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Our Reference: 202400414200
Your Reference: (Case Ref: JB29924)

31 May 2024

Dear Jackie,

Rhu and Shandon Community Council re Torr Farm West Management Plan (MPL330218)

Thank you for your email of 13 May 2024 sharing the concerns raised by Rhu and Shandon Community Council in relation to this alleged illegal felling.

Scottish Forestry are aware of the concerns of the community and have also received correspondence in relation to the alleged illegal felling, which has been dealt with as a Stage 2 complaint following Scottish Forestry's complaints procedure

You raised a number of issues in your letter and I have summarised the main elements below:

- *That Scottish Forestry did not give the community another opportunity to consult on further details of the management plan prior to approval. The community felt this was promised by Scottish Forestry officials in earlier meetings.*
- *Scottish Forestry's decision not to report the landowner to the Procurator Fiscal (PF) following the un-authorized felling that the landowner carried out within their woodland.*
- *That the approved management plan is lacking detail and should be revoked in lieu of further consultation prior to felling approval.*
- *That the community feel it is challenging to engage with Scottish Forestry or the forest industry.*

You also asked in the letter:

Advise on the possibility of revocation of approval and of any felling licence granted with this site in the meantime.

I can confirm that my officials in Scottish Forestry have not issued a felling permission for this woodland nor has the landowner requested to carry out additional felling. As outlined in the management plan, they intend to do very small scale works below the thresholds requiring consent. Should the landowner wish to carry out work above the threshold, they have also stated in their plan that they would submit a felling permission application to Scottish Forestry and carry out formal consultation with the

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relevant stakeholders. With this in mind, there is no felling permission in place to revoke.

The early draft plan that the Community Council responded to in 2022, contained proposals for some intensive thinning of the woodland. This was one of several concerns raised by the community. In the revised version of the plan, the landowner removed this element. Control of invasive species had also been raised and this was also included in the updated management plan. In the revised plan, the owner was not intending to do any further felling that required formal consent from Scottish Forestry. In normal circumstances, Scottish Forestry would not require a small scale plan without any operations planned, to be formally consulted on.

However, it is clear that Scottish Forestry gave a commitment to the Community Council to allow for further input into the management plan for the site and this has not taken place. I understand that the case has been relatively long running and that there was a change in the case officer for this alleged illegal felling in the local conservancy, which complicated Scottish Forestry's handling of this case.

I also understand that my officials have recognised the failure on their part and have apologised to the Community Council for the failure to ensure further consultation on the plan. I know that the Community Council and the conservancy are in contact over other forestry casework and that whilst there is not agreement on all matters discussed, there is regular and clear communication.

Regarding Scottish Forestry's decision not to report the landowner to the Procurator Fiscal, my officials have responded to this previously in a separate stage 2 complaint. However, I have provided a summary below.

Scottish Forestry follow the same process as all other non-police agencies that report cases to the Procurator Fiscal which is as follows:-

They will investigate and gather information to establish if unauthorised felling has taken place. Depending upon the circumstances of the case and the nature of the evidence then they can choose from a range of possible outcomes such as:-

- closing the case due a lack of evidence
- issuing a warning
- entering into a voluntary agreement to re-forest the felled or an alternative area
- issuing a Restocking Direction
- pursuing prosecution.

In this case, the owner was willing to enter a voluntary agreement to restock the felled area and work with Scottish Forestry to create a longer term management plan for the woodland. Scottish Forestry will continue to monitor the site to ensure successful establishment. If this does not occur, the agency can use other regulatory powers in the future. Given this situation, Scottish Forestry decided not to pursue a prosecution in this instance.

Scottish Forestry did not issue a restocking direction at the time as there was evidence of sufficient regrowth from the stumps of the felled trees but as noted above, they could use this in future if necessary.

The owner has committed to undertaking formal processes with appropriate consultation, should they wish to carry out operations that require consent.

I hope this response is helpful but please don't hesitate to contact me should you have any further queries.

Yours sincerely,



MAIRI GOUGEON

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