, Linnet, Mistle thrush, Red grouse, Skylark, Whinchat

The proposed scoping out of these species is only based on the consideration of a single adjacent scheme (Cockplay) rather an assessment of cumulative impact from other afforestation proposals in the local area.

As a result, there is uncertainty as to the impacts on these species at a regional scale due to the limited details provided in the scoping report regarding the cumulative impact arising from other woodland creation projects.

Therefore adopting the precaution principle, Scottish Forestry consider the above species must be scoped into the EIA report and be considered in a cumulative impact assessment which is based on the same extent as that detailed in the ecology section.

### Cumulative Impact

In addition to consideration of cumulative impacts detailed in the scoping report, the EIA report should also consider the cumulative impacts on all species scoped in for this issue as detailed above. The geographical extent and development types for the cumulative impact on this section should be the same as that detailed in the ecology section.

The applicant should specify the schemes they are proposing to consider in this assessment and a methodology for approval by Scottish Forestry.

### Consultation

Advice and view on ornithological aspects was provided at the scoping meeting and captured in the minutes. NS also provided additional comments having reviewed the scoping report relating to the SPA and requirements for an HRA.

RSPB provided written comments which had previously been issued during due diligence in 2024 in response to their scoping invitation. These comments which have been appended to the scoping minutes. The local raptor study group also provide written comments which have been appended to the scoping minutes.

### Methodology

The method used by Richard Clarkson Ecology 2025 survey should be detailed in the EIA report.

## 4. Hydrological , Hydrogeology , Geology and Peat

### Scottish Forestry assessment and decision

#### *Scoped in*

The following likely significant effects from the EIA forestry project have been scoped in:

- Impacts on Private Water Supplies (PWS)- currently only one supply to Middleholm Farm has been identified.
- Peat including impacts from cultivation and drainage
- GWDTes including impacts from cultivation and drainage

#### *Scoped out*

- Impacts on surface water quality due to suspended sediment
- Silt and sediment laden surface water run off and/ or woody debris impeding flow
- Impacts on surface water and groundwater quality due to contamination discharges
- Soil drying due to cultivation and drainage releasing dissolved organic carbon into water courses
- Impacts on flood risk
- Drinking Water Protection Areas
- Acidification of catchment
- Impact from woodland planting on peak flows due to interception and evaporation
- Scottish Water infrastructure
- Receptors detailed in 8.4.10 of the scoping report  
Namely superficial soils (non peat), bedrock geology and designated sites

Scottish Forestry provides commentary on the above issues as well as additional comments in relation to specific sections of the chapter. Where Scottish Forestry has not commented on a particular section, it means there is nothing further to add.

Well planned and designed forests can have additional benefits to the water environment and the UKFS underpins these principles.

While hydrological impacts on deep peat and GWDTEs are normally addressed by the production of a UKFS compliant woodland creation design, given additional surveys and analysis will be presented as part of the EIA report, Scottish Forestry agree that those issues should be scoped in.

It is recommended that the hydrological impacts on peat, peatland and GWDTEs are considered alongside the ecological impacts on these receptors to enable a holistic assessment of the impact on these receptors from the proposed afforestation and any associated drainage and ground preparation.

The identification of areas for peatland restoration is noted.

The following documents provide clear guidance on appropriate establishment techniques and approaches to drainage, which if followed will ensure that there is no likely significant effect on soil and water in relation to silt and sediment movement and subsequent deposition:

- UKFS
- UKFS Practice Guide: *Managing forest operations to protect the water environment*<sup>8</sup>
- Scottish Forestry: *Cultivation for upland productive woodland creation sites – Applicant’s guidance*<sup>9</sup>

For the above reasons, Scottish Forestry has scoped out silt and sediment movement and subsequent deposition.

The most likely sources of contamination are from:

- Spillage or leakage of oils, fuels or hydraulic fluids from site vehicles and machinery;
- Spillage of oil or fuel from refuelling machinery; and
- Spillage from improper usage of herbicides.

There is well understood industry practice and guidance on avoiding or preventing contamination. The adoption of good forestry practice in accordance with UKFS and associated guidance should ensure there is no likely significant effect

For the above reasons, Scottish Forestry has scoped out water contamination.

In terms of addressing any risks from the afforestation to flood hazards and risks in the area, these are covered through compliance with UKFS and the following UKFS practice guides:

- [Designing and managing forests and woodlands to reduce flood risk](#)
- [Managing forest operations to protect the water environment](#)

---

<sup>8</sup> [Managing forest operations to protect the water environment - Forest Research](#)

<sup>9</sup> [Scottish Forestry - Cultivation Guidance](#)

- [Creating and managing riparian woodland](#)

It is important to highlight the benefits of well planned, designed and managed woodland can have for flood risk. A [study by Forest Research](#) estimates that the capacity of woodlands to store water and slow down run-off to downstream communities after heavy rain is worth almost £100 million a year in Scotland. Forests and woodlands can slow flows.

Forests and woodlands intercept rainfall and while some is lost through evaporation, it slows it getting to the ground. They provide soil protection and enhancement through their rooting systems by protecting soils from disturbance, improving soil structure, enhancing infiltration into the soil, increasing water storage and slowing sub-surface flows. On the surface, trees intercept and slow water at the source and along its pathways by providing resistance to overland flows and slowing the speed at which it reaches watercourses. These processes can protect from erosion and sedimentation of rivers, which reduces the capacity of watercourses to store water.

For the above reasons, Scottish Forestry has scoped out woody debris and flood risk.

Trees interact and 'use' water through the processes of transpiration and evaporation. Transpiration is where water is absorbed from the soil by the roots and moves up and out of the leaves of the tree through their stomata. Some of this water is also stored within the trees. Evaporation is the loss of water from the wetted canopy, which can only occur during and soon after rainfall and is not an active process during dry periods. Note these terms are often lumped together as "evapotranspiration" but there is an important distinction between them.

Evaporation: Tree cover, particularly of conifer, instead of grass can reduce annual cumulative water yield mainly due to higher evaporation of water from the wetted tree canopy during wet weather. The reduction in water is not evenly spread throughout the year, but has a greater influence during moderate to high flows that typically follow wet weather periods. This 'water use' does not apply to periods of low flows when water supplies are most critical.

Transpiration: It is important to note tree water use by transpiration is generally significantly less than that by grass and bracken. During drought conditions, trees naturally try to be more water efficient and adapt to preserve what water they do have. They close their stomata (pores in the leaf) to reduce transpiration rates and slow down their growth.

Conifer species 'use' more water than broadleaves species, especially in the first 10-15 years of growth. This is due to the faster growth rates and the greater surface area of leaves, which are (mostly) present throughout the year (depending on species), meaning evaporation from the wet canopy (during wet weather) can occur year round. Climate change is expected to lead to warmer, drier summers

and extended drought periods but as forest interception does not operate at such times it is less likely to impact on drought flows. Providing there is enough rainfall for groundwater stores to remain topped up during wet periods, forest water use will have little effect on their capacity to sustain spring and low river flows during extended dry periods.

In dry conditions: Trees can provide shading and cooling benefits during periods of water scarcity, reducing soil water evaporation and sustaining soil moisture while providing refuge for livestock or wildlife.

For the above reasons, Scottish Forestry has scoped out impacts on peak flows

The project is outwith a drinking water protection area therefore Scottish Forestry has scoped out consideration of this issue.

The project is outwith a recognised acid sensitive catchments<sup>10</sup> therefore Scottish Forestry has scoped out consideration of this issue.

Should any Scottish Water (SW) infrastructure be present within the project area these should be identified in the project description with appropriate protection measures implemented to protect the infrastructure which have been agreed with Scottish Water Highway Authority Utility Committee. Evidence of the agreement with the SW should be provided with the final EIA submission.

We have scoped out SW infrastructure on the basis that buffers agreed with SW would be compliant with UKFS meaning that there are no likely significant impact from the project.

### GWDTEs

If GWDTE\_habitats are determined to be directly dependent on the groundwater supply (expert judgement is required), then any alterations to the groundwater supply itself are protected under legislation; in addition to the habitat.

Under General Binding Rules (GBRs) in schedule 9 of the Environmental Authorisations (Scotland) Regulations (EASR) 2025, GBR 15 of Chapter 2 (water) sets out restrictions on abstractions from or interference with the groundwater; this applies to GWDTEs which are directly dependent on the groundwater. These restrictions require a 250m buffer and should be highlighted if it is a requirement in the EIA report.

Under GBR 9 of Chapter 2 places restrictions on the use of machinery or vehicles in or near any surface water or wetland and buffers outlined in UKFS and GWDTE

---

<sup>10</sup> [FC Practice Guide Managing forests in acid sensitive water catchments](#)

guidance should be evident in maps of cultivation, planting and roads/excavations. Where a GWDTE is a wetland, the restrictions in GBR 9 of Chapter 2 should be highlighted in the EIA report.

In order to support the assessment of the hydrological impact on GWDTE, the following details are required on separate maps:

- Location and boundary of GWDTEs
- Clear buffers around the GWDTEs
- Type of planting
- Cultivation methods
- Any excavations or planned abstractions – ensure 250m buffer around GWDTE if determined directly dependent on the groundwater.

### Private Water Supplies (PWS)

The assessment of impact on PWS(s) should be undertaken in line with Scottish Forestry Guidance<sup>11</sup>. Depending on the extent and type of afforestation proposed within the catchment, additional analysis may be required to inform assessment of impact from the project on the PWS yield. The details of any additional analysis should be confirmed with Scottish Forestry once the extent of the catchment and type of afforestation proposed is known. In addition, the infrastructure of the PWS should be mapped and buffered in line with Scottish Forestry Guidance.

### Consultation

SEPA's scoping response included details regarding consideration of private water supply, along with flooding and GWDTEs which have been appended to the scoping minutes. SEPA provided additional comments having reviewed the scoping report in which they agreed with the scoping out of the above issues subject to compliance with UKFS. The user of the PWS attended the scoping meeting.

---

<sup>11</sup> [Managing Forestry Operations to Protect Private Water Supplies](#)

## 5. Socio-Economic

### *Scoped in*

The following likely significant effects from the EIA forestry project have been scoped in:

- Socio-Economic impact from the project

### *Scoped out*

- Visual impact - NB this should be included as part of the Landscape and Visual Impact chapter
- Environmental impacts - NB these should be included as part of other relevant chapters
- Impacts of pesticides and chemicals on human health as a UKFS compliant scheme would suitably address these impacts.

The EIA report should present an assessment as detailed in chapter 9 of the scoping report.

Scottish Forestry provides commentary on the above issues as well as additional comments in relation to specific sections of the chapter. Where Scottish Forestry has not commented on a particular section, it means there is nothing further to add.

The assessment must include consideration of the following:

- Temporary effects on the local economy in relation to expenditure during the establishment/construction phase
- Permanent effects on the local economy in relation to expenditure during the on going operation and maintenance of project
- The current recreational access use and infrastructure on the site and as part of the wider infrastructure
- Proposals to protect and enhance the recreational infrastructure
- Impact of the project on agricultural land availability/ agricultural employment both as a stand only project and cumulatively with other approved and proposed afforestation schemes (as detailed in the ecology cumulative impact section) within Langholm, Ewes and Westerkirk community

council and Cannonbie and District boundaries. The applicant should specify the schemes they are proposing to consider in this assessment and a methodology for approval by Scottish Forestry.

### Consultation

At the scoping meeting concerns around land use change were highlighted with specific points such as loss of land and small farms along with reduction of business were raised. The permanence of land use change from agriculture to forestry was also raised, along with impacts from the proposal on tourism. These points were all recorded in the scoping minutes.

## **6. Wildfire risk**

### Scottish Forestry consideration and decision

#### *Scoped in*

The following likely significant effects from the EIA forestry project have been scoped in:

- Wildfire risk

This issue was raised at the scoping meeting and the scoping report has scoped it in as an EIA issue. While concerns regarding wildfire are normally addressed by good wildfire management planning and practice, which are compliant with the UK Forestry Standard; there are no details provided in the scoping report to demonstrate this planning or its compliance with UKFS. Therefore Scottish Forestry are content to scope in this issue.

The EIA report must consider the following mitigation strategies relating to both the forest design and a Wildfire Response Plan and Fire Map as appropriate:

- contingency planning
- managing vegetation and fuels
- creating fire breaks and fire belts
- improving forest design
- building silvicultural resilience
- planning for people
- planning for an incident response

The design should be informed by Forestry Commission Practice Guide: Building wildfire resilience into forest management planning<sup>12</sup> and UKFS Practice Guide: Adapting forest and woodland management to the changing climate<sup>13</sup>. The applicant should also have regard to Scottish Forestry's Information Note: Forest Planning to minimise wildfire risk in Scotland<sup>14</sup> :

- The design should consider appropriate mitigation to reduce or avoid impacts of wildfire.
- To minimise additional fuel loading on-site, the applicant should have a Waste and Redundant Materials Management Plan This should detail plans for disposal of redundant materials and manufactured products.
- Signage: Fire prevention signage and other information signage to be used on site

The scoping report refers to a continued prohibition of open fires, it is not clear what this refers to prohibition of open fires is not in line with Scottish Outdoor Access Code (SOAC). The fire prevention signage proposed as part of the fire plan must be in line with SOAC guidance<sup>15</sup>.

The EIA report must include a fire plan which includes a map of the site demonstrating primary and secondary access points, along with water supplies. The plan details emergency procedure in the event of wildfire, containing important contact information and precautionary measures to implement to help wildfire prevention.

## 7. Future Timber Transport

### Scottish Forestry consideration and decision

#### *Scoped in*

The following likely significant effects from the EIA forestry project have been scoped in:

- Timber transport.

The scoping report provides limited details as timber transport other than noting the site is served to the north by a consultation route, to west by A7 and south by an unclassified route linked to a consultation route.

The local authority roads department did not provide a scoping response and the response from the Timber Transport Officer quoted in the scoping report doesn't

---

<sup>12</sup> [Building wildfire resilience into forest management planning - Forest Research](#)

<sup>13</sup> [Adapting forest and woodland management to the changing climate - Forest Research](#)

<sup>14</sup> [Information Note - Forest planning to minimise wildfire risk in Scotland](#)

<sup>15</sup> [Guidance - Open fires and BBQs in the outdoors | Scottish Outdoor Access Code](#)

provide sufficient information to allow for full consideration of any potential significant effects.

Taking the precautionary approach, Scottish Forestry considers timber transport should be scoping in with a timber transport appraisal being provided as part of the EIA report.

The timber transport appraisal should include:

- Proposed access points to public highway
- Estimated volume/ lorry movements from each of the access points
- Timeline for the estimated volume/ lorry movements
- Impact of the above on traffic through Langholm based on current markets for products and current traffic baseline.
- Cumulative impact from other productive forests using the same public highway infrastructure.

The applicant should specify the schemes they are proposing to consider in this assessment and a methodology for approval by Scottish Forestry.

## UKFS

Issues to be addressed through UKFS and published guidance and included in EIA Report project description.

### **8. Cultural Heritage including Old Irvine Scheduled Monument (SM4406)**

Scottish Forestry agreed that this issue can be scoped out due to the details provided in scoping report in chapter 5.

The design should be informed the Historic Environment Desk-Based Assessment and Walkover Survey (Mott MacDonald, 2020) and correspondence with Dumfries and Galloway council archaeologist and Historic Environmental Scotland.

As well as the Scheduled Monument, the survey identified a further 88 potential heritage assets. The significance of these assets was assessed and where their significance warranted protection with buffers were proposed ranging from 5 to 20 m in line with UKFS. A number of the features such as rig and furrow cultivation were assessed as being of limited heritage value with no buffer being proposed

In post scoping meeting correspondence between the Dumfries and Galloway council archaeologist and the applicant, the archaeologist confirmed that they were satisfied with the survey undertaken and its recommendation subject to the features of limited heritage value, i.e. rig and furrow cultivation, being recorded prior to planting.

With regard to the Scheduled Monument, Historic Environment Scotland welcomed in their scoping response the proposed 40 m buffer between the Scheduled Monument boundary and the proposed planting along with recommending that planting around the monument uses native or broadleaf species to further reduce visual and setting impacts. The Applicant has committed to incorporate this recommendation into the final design (section 5.7.2 of scoping report).

In post scoping correspondence HES confirmed they were content that the SM was scoped out of EIA report subject to a minimum 40 m buffer between the planting and the SM boundary. They also reiterated their recommendation that planting around the monument uses native or broadleaf species to further reduce visual and setting impacts.

## **9. Electricity overhead power line**

These should be identified in the project description and buffered with open ground which has been agreed with Scottish Power, and taken into account in the landscape assessment.

## **10. Mast – operated by Pegasus Group on behalf of Arqiva**

The mast should be identified in the project detail and buffered with open ground which has been agreed with Pegasus Group.

Evidence of the agreement with the above two bodies should be provided with the final EIA submission.

## **11. Establishment infrastructure**

The proposed access points from the public highway for establishment should be identified in the project description.

As the project is an EIA project there is no threshold for any forest infrastructure required to implement the afforestation therefore any changes to the current access infrastructure must be included in the EIA report. NB maintenance of forest infrastructure is also covered by the Forestry EIA regulations.

The applicant has stated that no new or improved tracks will be constructed to enable the establishment of the project.

However should this change, the impacts of any constructed tracks must be assessed against relevant EIA and UKFS issues and this assessment be included in the EIA report. If this occurs the applicant should agree with Scottish Forestry which receptors the infrastructure's impacts should be assessed against.

## **12. Climate change, species selection, pest and diseases**

The species selection should be supported by the inclusion of site specific ESC analysis based on soil/ habitat survey and consideration of current and future climate projections in the project description.

The project description should detail adaptive forestry measures with reference to the Forestry Research Climate change hub<sup>16</sup> and UKFS Practice Guide 'Adapting forest and woodland management to the changing climate'<sup>17</sup> in relation to weather events as well as pest and disease risks.

---

<sup>16</sup> [Welcome to the Climate Change Hub - Forest Research](#)

<sup>17</sup> [UKFS Practice Guide 'Adapting forest and woodland management to the changing climate](#)

### 13. Flood Risk and Water Quality

The project description must detail compliance with UKFS which addresses the following issues which have been scoped out of the EIA report; impacts on surface water quality due to suspended sediment, silt and sediment laden surface water run off and/ or woody debris impeding flow, impacts on surface water and groundwater quality due to contamination discharges, soil drying due to cultivation and drainage releasing dissolved organic carbon into water courses and impacts on flood risk.

The project description should make reference to the relevant guidance which includes

- UKFS Practice Guide: Managing forest operations to protect the water environment<sup>18</sup>
- Scottish Forestry: Cultivation for upland productive woodland creation sites – Applicant’s guidance<sup>19</sup>
- Scottish Forestry: Designing and managing forests and woodlands to reduce flood risk<sup>20</sup>
- Scottish Forestry: Creating and managing riparian woodland<sup>21</sup>

### 14. Redundant materials plan

This should detail plans for disposal of redundant materials and manufactured products. Eg fence removal, tree protection plastics etc.

### 15. Forestry and woodland strategy

The project description should detail how the project delivers the strategic objectives along with local opportunities while addressing local constraints detailed in the Dumfries and Galloway Forestry and Woodland Strategy (2014). Should an updated forestry and woodland strategy be consulted on prior to the submission of the EIA report, then consideration of the proposed forestry and woodland strategy must also be included.

---

<sup>18</sup> [Managing forest operations to protect the water environment - Forest Research](#)

<sup>19</sup> [Scottish Forestry - Cultivation Guidance](#)

<sup>20</sup> [Designing and managing forests and woodlands to reduce flood risk - Forest Research](#)

<sup>21</sup> [Creating and managing riparian woodland](#)