

## **Recommendations for changes to the systems and operations of SRDP.**

### ***A Forestry Perspective.***

#### Preface

This review was commissioned by Michael Russell, Minister for Environment as an urgent process to be completed over a period of 4 weeks. This was therefore a short term but intensive task focussing on day to day improvements in systems and operations to decrease the time taken to prepare applications and to increase the flow of such applications, their chance of success and their speed of approval.

This review is from a forestry perspective and is intended to be fed into the wider review of the whole of SRDP announced by Richard Lochhead, Cabinet Secretary for Rural Affairs and the Environment, on 11th November 2008. ConFor would welcome the opportunity to participate fully in that wider review.

I am grateful to all of those who have participated in this task in particular my core group, Charles Bushby, Jamie Farquhar, Simon Jacyna, and Tim Liddon, the wider group of ConFor members, SRDP applicants and staff from both the Forestry Commission and RPID.



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***16th December 2008***

(SRDP is the Scottish Rural Development Programme)

Contents

Preface	Page 1
Contents	Page 2
Executive Summary	Page 3
Part 1 Findings from Applicants and Case Officers	Page 4
Part 2 Conclusions of the ConFor SRDP Review Group	Page 11
Part 3 Recommendations	Page 18
Part 4 Case Studies	Page 25
Part 5 Abbreviations	Page 32

## Executive Summary

The objectives set by the Minister were to make recommendations which would

- *decrease the time taken to prepare applications and*
- *to increase the flow of such applications,*
- *their chance of success and*
- *their speed of approval.*

Our work has therefore been confined to reducing the timeline within the existing process and making it more customer friendly as we believe this will increase the flow of applications.

Our focus has been on the applicants' perspective. Constrained by our tight time schedule we have sought the views of applicants, successful and unsuccessful, along with the views of Case Officers, the applicant's key interface, rather than senior officials in either FCS or RPID or other members of the RPACS.

### Summary of Key Priority Recommendations

(Detailed on pages 18 to 20)

This report contains 41 recommendations; we have made 11 key priority recommendations and another 30 secondary recommendations. We recognise that some of these secondary recommendations may need to be fed into the wider SRDP review.

On this page we summarise only our 11 key priority recommendations which we believe should be implemented immediately. These recommendations if not only implemented but also well publicised, will help counter the perception that SRDP is "too much bother" and this in itself will further increase the flow of applications.

1. An option to bypass SOI assessment and proceed directly to the Proposal.
2. A process for approving a capped value of non-contentious cases between RPAC sittings.
3. Four RPAC sittings should be held each year.
4. Streamline the Ministerial approval process.
5. An interim process to allow work to start on approved cases; while contract issue, content and variation process are resolved.
6. Permit multiple agents to access single BRNs.
7. Instruct FIS team to resolve IACS boundary issues between neighbouring applicants.
8. Remove the 200ha limit for Farmland Premium.
9. Ensure all Case Officers are adequately trained.
10. An interim measure to prevent applicants holding back for the support increases in train.
11. Communicate these and other changes to applicants through workshops and other means.

## Part 1

### Findings from Applicants and Case Officers

#### 1. Background

- a) SRDP got off to a very bad start when it was launched on 7th April 2008. The scheme was still under development, the IT was not in place and case officers had little or no training. Such guidance which was available to both applicants and case officers was sketchy and sometimes conflicting. As a result those making early applications had a very poor experience and uptake of the scheme continues to suffer from perceptions derived from those early problems.
- b) SRDP is the main source of grant aid for the forestry sector and so forestry applicants have been particularly persistent. It should be noted that the previous forestry grant scheme (SFGS) was closed 2 years ago and so the flow of applications should be viewed in the light of that considerable stored demand.
- c) The oft quoted "failure of the private sector to meet the woodland creation target" causes considerable irritation within the private sector. The premature closure of SFGS was widely regarded as an over-reaction, the 2 year wait for a long term replacement has lost momentum, a critical factor, and the lack of a single contract yet issued under SRDP shows a continuing lack of urgency to provide the private sector with the means it needs.

#### 2. The Applicants Overview

- a) We have had access to those who have and are applying for forestry measures under SRDP. The consistency of their response gives us a high degree of confidence in the findings of this report despite the tight timescale we were set.
- b) Navigation of the web site is counter intuitive for the applicant.
- c) The whole process is very complex. It has been said that after 4 or 5 applications it gets easier but what if you only want to make 1 or 2 applications? Complex processes favour professionals and increase costs for both sides.
- d) The successful applications have been almost exclusively lodged by Agents and while the process becomes easier with familiarity it must be recognised that this effectively penalises one time applicants.
- e) Many forest owners are undertaking IACS registration for the first time. This process is slow and FIS staff unhelpful.
- f) Web access has been variable. One forest owner who is also an agent was told that he could not be an owner and an agent and in order to access his own forests he had to mandate himself to work on his behalf! Businesses who wish to have more than one agent acting for them on rural development work and the associated agents are very frustrated as RPO can only accept one agent for RDC per BRN. Many applicants are especially frustrated as much of this had been flagged to RPID early on.
- g) Layout of the web sites is less than straightforward. Forestry applicants need to watch and access three separate web sites FCS, RPO and Rural Development. The RPO website has changed frequently whilst it was developed.
- h) Some applicants reported that they had decided to let others do the trailblazing as it was too difficult to judge likelihood of success and learn the system.
- i) Case officers did not know the scheme at the start and contradictory advice was being received for many months. However many applicants were at pains to point out to us

that their case officers had been as helpful as they could and had done their best in the circumstances.

- j) Applicants report that the time taken before being able to start work is simply too long, with the consistent view that SRDP will at best always take at least twice as long as SFGS. Applicants do not perceive any improved scrutiny or evaluation during this extended period and so see no added value.
- k) Nearly all agents queried the need for such a complex, lengthy, competitive application process that requires a lot of justification, before applicants can deliver the national priority for Woodland Creation.
- l) The scoring system reflects this national target. It appears that all woodland creation schemes score at least ten points and that most will score twelve or more. Many will achieve fourteen or possibly higher.
- m) So far, all woodland creation schemes have been approved by the RPACs. At the first RPAC the pass mark was twelve, and it was reduced to ten at the second with many schemes accepted with eight points. It seems therefore that woodland creation schemes always score at or above the current pass mark.
- n) There will be grave concerns raised if well designed and silviculturally sound woodland creation schemes are rejected in the future. This might occur due to a quirk in the scoring for a particular location or because the pass-mark is raised due to diversion of funds to other silos that are heavily over-subscribed.

### 3. The Case Officers Overview

- a) We have talked to significantly fewer case offices, than applicants and these findings are likely to be less representative and should therefore be viewed with more caution.
- b) It took until end of October before case officers felt they were adequately trained and could provide reasonable advice and guidance to applicants.
- c) SRDP is significantly more time demanding than SFGS. In particular restrictions to IT access means that work which previously could be carried out by administration staff now has to be done by case officers.
- d) The internal helpdesk process is anonymous, that is when a question is logged and the answer then given, there is no way for the case officer to easily seek clarification or amplification of that answer.
- e) Case officers cannot see what the applicant sees on line, (they have different screens, and this makes it difficult for case officers to guide applicants through the on-line process.)

### 4. IT

- a) As with previous sections of this report we have talked to applicants whose responses are noted below. Again their consistency of response leads us to believe that we have a high degree of confidence in our findings. Responses are noted below:
- b) Design of the IT system had constrained access to the system where there were multiple agents for one client.
- c) Navigation of the website was not intuitive, applicants became lost in the site leading to information being printed off to be analysed. The focus on outcomes (e.g. improved landscape), rather than actual delivery mechanisms (e.g. forest plan) that met SRDP's objectives was one main cause of the complexity.

- d) Creation and updating of web pages was poor as applicants were not aware when web pages were changed leading to use of incorrect information.
- e) There were various problems with data capture in both the SOI and EOP:
  - Irrelevant information was captured e.g. Farm Code.
  - There was no training facility to practice data capture.
  - Capture in different media was unnecessary e.g. website and Microsoft Word document for EOP. Maps then had to be posted or e-mailed separately as 'pdf' documents.
  - The Microsoft Word document template that was used for EOPs restricted functionality
  - Not all relevant information was captured in the EOP. Emphasis revolved around meeting SRDP's objectives so, for example, not all silvicultural information was captured e.g. species mixtures.
- f) User reports were poor, for example:
  - The format of printed layouts for applicants was not useful.
  - There was no financial summary information.
  - There was no summary report for agents to show the status of all of his applications.
- g) Communication was unsatisfactory:
  - Notification that applications had reached certain milestones was not conveyed to applicants e.g. SOI assessment results
  - Notification of payments from existing (non-SRDP) schemes was not being made to agents.
  - Case officers were not aware who had actually submitted the application e.g. agents have assistants who may submit applications on their behalf.
- h) There are serious delays between submission of a claim and payment which are purportedly due to IT errors.

## 5. Grant Rates

- a) Some applicants are so pessimistic about whether the SRDP system that deliver that they consider the grant rates irrelevant.
- b) The widespread view was that many of the grant rates are too low.
- c) There is misery from those affected by the slow down in timber markets causing delayed felling and subsequently delays to site preparation, that they will now lose higher SFGS approved rate of grant by not being able to complete work and claim by the end of February 2009. There is annoyance that there is no fast-track system for affected schemes to gain immediate contracts under SRDP.
- d) Forestry applicants feel it is unfair that the farming sector continue to receive not only SFP (Single Farm Payment), but also LFASS whilst forestry devoid of any new grant support, other than the interim Woodland Creation Scheme, for over 2 years.
- e) There is frustration over the initial 70/100% WIG support mistake and uncertainty over which rate will actually be awarded, and whether there will be any further process to go through.
- f) There is widespread uncertainty about the stage at which the grant rate is fixed, is it when a contract is signed (the historical RPID approach) or when grant is claimed (the historical FCS approach)?
- g) Intervention rates now further undermined by inflation.
- h) SFM rates are so low that some "desirable" management options, e.g. LISS will not be carried out.

- i) Those who were aware of the planned increase in intervention rates for woodland creation welcomed this, but worried about when this will be approved. Will there be time for decisions to be made and for the SRDP application process to allow contracts to be issued in time for the next planting season? This concern is slowing/preventing applications.
  - j) There is uncertainty on availability of SRDP support to land under Dedication Schemes
  - k) Low deer fencing grants for woodland creation provide no incentive to bring SSSIs into an improving condition, unless the work can be classed as WIG, but even then grants are too low for deer fencing in west coast/mountainous situation.
  - l) Livestock exclusion payments are an integral part of natural regeneration schemes. (Woodland Creation grant, farmland premium etc payable on the open areas, LOGI/LEAP paid on the wooded part of the matrix). Schemes are only attractive on this basis. This combination is not now available and is a disincentive to potential applicants.
  - m) Missing elements of support
    - 1. Tree shelters, including vole guards, specific support should be provided.
    - 2. Rabbit fencing
    - 3. Seed Orchard Sitka spruce at regeneration
    - 4. Monitoring and reporting on BAP species, e.g. caper, blackgrouse, red squirrel. Specialist surveys
    - 5. Restocking for mixed conifer/broadleaved stands e.g. Larch with SS
    - 6. Loss of grazing income
    - 7. Restructuring support for LISS
    - 8. Heather swiping for capercaillie
    - 9. Bracken spraying
    - 10. Archaeological surveys
    - 11. Deer management plans as specialist plans
6. IACS Mapping
- a) LBCF forms have been crudely altered to include forestry but guidance and terminology is inconsistent, an overhaul is needed.
  - b) Guidance on acceptable mapping scales only refers to 1:10,000 and 1:25,000; this can cause FIS team problems for data capture on smaller compartments. The opportunity to submit 1:2,500 for detail may be of assistance to FIS team.
  - c) Mapping guidance states that supplied maps should be based on up to date OS or your FIS Map and should: - “clearly show at least two horizontal and two vertical grid lines along with grid numbers”. Some of the FIS maps supplied have grid lines at 200m intervals. Some of those at A3 do not have sufficient detail to comply with the mapping requirements should an applicant use these to submit an application.
7. Statements of Intent
- a) Agents and many applicants do not like SoIs and would like to see this stage removed from the RP application process.
  - b) It can take up to two weeks for the SoI to be allocated to the case officer. In the case of illness/holidays there is the potential for an even longer delay before the case officer can acknowledge receipt and enter the 25 day assessment period. Although turn-around times have improved, case officers do sometimes still need most or all of this period to complete the assessment. Potentially an applicant has to wait for up to six or seven weeks, exceptionally even longer, before submitting the detailed proposal.

- c) Many SoIs have been given a ‘red’ simply because they have used the wrong form of words, not because of any specific fault in the nature of the proposal. (One SoI given an amber contained the comment “you have used the right words and phrases” in the assessment). Experienced agents now expect 100% of their SoIs to get amber.
  - d) Agents do not consider that the assessments provide them with much useful information. They know what is required because applicants follow a recognised design process for woodland creation and related woodland work. Many agents already informally discuss potential applications with a woodland officer with a phone call or at a site meeting. Other issues may emerge during consultation.
  - e) They represent extra work for the applicant / agent for no apparent benefit.
  - f) SoIs do not provide a realistic assessment of the likelihood of eventual success.
  - g) Agents do not like the inconvenience of having to log on repeatedly or to phone the case officer to find if the SoI has been assessed.
  - h) Once work starts on the Proposal, it is possible to modify the SoI text and add or delete options and packages or change claim years. It is possible for the eventual application to differ from the original outline in the SoI. They therefore can be misleading.
  - i) There is still some confusion amongst case officers about the difference between ‘outcome plans’ and ‘specialist outcome plans’. Assessments are often unclear about the grant payment rate that will apply.
  - j) In addition, from formal and informal conversations with FCS staff, and the results of the first two judging rounds, we note that:
    - i) Case officers indicate they do not consider that SoIs ease their task.
    - ii) Applicants have up to 12 months to submit a proposal after the amber assessment is awarded. This period can span two financial years and up to three judging rounds.
    - iii) Many SoIs just sit in the system after they have been assessed without any work on the proposal being initiated. Proposal submissions also take a long time to come through. It is too early to tell how many assessed SoIs will never proceed to the ‘proposal submitted’ stage.
    - iv) All woodland creation and other forestry applications were approved during the first two judging rounds. We question whether the SoI assessment process materially affected this outcome.
    - v) Overall, only 81% of all applications submitted to the first two RPACs were successful. Clearly therefore an amber assessment is not a good guide to the likelihood of success. SoIs are not scored by the case officer.
8. Proposal
- a) Outcome Plan structure is irrelevant and requires information often already entered elsewhere in the application. The template file lacks MS Word functionality – impossible to insert documents without losing formatting. Lack of clarity about how much information is required. Many plans merely constantly refer to other documents. Much ‘copy and pasting’ required. For Forest Plan applications, the Plan asks for the information that is gathered later as part of the FP process
  - b) Agents commented that the on-line data entry is inefficient and error prone and listed many examples of irritating snags or un-necessary information to be supplied. The information is summarised in a way that is not helpful to applicants. Many agents contrasted this with the ease of data entry under the SFGS with the ‘grant calculator’ and the summary reports that it could generate.

- c) There is excessive emphasis on linking everything to Priorities. We need more separation between description of work and proposals and the scoring/Priorities.
  - d) Staff more concerned with process rather than outcomes – no sense of urgency.
  - e) Proposal forms do not capture the ‘how are you going to do it’ information. They focus on meeting Priorities /targets rather than delivering a good forestry scheme.
  - f) The whole application process is too slow. If an application is rejected by the RPAC it may take up to a year to go around again, even if only modest changes are required. Applicants need to be able to revise an unsuccessful application, rather than having to restart entire process from scratch, especially repeated data entry.
  - g) Other work is taking longer to process because case officers have to cope with the extra workload of the RDP.
  - h) A paper based system would make the scheme more accessible.
  - i) Deadlines for RPACs have little meaning as guidance makes clear that meeting the deadline does not guarantee the application will go before the RPAC.
  - j) Guidance literature is still lacking for some topics, rules are ambiguous, and rules are changed retrospectively or applied in a way that is restrictive.
  - k) It takes far too long to get answers to queries – no-one seems to know anything. SGRPID/FCS give conflicting advice.
  - l) That the three week lag between the cut-off date for committals and the RPAC is a substantial additional delay in the process.
  - m) There is no control over who will be the case officer – many mixed schemes with woodland creation are being handled by SGRPID or SNH staff.
  - n) It is difficult to estimate the cost of preparing an application for a client and the likelihood of success.
  - o) Applications are designed to chase the points (more of an issue for agri-environment).
  - p) We were promised a system that would take a holistic view of the farm business, but each Priority is scored separately so it is possible for only part of an application to be accepted.
  - q) There is uncertainty about the preferred route for queries/comments/suggestions
  - r) There are still some general clerical difficulties, e.g. maps did not get passed on to the case officer.
  - s) Concerns about consistency between RPAC regions and between FCS, SNH and SGRPID
  - t) There are still some agents who don’t appreciate the nuances of the scoring system.
  - u) Collaboration. Guidance on this criteria is too restrictive (collaborator must be in or currently applying for SRDP and be an immediate neighbour). It should be possible for estates in an area to qualify for ‘collaboration’ if they have a common approach or a loose association even if they are not all submitting simultaneous RP applications.
  - v) Proposed dates (March, June & September are inappropriate for Forestry). There should be a December RPAC to facilitate timings for woodland creation.
9. NPAC & RPACs
- a) Applicants are bemused that all RP applications are intended to be judged together and question how, for example, a silage pit can be judged against woodland creation.
  - b) Applicants believe that the task of judging all the applications 3 or 4 times a year is simply too big.

## 10. Contracts, Variations and Penalties

- a) No contracts have yet been issued and this is causing increasing unrest amongst those applicants with approvals.
- b) Some applicants are perplexed over the lack of flexibility and believe a contract variation process is required. For example, it is difficult to be exact about a replanting proposal before the existing crop is felled.
- c) A small proportion of applicants have expressed alarm over penalties and believe the lack of wider concern is due to ignorance.

## Part 2

### Conclusions of the ConFor SRDP Review Group

#### 1. Standard Cost Measures

- a. Nearly all the forestry measures are standard cost. This type of measure has been designed to meet Scottish Government objectives with a predetermined outcome and a minimum specification so we can be confident that outcome will be achieved.
- b. Compared to measures based on actual costs, standard cost measures have already been judged to deliver a minimum and acceptable level of public benefit.
- c. This is an important distinction and is we believe justification for a lighter touch for all standard cost measures (not just forestry ones) in the SRDP judging process.
- d. The lengthy two stage SRDP application and judging process is unnecessarily bureaucratic for standard cost measures.

#### 2. Urgency

- a. Applicants and indeed this review group perceive a lack of urgency from within various parts of RPID/FCS to resolve important SRDP issues. This may be due to shortage of resources but either way this is damaging. Examples responses have been poor include;
- b. IT, many issues large and small
- c. Multi agent access
- d. Contracts
- e. Monitoring of IACS applications
- f. Fast tracking into SRDP for those with approved legacy schemes.

#### 3. Timeline

- a. Applications are taking too long to turn into contracts. This is an issue as time is cost for applicant and administrator alike. In many cases the full cost of applications has not been passed onto to the business by agents.
- b. A lengthy application process especially for modest sums of support is a real disincentive.
- c. This is a significant cost to both the applicant and the Scottish Government. This applies to any size of application and is particularly disproportionate for small applications.
- d. There are steps in the timeline which add no value.

The table below gives an approximation of the comparable timings from first contact to contract. Note it does not cover the often lengthy registration process (IACS and AA1 etc).

Week	SRDP	Week	SFGS & WGS
1	Applicant completes and submits SOI	1	Applicant submits full application to FCS. PWO assess application, discusses with applicant if appropriate, and places application on public register.
2	SOI allocated to Case Officer who acknowledges receipt and then has up to 25 working days to carry out the assessment	2	
3		3	
4		4	
5		5	
6		6	
7	Applicant submits full application to FCS. CO assess application, discusses with applicant if appropriate, and places application on public register. Applicant has the additional work of preparing the Outcome Plan and scoring criteria (supporting statement). Commits application before the deadline.	7	Draft contracts drawn up and issued to applicant for signature and return to FCS
8		8	
9		9	
10		10	Contracts signed by FCS
11		11	Work can begin.
12		Case officer scores application and prepares it for the RPAC	
13			
14			
15			
16			
17	NPAC Meets to set threshold score		
18	RPACs meet		
19	Results compiled and submitted to Minister for approval		
20			
21	Contracts drawn up and issued to applicant for signature and return to SGRPID		
22			
23	Contracts signed		
24	Work can begin		
25			
26			

**Notes. – SRDP at least double length of time**  
 SFGS - Applicant's charter specifies target timescales.  
 SRDP - Few internal target timescales specified apart from processing of SOI. The process proceeds step by step and flow of work from one step to next often out with control of case officer or applicant. The table assumes that you can commit the application just in time for the RPAC. If not there is further significant delay.

#### 4. Woodland Creation

- a. The case histories detailed in Part 5 indicate the variation in the time taken to get approval. If the scheme is going to successfully support landowners who wish to plant significant areas (less than 100ha) then clearly FCS's approach to EIAs needs a radical and swift overhaul.
- b. Fortunately this owner of the EIA case study is not risk averse and was prepared to purchase a farm when there was no grant scheme in place. However even the estimated long stop date when he could have reasonably expected to have received planting support has been surpassed by 12 months.

- c. The owner of both these areas wishes to plant more but is now being penalised by having planted over the 200ha cap on FP payments. Extra hectares now become significantly more expensive and thus the owner is disincentivised.
- d. The initial thoughts on how the woodlands creation models would work was that each application may have a mix of models. However this appears not to be the case and most cases include one or two models. This is because the financial incentives for using different models are not sufficient. For example whilst the rates for broadleaves planted in a low cost productive model are lower than for native woodlands the increase in specification for native planting negates the increase in rate
- e. Especially with broadleaved planting the tariff rates are too crude to take account of the very significant variation in protection costs. (Fencing vs. tree shelters vs. vole guards etc). This acts as a disincentive where tree shelters are the most appropriate protection.
- f. The current FCS interpretation of EIA legislation and the willingness of stakeholders to engage in a positive manner with the process is a real barrier to larger schemes (See Westwater case study above and Part 5). Whilst it is recognised that this is under review, the review is not producing positive results in the field fast enough to allow the private sector to perform to its capability. £25,000 to £30,000 for a competent EIA over a 12 -18 month period is a significant and real barrier

#### 5. Multi agent access per BRN

- a. Currently RPO is set up in such a way that only one Agent per BRN can be mandated to work on Rural Development Contracts.
- b. This is an issue because RDCs cover the whole spectrum of Rural Development and as such can include measures that would be appropriate to forestry and the farming enterprises. These enterprises currently use different Agents with specific expertise in the different areas of rural development, for example, forestry businesses may more commonly use more than one Agent for different areas of business. Businesses may have both farm and forestry enterprises using different Managers and of course there would be a combination of the above. Agents are uncomfortable setting up non employees as assistants as these assistants can see details of the Agents' other clients which are commercially sensitive.
- c. Currently the system is a shambles. Some Businesses have more than one BRN despite guidance saying that this cannot happen. Agents with existing mandates are losing their mandate in favour of later mandate applications by other agents, with no warning. Some agents are able to swap mandates by requesting to RPID to use the mandate for two months to make an application and then 'handing it back'.
- d. One agent informed us that one of his clients has several estates of mixed agriculture and forestry throughout the UK. This client operates through a number of what could perhaps be classed as linked businesses, and uses a number of agents. In Scotland they have 5 estates, 2 of which are predominantly forestry and 3 of which have substantial agricultural interests as well as forestry.
- e. Another agent is involved in both of the predominantly forestry estates and with two of the mixed estates. This agent uses two forestry agents. The mixed estate has a different agent who employs a third forestry agent.
- f. This scenario is not uncommon and RPO needs to be able to cater easily with this.

6. Intervention Rates

- a. There are a number of smaller issues that have combined to bring SRDP into disrepute. For example a mistake was made in the drafting of the EU submission for approval which reduced the intervention levels on several Woodland Improvement Grants (WIGS) from the planned 100% to 70%. This we understand has gone through an EU amendment process to reverse the error and now awaits a change to the Statutory Instrument, and the scheme is expected to be updated in February. There has been inexcusable confusion in the way in which this blunder has been communicated and also the way in which the rate changes will be implemented. This confusion and lack of clear precise communication has led to a number of SOIs especially for forest plans not being advanced. The applicant felt there was an unacceptable risk of losing grant if they proceeded past the SOI stage.

7. IT improvements made to date (and those in train)

- a. Some improvements were requested at the SRDP RP IT user group's first meeting of 30 September. Other improvements to address specific problems were requested separately such as the multiple agent issue. The SRDP programme was launched as "Version 1". The first round of improvements was incorporated into "Version 1 fix build". This will be followed by Version 2 in 2009.
- b. Improvements to date.
  - i. Multiple agents. A temporary procedural (i.e. not IT) work around such as the Agent Producer model was delivered but this does not address the problem fully.
- c. Improvements delivered in Version 1 fix build.
  - i. Access for other web browsers such as Firefox which was very useful.
  - ii. Active map for selecting RPAC regions. The map is very small scale so scope still exists for selecting the wrong region near RPAC boundaries.
  - iii. Advance Add Option screen which shows, on a single screen, the Regional Priority, its related packages and then their related options. It also shows options already selected. This was a helpful improvement.
  - iv. Edit options. This provides an active character count which was useful but it was still easier to write the document in Microsoft Word then copy it into the editing box as the box size for the text was still too small. Formatting of copied text seemed to be retained.

8. IACS Mapping

- a. While FIS section will email shape files of the SGRPID data to applicants, this is not publicised and there is no formal guidance. Cross referencing A0 1:25,000 scale plans when constructing an application using property data held on a computer can be frustrating.
- b. Similarly, there appears to be no method for submitting LBCF data in electronic format. This too may be helpful, especially to FIS team.
- c. The use of county and parish and holding codes in addition to main farm codes can be confusing. There is no depiction of parish boundaries on FIS maps and when

- dealing with larger properties this can cause confusion in assuming fields have not been captured as maps are usually returned on an individual holding code basis.
- d. When a LBCF completed map is returned for amendment due to incorrect capture or other query it is given a different FIS ref. this can make tracking correspondence more difficult.
  - e. Many forestry owners and agents use OS raster data, not landline and while it will be inevitable that there will be alterations to compartments to reflect the more accurate data used by FIS team there appears to be a problem where boundary lines do not follow OS mapped features. FIS team appears to simply digitise what they think to be the line and make no attempt to properly scale from supplied maps. This results in frustration and additional work for both applicant and FIS team when maps have to be returned several times to rectify.
  - f. Similarly, in some cases, despite being given LBCF maps showing a specific legal boundary the returned map has the boundary taken to a different map feature. E.g. a boundary along a watercourse shifted to a nearby fence line.
  - g. The system places the onus on the applicant to address issues where land may have been erroneously registered by a neighbouring business. Information is not forthcoming from FIS team with maps being returned with parts of compartments missed, leaving the applicant unsure whether this is a registration issue or a digitisation error.
  - h. If it is not possible to give contact details of adjacent businesses due to data protection issues then SGRPID needs to act as intermediary to resolve boundary registration matters and should seek confirmation from both parties as to their legal right to occupy and or register the land in question and register land accordingly.

## 9. Statements of Intent

- a. SoIs are approved continuously and they cannot provide the case officer or applicant with any clear idea at the time of assessment about the level of competition that will eventually apply in a particular financial year or for a particular RPAC.
- b. They are not scored by the case officer. Therefore if an agent has the right form of words and the scheme is fundamentally sound, he can expect an amber assessment but still have no idea how competitive the scheme is likely to be. Some agents can already now score potential schemes themselves, and discuss with clients, and use this as the basis of a decision on whether to apply for Rural Priorities. Other agents are likely to develop this approach in the near future.
- c. Many agents are already used to competitive grant schemes, such as the RSS, and are adept at finding ways to maximise their clients' scores, even if this is by contrived means (such as including 0.25ha of woodland creation in an agri-environment scheme). Even administrators will not know how competitive a RPAC round/funding silo will be until the after the internal deadline for processing committed applications and the schemes have been scored and ranked for the RPAC.
- d. We do not believe that SoIs will eliminate the 'feast and famine' situation experienced under the RSS judging rounds. This is because applicants will decide whether or not to proceed based on information about the pass mark and success rate at the previous RPAC. This is basic human psychology and SoIs are too crude a tool to resolve this
- e. We recognise that applications for funding for forestry schemes have always been competitive, in that funding is subject to an annual budget limit. Historically this has

been resolved by adopting a ‘first past the post’ system to allocate funds. Applications that meet the required standard are given a contract at the end of the process, with a specified claim year that may be later than that applied for. Forestry funds have seldom been greatly over-subscribed and the system, from the applicants' perspective has worked well. We recognise that this does cause some administrative difficulty for FCS, but consider that this is likely to be rather less than the routine administration involved with SRDP.

- f. In summary we believe that SoIs, in their current form, add a lengthy delay to the application process and substantially fail to meet the anticipated benefits.

## 10. Proposals

- a. Some of the comments were from agents still unfamiliar with the system. They require to take the time to go through the unavoidable process of reading all the guidance, learning the nuances of the scheme and generally becoming familiar with a process that is fundamentally different to its predecessors. However, the sheer number of these comments, and the vehement way they have been expressed, even by experienced agents, who have taken time to go through the scheme carefully, we believe shows that there are many fundamental problems. We recognise also that the entire process of learning the scheme, and making improvements is iterative, and that the situation is improving slowly.
- b. The large number of observations raised can be reduced to a modest number of closely interlinked key issues that must be recognised and addressed.
  - i. National Targets. The process must recognise that where a scheme meets one or more of the National Targets there should be a fast-track mechanism to minimise delays and impediments. Currently these targets are recognised merely by the possibility of one or two extra ‘highs’ in the scoring criteria.
  - ii. Engagement with Stakeholders. Agents and representative organisations, e.g. ConFor, SRPBA, are willing to work with RPID/FCS to make the scheme work. There is a strong feeling that RPID and FCS have been ‘in denial’ about the difficulties and have been reluctant to engage pro-actively with stakeholders. Applicants consider they are ‘guinea pigs’ for untested and poorly designed processes.
  - iii. Training. Very little training has been provided for some case officers and generally for applicants. Incorrect applications, confusion, ambiguities, delays and general inefficiencies have been the direct consequence.
  - iv. Guidance literature. Applicants want to be readily able to find the relevant guidance and be informed when this is changed or updated. Currently changes to guidance on the FCS website are not notified to applicants on the RP website. Related to this is the absence of guidance on many topics or its ambiguous content. Applicants also want their questions answered promptly.
  - v. Outcome Plans. Applicants consider that the template needs to be revised so that the structure is more relevant to woodlands work, avoids un-necessary repetition and allows full MS Word functionality. Currently many do not see this to be a useful document.
  - vi. Data entry. Lessons need to be learnt from the good points of other schemes to make the data entry process as efficient as possible and to ensure that the final application can provide information that is of use to the applicant.

#### 11. NPAC & RPACs

- a. RP funding is currently divided into 5 budget headings.
- b. RPACs are only actually judging applications which:
  - i. exceed the financial threshold (£200,000) or
  - ii. are just above or just below the threshold score set by NPAC or
  - iii. Case Officer referrals,
  - iv. plus any which match Regionally set criteria for RPAC review.
- c. The remainder of applications in front of the RPAC are automatically accepted or rejected.
- d. Woodland creation applications score highly because this is a high National Priority.

#### 12. Grant rates

- a. A significant number of potential applicants are not engaging in the process yet because of perceived low support rates generally, and specific lack of support for some operations
- b. The structure of the grants and relative levels of funding will push applicants to or from certain types of woodland. Native woodlands are unattractive, whilst mixed woodlands attractive in comparison. In particular the scheme pushes one to use deer fencing rather than tree shelters in most circumstances.
- c. The woodland models are too restrictive, and may lead to planting of inappropriate species or designs. The general structure of the planting models makes it harder to achieve diverse woodlands.
- d. Urgent resolution of the proposed intervention rate increase, clarification of what rate will be paid and what further process if any will be required, is all needed to restore confidence in those already committed to the scheme.
- e. Unless the requirement for 1,600 stems/ha for native woodlands is removed, many will see it as cheaper to restock without grant. FCS will lose control of what is happening, and quality of work may suffer.
- f. Take-up of SFM will remain low until these rates are improved.
- g. Some larger schemes will only progress when the FWPS 200 hectare limit is removed.

#### 13. Tier 2

- a. Many forest owners were first time registrations this year.
- b. Many of these were not made aware of their entitlement to Tier 2 payments via LMO. This added to the bad experience of SRDP generally

## Part 3

### Key Priority Recommendations

1. **An option to bypass SOI assessment and proceed directly to Proposal.** We recognise that the SOI may have value in the future and for other types of application. Thus if it cannot be removed then it should remain in place as the initial point of contact and capture basic data that will need to be entered at some point in every case. The introduction of a facility/button to enable immediate progress into the proposal stage, once the SOI data has been entered, would be a satisfactory fall back. The user would need to agree to a disclaimer and agree to waive the security of the above feedback. In the case of most standard cost based core options this will be of limited risk, especially in periods where funding is not being fully taken up.
2. **A process for approving a capped value of non-contentious cases between RPAC sittings.** The NPAC currently sets threshold scores for the next RPAC sitting. The NPAC should set the threshold score that will be valid from one RPAC sitting to the next. In doing this it would set
  - a. Threshold score
  - b. Threshold score plus a 'safety margin' for inter RPAC acceptances
  - c. Total spend for the period from one RPAC to next
  - d. Maximum value per case that can be accepted between RPACsSuch a process would allow bulk business not to be held up by the periodicity of RPACs. The approval process would be devolved to the Senior Officers within the authorities set out by the NPAC. This process could be restricted to standard cost applications. It would have the added advantage of improving work flows for applicants and administrators avoiding deadline rushes, and the consequential reduction in quality, frustration and probability of errors.
3. **Four RPAC sittings should be held each year.** There should be four RPACs each year, e.g. March, June, September and December, distributed evenly through the year, so that no applicants are disadvantaged by their timing.
4. **Streamline the Ministerial approval process.** Ministerial Approval can cause delays in the fact that a process is in place meaning material has to be prepared, sent through the appropriate channels which all takes time irrespective of whether there are delays in Ministerial signatures. Thresholds need to be set to identify cases that are of ministerial interest whether that be in size or content. Only those of very significant size should be held up for ministerial approval. All others should proceed from RPAC direct to contract stage. In cases where the Minister would like to make an announcement the applicant should be informed and asked not to start work prior to this announcement but even this process should not delay contracts.
5. **An interim process is required to allow work to start on approved cases; while the current problems with contract issue, content and variation process are resolved.** There must be a system in place to allow variations in claim year to recognise that particular nature of forest operations, for example in the timing and quantification of restocking work.

There must be clarity about when penalties for non-completion will be applied, with reasonable threshold limits for minor non-completion.

6. **Permit multiple agents to access single BRNs.** The RPO software should be altered to allow more than one agent to be mandated to work on RDCs for a single business. We recognise that this is unlikely to be a quick solution, and that the issue needs a quick solution and thus recommend the two options below as interim solutions.
  - a. Agent Producer. Under this solution the Business uses an AA1 mandate form to register itself as its Agent. Once this is complete then the Business can set up assistants on the RPO to work on their behalf. This solution is currently in use to good effect where there is a simple relationship, say one Business to two Agents working on RDCs. The solution is not appropriate where Agents concerned have a large number of circumstances where they are not the sole Agent for the Business as this leads to multiple user identities and passwords which is not an appropriate.
  - b. Multiple BRNs. Work is going on looking at the definition of a Business and examining why the current test criteria were set up in agriculture. Examples of forestry businesses have been taken and tested against these agricultural criteria. The criteria have now been adjusted to recognise the significant differences there are between agriculture and forest industries. The original criteria for the separate business test are not appropriate for forestry and generally less appropriate across Rural Development as there has been a significant shift in the way support is delivered, particularly through RDC whereby there is minimal financial advantage to having artificially separate businesses. A current test case has been presented to RPID for one legal entity where different forests within that portfolio are managed by different Forest Managers. Whilst the initial score exceeds the default threshold whereby the Businesses can automatically be regarded as separate it does not exceed the threshold where the Businesses cannot be classed as separate. The judging of this test case by RPID need to facilitate such circumstances being classed as separate Businesses thus removing the obstacle of there not being a facility for multiple agents to one BRN as the BRN would effectively be split into two. The questionnaire may need further modification to facilitate this.
7. **Instruct FIS team to resolve IACS boundary issues between neighbouring applicants,** the FIS team must contact the neighbour to sort out a neighbour's "over claim" area.
8. **Remove the 200ha limit for Farmland Premium** to encourage large applications and large business to plant more than 200ha.
9. **Ensure all Case Officers are adequately trained.** Case officers must be thoroughly trained in all aspects of the scheme and receive regular updates as appropriate. SNH, FCS & RPID staff must be trained together to ensure consistency between organisations.
10. **To reduce the impact of applicants holding back for the expected support increases, as an interim measure,** the applicable grant rate for schemes approved before that increase should be that prevalent at date of claim.
11. **Communicate these and other changes through additional training seminars for applicants/agents within the next three months,** with occasional update events thereafter to applicants through workshops and other means, such as "What's New" links on first

agents page of RPO and for FCS to regularly email updates to agents and owners at say bimonthly intervals initially, giving links to reports and minutes from FCRG for example.

- a. On-line guidance should be structured so that 'print friendly' documentation is always available, e.g. PDF format. Most people can assimilate information far more easily from paper than on-screen. There must be clear information for the preferred route for queries, and a mechanism to ensure that all queries are dealt with promptly.
- b. There should be a Q&A notice-board on the website. This might be in the form of FAQs). Changes and developments must be in partnership with user groups.
- c. FC Technical Guidance literature must be updated and revised thoroughly to ensure compatibility with SRDP. 'Missing' guidance must be provided as a matter of urgency.
- d. RPAC cut-off dates for committals must be publicised well in advance, at least twelve months ahead.
- e. Improved communication must extend to include
  - Notification to applicants and/or their agents when applications reach certain milestones.
  - Notification to applicants and/or their agents when grants are paid. Contact details to allow for an agent's assistant to be nominated as the contact. The ability for agents to change contact details as staff changes are effected would be helpful.
- f. All web pages to include an update date and version number.
- g. On entry to the website users should be able to view a list of updates. If this is voluminous then it should be sensibly grouped for ease of reference.

### **Secondary Recommendations**

12. As a general approach. RPID & FCS should at all times work with the private sector in a positive way to make the entire process as customer friendly as possible and to continually seek improvement.
13. There should be an Applicants' Charter to specify time targets for each step of the process which should be reviewed and reported on. There is a culture within those that govern and administer SRDP of a lack of urgency. This Charter is needed to help remedy this lack of urgency and the 'will to deliver' that is currently in some case officers needs to be spread to all.
14. There should be an option under LMOs for small scale RP activity, to remove applications for small amounts of funding from the expensive RP application and judging process. The applicant should be able to elect to receive the same financial remuneration using the LMO process, up to their LMO maximum for all RP measures.
15. In addition LMO Annual entitlement over a five year period should be able to be rolled up and work be carried out over a shorter period but payments still made annually. This would then make some of the options more attractive e.g. Option 7 forest road creation for harvesting. This would enable applicants to carry out a roading programme for example all in one year to gain operational efficiencies and not to preclude the work from being eligible for grant assistance.

16. FCS should email all Forest owners and agents explaining Tier 2 entitlement and explaining that they need to request SAF application forms from RPID.
17. Accelerate the Standard Costs inflation review, and subsequent plan modification submission to Brussels to ensure new rates ready for next planting season. This modification should not be slowed down by other issues.
18. Ensure that proposed increase intervention rates to 80% in LFA for woodland creation capital items and to 100% for woodland creation annual maintenance payments are speedily implemented.
19. Review incentives,
  - a. Standard costs review
  - b. Intervention level review to increase levels of support for key area of new planting
  - c. Introduce Standard costs for "missing items".
20. Option specifications / eligibility criteria
  - a. Reinstate 1100 plants per hectare as minimum grant aidable stocking level for native woodland (new planting and regeneration planting)
  - b. Forest Plan should not be a precursor to 'Improving the economic value of forests' option. For example a forest where one wishes to carry out formative pruning may not have any fellable timber in it for the next 20 years. Areas for thinning may not be felled for another 10 -15 years.
21. FCS to review their current EIA threshold in the light of today's circumstances given the number of strategies and other information that is readily available to inform whether it would be an appropriate site to plant or not.
  - a. FCS to remind and re-educate statutory consultees the desirability of early engagement together with effective constructive communication throughout the process and therefore not rely on the option of requesting more time over and above the statutory consultation period.
  - b. Consultees to be reminded that they should request only information that is needed (paramount) to inform the EIA process. Gathering additional information that would be "nice to know" adds cost and raises hurdles which are unnecessary, time-delaying and expensive.
  - c. Statutory consultees should form a small Working Party to review this and to assess how it could be streamlined both in time and in cost.
22. The Forestry Customer Representatives Group should be strengthened to have a clear focus to advise on all aspects of the scheme, including guidance; communications and training.
  - a. It should meet quarterly,
  - b. report to the Minister after each meeting and
  - c. publish minutes of these meetings on the RP website.
23. Associated with this more in-depth specialist liaison groups, e.g. for IT and basic design, should be established. Minutes of these meetings and also progress reports of the work initiated should be published on the website. For example further development to IT for the

SRDP scheme must involve practitioners to provide advice and guidance to the programme developers to ensure the system is workable.

24. All applications committed before the cut-off date must be scored and presented to the RPAC for judging, except in exceptional circumstances.
25. A 'forestry friendly' version of the Land Business Change Form is required.
26. Felling Licences should be fully integrated with the RP application process. These are now out with the RP system and exist as a separate manual process.
27. A fast track process for legacy forestry schemes and areas felled under a felling licence into SRDP.
28. Clarification on what constitutes a Specialist Plan and when the preparation grant is paid at the higher rate.
29. Website improvements
  - a. Reduce the complexity of the website perhaps by focussing on the applicant's output rather than trying to get applicants to restate government objectives. For example the website could simply have options labelled "Woodland Creation", "Forest plans", etc, instead of options and packages.
  - b. Remove the requirement to re-enter data captured elsewhere and improve the workflow between pages and data entry boxes. There are too many workflow issues to list here so only a few are listed:
    - Remove requirement for farm code number i.e. remove repetitive data capture.
    - Better use of drop downs e.g. populate drop downs with applicant's FID numbers
    - More forestry orientated language for example does Map Letter mean compartment and sub-compartment?
    - One has to tick to delete an option's row when preparing a proposal then press Save. It would be more intuitive to place a 'Delete row' button at the end of the row.
    - Add sub-total for grant for each row and totals at the end.
  - c. To improve OPs there should be a series of case examples showing the data that is needed in some core business applications, which in many cases will include nil returns. These plans must be less generic by the introduction of a number of more specific plans. Data should be entered directly on screen and/or documents should be directly up loaded onto the web site. Maps need to be uploaded directly onto the web site. If this cannot be achieved immediately then we need Word documents that can be spell checked and hold their format unlike the current text box approach.
  - d. We recommend researching the use of a spreadsheet modelled on the SFGS grant calculator for data capture or improvements to the current web pages that provide the functionality of the spreadsheet. Also consider alternatives such as the ability to download pre-populated IACS forms to be edited as a .csv file.
  - e. Capture all relevant silvicultural information in the outcome plan by inclusion of further boxes and allow for upload of supporting documents such as maps.

- f. Remove the requirement for a Microsoft Word document template and make data capture available only through one medium.
  - g. Provide a dummy client for users to create practice applications.
  - h. Where applications are unsuccessful and applicants wish to resubmit revised schemes, the failed scheme should be able to be unlocked for editing and resubmission.
30. Improve the layout of printed reports for agents and provide summary reports for the status of applications at the case level and at the agent level.
31. The payment system should be able to notify agents when payments have been made and the payment slips sent to owners should contain sufficient information to fully identify the work to which the payment relates.
32. Improve speed of grant payments, once approved to a target of 30 days from receipt of claim. At the time of writing this applies only to legacy schemes as no SRDP claims have been presented for payment.
33. IACS mapping, the system should be designed to work with forestry compartment mapping as currently used by the industry, the industry should not face major cost to alter mapping to meet IACS standards. Unless everyone changes to or is given the RPID data system, there will always be difficulties. If this cannot happen, then it should be accepted that in an outcomes based grant system, the important outcome is what happens on the ground, not on a GIS map. If, in the process of working through the application, it is discovered by FCS there are "anomalies" between their mapping system and RPID's, they should determine whether the anomalies are significant or not.
34. Easy access for applicants to OS Mastermap data.
35. FCS need to be able to handle large maps sheets, larger than A3 in electronic format, e.g. JPG or PDF as an alternative to shape files or large paper sheets.
36. Review woodland models to create better flexibility, mixed crops, etc
37. Confirm that land under Dedication can benefit from SRDP support.
38. Forest plans should not be necessary for small or young woods to access SFM payments.
39. Eligibility conditions for Sustainable Forest Management are too restrictive.
40. Raise the minimum area for consultation and public register to 2 ha. Up to 2 ha can be planted under Land Mangers Options without any consultation or public register but this is required for all woodlands under RP.
41. In next modification devise a way of avoiding having to apply for a plan modification just to account for normal inflationary rises in material costs and labour rates.



## Part 4a

### **An EIA Case Study**

#### **WESTWATER Environmental Impact Assessment (EIA)**

##### 1 Introduction

Westwater is a 818 hectare estate purchased in mid 2006 with a view to establishing a significant mixed woodland property. The EIA process has been completed on the property, and there is now an ES accompanying the proposal to create just over 500ha of mixed woodland. This paper aims to set out the approximate chronology of events, the costs of the process and identify some of the lessons that can be learnt from the process.

These comments are meant to be constructive in the light of current Scottish Forest Strategy Target of 10,000 hectares of new planting per year. If some of this planting is going to be made up of significant areas then there will be an increasing number of EIAs in process and thus we need the industry to look for ways of streamlining and simplifying this process. This note is aimed to inform that simplification process while recognising the need to undertake appropriate impact assessment that will inform the project while not acting a disincentive to investors.

##### 2 Chronology

July 2006	Initial informal discussions held with the Forestry Commission (FCS).
17 July 2006	A copy of Ewehill (Windfarm) EIA covering land adjacent to Westwater purchased.
24 July 2006	Informal meeting held with Dumfries & Galloway Council (DGC) Archaeologist. Follow up letter received on 27 July from DGC re the need for and content of archaeological survey.
1 August 2006	Informal discussion with SNH.
28 August 2006	Informal discussion with Red Squirrel Officer.
8 September 2006	Forest Plan details for adjacent Arresgill Estate received from FCS.
3 October 2006	Four archaeological tenders received, copied and discussed with DGC.
1 December 2006	EIA Determination requested.
8 December 2006	FCS confirmed EIA would be required.
14 December 2006	CFA instructed to carry out archaeological survey.
3 December 2006	CFA write to Historic Scotland (HS) requesting information to assist their archaeological survey.

20 February 2007

Invitations to scoping meeting sent out (list attached). Replies stating that the invitee had no comments were received from DGC Roads, Loganhead and David Goss Associates. Replies received from DGC Landscape Department, Langholm Initiative and Development Control enclosing written submissions. Replies received from DGC Archaeologist, SNH, SEERAD, RSPB, Community Council stating their desire to attend the scoping meeting.

15 March 2007

Scoping meeting held. Meeting commenced with a photographic tour of the Estate followed by outlining the progress that had been made to date including the habitat survey, winter bird survey and archaeological survey. The next steps including breeding bird survey, landscape views and assessments were discussed. Various issues were raised which can be summarised in the table below.

<b>Issue</b>	<b>Description of impact</b>	<b>Importance</b>	<b>Comments</b>
1. Archaeology	Potential for damage or loss of remains via site preparation and growth of trees.	High	Assess the need to accommodate the archaeological remains within the project proposals.
2. Landscape	Impact of woodland development over the medium to long-term.	High	Landscape and visual assessment required of proposed woodland development.
3. Ecology	Loss of open ground habitats.	High	Assess the impacts on vegetation communities and winter and breeding bird assemblage.
4. Specially Identified Hill Area	Loss of hill and in by grazing land	High	Assess socio-economic impact on the local farming infrastructure.
5. Public access	Impact of woodland establishment on opportunities for responsible access.	Medium	Ensure responsible access within the context of the Scottish Access Code.
6. Deer management	Population reduction to ensure woodland establishment.	Medium	Deer control to be agreed with neighbours and within the context of a Deer Management Plan.
7. Hydrology	Impacts of project on water quality and quantity.	Medium	This issue to be addressed with particular reference to woodland establishment and road construction impacts on riparian zone habitats.

Nov 06 - March 07

Winter bird survey.

April 07 – May 07

Breeding Bird Survey.

30 April 2007

FCS accepted the Scoping Report.

28 May 2007	Landscape Architect instructed.
3,6,July 2007	Vegetation Survey.
2 August 2007	HS sent a copy of the Scoping Report.
4 September 2007	DGC Archaeologist and Forest Manager visit the site.
6 September 2007	Game Conservancy visit to site.
12 October 2007	Forest Research Site Surveyor, Bill Graynor visited the site.
26 October 2007	Visual drafts received.
9 November 2007	EIA advertised in local paper.
13 November 2007	Copies were sent to consultees including HS and RSPB.
23 November 2007	All neighbours notified where they may see and study copies.
12 December 2007	HS seek more time. SNH cannot assess impacts without Otter, Water Vole and Badger survey.
17 December 2007	RSPB requested more time "wishing to check some thoughts on the ground".
22 December 2007	HS return hard copy of EIA to UPM Tilhill.
31 January 2008	Otter, Water Vole and Badger survey complete.
10 January 2008	DGC response submitted.
14 January 2008	HS comment to FCS.
15 January 2008	RSPB comment to FCS.
7 February 2008	EIA accepted by FCS.
5 February 2008	Permission to proceed with Phase 1 Woodland Creation works.
19 February 2008	Comments received from DGC Landscape Architect, DGC Planning. Nothing from DGC Roads

3 Costs of EIA

1	Baxter Cooper – vegetation survey and assistance with bird survey	£1,209
2	John Gallagher – habitat vegetation summary	£1,911
3	Kenny Wright – bird survey	£1,633
4	CFA - archaeological survey	£3,787
5	Liz McIntosh – landscape advice	£1,000
6	Game Conservancy Council	£525
7	Bill Rayner, Forest Research – soils and site preparation	£835
8	John Gallagher – Producing EIA	£5,800
9	Forest Manager - Tim Liddon	£1,404
10	Forest Manager – Steve Smith	£8,025
11	Survey Department – mapping	£3,771
12	Public Notices – EIA newspapers	£240
13	Otter, Vole and Badger survey	£750
	<b>Total</b>	<b>£30,890</b>

4 Issues Arising

- a **Timescale:** The whole process from informal discussions through to EIA approval took some twenty months. This has been exacerbated by the upheaval in the current grant structure but fortunately due to the launch of the Woodland Creation Scheme in August 2007 funding for approximately 50% has been secured permitting planting in the 2007/2008 planting season.
- b **Engagement:** Unfortunately some of the consultees declined to become engaged from early in the process which has hampered and delayed the production of the EIA. Early informal discussions with the FCS were undertaken as this is the first significant EIA to be produced for new planting in a number of years. The recommendation for early pre scoping meetings with key stakeholders such as SNH and Dumfries & Galloway Council was embraced. A full archaeological report was commissioned with CFA contacting Historic Scotland by letter on 3 December 2006. However, in their letter dated 14 January 2008, a copy of which is appended to this document stated

*"I note no representative from Historic Scotland was invited to the scoping meeting held on 15 March 2007 and therefore we were unable to respond to the proposal at that stage. It would have been very useful to have been copied in on the report completed by our archaeological consultants in February 2007 and perhaps it might be possible to suggest that this is made part of the process for the future".*

In CFA archaeological report 8 January 2007 states details of locations and extensive scheduled ancient monuments, listed buildings within the proposed development area and within 2 kilometres of the proposed site boundary were obtained from Historic Scotland GIS data was provided. Also a consultation letter was sent to Historic Scotland seeking its views on general or specific issues in respect of the proposed development.

However, CFA had not received any response by July 2007 and UPM Tilhill asked them to chase Historic Scotland. William Kidd of Historic Scotland replied

*"I have not got anything on our spreadsheet in January regarding Westwater Estate, anything to do with forestry would be sent by us to Caroline Bruce or the ancient monument admin team who dealt with forestry. Unfortunately she has just left Historic Scotland but if you contact Sandra Archer she may be of help".*

It would seem that the consultation letter had got lost in the system and compounded by people leaving. CFA then emailed Sandra Archer and received a reply from Sarah Govan stating

*"Sandra Archer has passed your email concerning the above proposal to me. Apologies if there has been a misunderstanding here, we had no further comment on the study area at this stage as we would only comment on the implication of a specific proposal. I hope that the data Richard has sent enabled you to set any proposals in the context of the designated features and look forward to receiving your completed assessment of the proposal".*

This raises the question of when is a "proposal" a "specific proposal" in HS terminology. We would have thought something subject to the time and expense of an EIA would have benefited from HS's early engagement with the process to help inform and guide the final outcomes especially as Scheduled Ancient Monuments were involved. This was recognised by the environmental statement team and our keenness to solicit a response from HS. Due to their reluctance to engage the process HS seemingly could not comment on the scheme within the statutory consultation period.

We have used HS as the most extreme example, although we find also at DGC and RSPB seeking additional time over and above the statutory consultation period despite being engaged early in the process. Indeed DGC sent comments to FCS after consent was given

**c Summary of Costs:**

A summary is included above.

The Westwater site is identified in the Local Forestry Framework as a site with few sensitivities and yet the costs associated with the EIA are over £30,000. This is very significant hurdle through which a potential owner has to pass with no guarantee of success. Not only does the owner have to fund this expenditure but it should be borne in mind that the period over which the plan has been written hill farming has been in further decline and the owner has incurred further losses on his sheep enterprise as a consequence.

**d Information To Inform v Information "It Would be Good to Have":**

The position taken by SNH to demand an Otter, Water Vole and Badger survey to be carried out prior to them being able to comment on the EIA was disappointing. We appreciate the status of Otter as European Protected Species but believe that the ES

should have been approved subject to the survey being carried out prior to implementation

- 1 **Badgers:** represent a day to day issue that Forest Managers and other land managers learn to manage and their presence or otherwise we do not believe would inform the environmental impact assessment process. It would however inform the detailed planning which would take place post ES approval.
- 2 **Otter and Water Vole:** We recognise that a survey was requested at the scoping however, again we do not believe that information from this survey would have informed the Environmental Statement. We do recognise it would have informed the detailed planning that would take place following approval of ES and prior to implementing works.

We believe that our position is strengthened by comments made in a letter dated 12 December, 2007 from SNH to Forestry Commission Scotland paragraph 3, (copy attached)

*"The proposed Woodland Creation Scheme will enhance the natural heritage value of the area and for this reason we welcome the proposal. In particular, the riparian areas will be significantly enhanced and in the long term will benefit the range of species including Otter, Water Vole and Badger amongst others. During this establishment phase the proposal does have potential to adversely impact on the species through the destruction of resting places/setts and disturbance".*

This last sentence demonstrates what we would have taken into account at the detailed planning stage, not we believe relevant at the Environmental Statement stage. This survey caused further delays and required the owner to invest yet more whilst these statutory consultees declined to become significantly engaged. We do not feel that this is an appropriate approach.

**Only now can we proceed with the SRDP Proposal.**

## 5 Conclusion

We feel strongly that if the annual 10,000 hectare target is to be achieved then the EIA process must be simplified. We would suggest the following measures are taken:

- FCS to remind and perhaps re-educate statutory consultees the desirability of early engagement together with effective constructive communication.- throughout the process and therefore not rely on the option of requesting more time over and above the statutory consultation period.
- Consultees to be reminded that they should request only information that is needed (paramount) to inform the EIA process. Gathering additional information that would be "nice to know" adds cost and raises hurdles which are unnecessary, time-delaying and expensive.
- Statutory consultees form a small Working Party to review this case and to assess how it could be streamlined both in time and in cost.
- FCS to review their current EIA threshold in the light of current circumstances given the number of strategies and other information that is readily available to inform whether it would be an appropriate site to plant or not.

## Part 4b

### **Two SRDP Case Studies**

#### **Lairhope and Westwater phase 2 SRDP applications**

a) Lairhope, 9.3ha of new native woodland and 6.01 ha of productive broadleaved woodland.

25/08/08 SOI submitted (Amber rating received within approx 1 week- no record of this)

17/09/08 Proposal Submitted

22/09/08 Proposal on public register (off register by 20/10/08)

03/10/08 Proposal Committed (in spite of still being on public register in order to meet NPAC deadline of 07/10/08)

24/10/08 RPAC Meeting

20/11/08 Letter of Approval of Proposal sent (received on 21/11/08)

10/12/08 Still awaiting Formal Contract

The application and SOI took a total of approximately 25 hours to produce

Total application time assuming contract signed by year end is 18 weeks.

b) Westwater is an 818ha mixed estate. The owner wishes to create 744 ha of productive forestry. The scheme has been subject to an EIA approved on 07/02/07. The EIA took 20 months to conclude at a cost of £ 30,000. First tranche gained grant aid via 2007/8 Woodland Creation Scheme. The second tranche is to be planted under a RDC. The timeline has been as follows.

07/04/08 RDC scheme opened for SIO

06/06/08 SOI submitted once new AA1 form signed by owner to replace previous signed AA1

16/07/08 Hard Copy WC outcome plan and proposal submitted

18/09/08 On line proposal submitted and committed

24/10/08 RPAC met

19/11/08 RPAC notification of approval received

15/12/08 Still awaiting Formal Contract

Total application time assuming contract signed by year end is 30 weeks.

Part 5

**List of abbreviations**

BAP	Biodiversity Action Plan
BRN	Business Reference Number
CO	Case Officer
DM	Deer Management
EIA	Environmental Impact Assessment
EOP	Environment Outcome Plan
FCRG	Forestry Commission Customer Representatives Group
FCS	Forestry Commission Scotland
FIS	Field Information System
FP	Forest Plan
FP	Farmland Premium
FWPS	Farm Woodland Premium Scheme
IACS	Integrated Agricultural Control System
IT	Information Technology
LBCF	Land & Business Change Form
LEAP	Livestock Exclusion Annual Payment
LFA	Less Favoured Area
LFASS	Less Favoured Area Support Scheme
LISS	Low Impact Silvicultural System
LMO	Land Managers Options
LOGI	Loss of Grazing Income
NPAC	National Project Advisory Committee
OP	Outcome Plan
OS	Ordnance Survey
PDF	Portable Document Format
RDC	Rural Development Contract
RP	Rural Priorities
RPAC	Regional Project Assessment Committee
RPID	Rural Payments & Inspectorate Department
RPO	Rural Payments Online
RSS	Rural Stewardship Scheme
RSPB	Royal Society for the Protection of Birds
SFGS	Scottish Forestry Grants Scheme
SFM	Sustainable Forest Management
SFP	Single Farm Payment
SGRPID	Scottish Government Rural Payments & Inspectorate Department
SNH	Scottish Natural Heritage
SOI	Statement of Intent
SRDP	Scottish Rural Development Programme
SRPBA	Scottish Rural Property & Business Association
SSSI	Site of Special Scientific Interest
WIG	Woodland Improvement Grant