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Our ref: Letrault and Stuckenduff New Woodland Creation

Date: 19/03/2024

Dear Mike,

Ref: Letrault and Stuckenduff, Rhu Helensburgh EIA Screening Opinion, 21/07/2021

This letter supplements the screening opinion of 21 July 21 in respect of ornithology.

Biodiversity

The screening opinion set out that:

"Forestry operations will take place out with the breeding seasons for raptors of concern; Hen Harrier (February to September), Merlin (March to September)".

Agents acting for the owner now wish to undertake some operations (mechanical ground preparation, planting, road works using machinery) during these time periods.

Para 7.4.2 of the applicant's original Raptor Survey noted that:

7.4.2 However, should works in support of the Proposals need to take place during the breeding raptor season, it is recommended that a Suitably Qualified Ecologist (SQE) undertakes a search of affected areas and an applicable wider study area (as outlined below) for evidence of breeding prior to the commencement of works.

Scottish Woodlands have employed an ornithologist for further advice (Gavia Environmental).

Additionally, Scottish Forestry has checked the confidential raptor database that we have access to. For the period 2019-2022, there were no recorded sightings of hen harrier (HH), merlin (ML) or short-eared owl (SEO) on the site. although birds were observed beyond the scheme boundary.

The data from 2023 is not yet available. Although the information is useful, it should not be viewed as a comprehensive list and a cautionary approach should be implemented when operating on this site.

There have been community sightings of SEO in 2024.

In March 24, the applicant's ornithologist found that:

- The site offers little or no suitable areas of optimal heathland nesting site habitat for HH
 - The watercourse gulleys offer some sub-optimal heathland nest sites for ML/SEO
 - The rush-based wetlands and remaining smaller areas of heath offer some sub-optimal areas for nesting SEO
 - SEO are now on site looking to pair up and nest – they are getting into condition by feeding on field voles
 - No HH/ML will be on site yet as few passerines have moved onto the open hillside – however some overwintering activity by female HH likely as the site holds a small population of red grouse ~5-10/km² and good vole numbers
 - The best nesting habitat on site remains along the watercourse gulleys – but these are limited in extent and sub-optimal
 - The best nesting habitat in the 10km² area remains over the march into Luss Estate to the north.
- The ornithologist noted that continuing operations was not problematic during March and made the following recommendations to guide the operational works:

By 31/03/24:

- Finish the mechanical ground preparation work within 500m of the march with Luss Estate (by end of march/early April) to minimise disturbance to birds on Luss Estate
- For short-eared owl, minimise disturbance by avoiding activity at dawn and dusk.

01/04/2024 onwards:

- An ornithologist to carry out vantage point surveys on site for HH and ML
- An ornithologist to make checks in early April for SEO nesting and put in place the appropriate operational buffers so works will not encroach on the nesting birds
- An ornithologist will create a toolbox box outlining the identification and breeding/nesting behaviours for all three species so that planting squads will know what to look for
- Remedial works can go ahead on the newly constructed forest road in April after the SEO nest checks and vantage point surveys for HH and ML have ascertained that there will be no effect
- A Species Protection Plan covering all 3 species of bird will be created giving advice moving forward and covering legalisation related to the ongoing works
- The planters working below the hill on the already ground prepared areas are far enough away that they will be unlikely to infringe on sub-optimal SEO habitats above.

Black grouse are likely to be on site and the advice set out in the original black grouse survey should be followed:

8.3.11 In order to mitigate the predicted effects of disturbance, where possible, site operations will be undertaken outside of the black grouse breeding season (taken to be from late March to early August inclusive). However, where site operations are proposed during the breeding season, site operations will avoid the following temporal periods:

- one hour before sunrise to two hours after sunrise; and
- two hours before sunset to one hour after sunset.

It is our opinion that by following the above recommendations from the independent ornithologist's advice, negative effect to the relevant bird species is unlikely and operations can re-commence.

For maintenance works in future years taking place in the breeding season, similar precautions should be followed.

Please accept this letter as an addendum to the EIA consent not required (21/07/2021).

Yours sincerely

Emma Gray

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