Protect sensitive - DRAFT REVIEW

Ballyoukan Forest Pitlochry

Purpose
Following a substantial number of complaints, FOI's, MSP and ministerial correspondence, Head of Operational Delivery requested an independent review of the history and information relating to this case. Delivery and Improvement Conservator was asked to review the case history and documentation relating to this case and speak to relevant stakeholders. The purpose of this paper is to provide a summary of the findings of this review.

Background
Ballyoukan forest complex is predominantly commercial conifer plantation covering 7 separate ownerships and collectively extend to almost 1000ha. (6 managed by Scottish Woodlands, 1 by Highfield Forestry) The commercial conifer species is predominantly Sitka Spruce planted in the mid to late 1980's. Currently the only access is via a private road Ballyoukan hill road which links to the General Wade's Military road (old A9) This road is narrow, steep in places with tight corners and is the focus of many of the complaints with concerns over safety and disturbance to the people who live adjacent to the road. The road suffered a washout in 2001 and it was rebuilt with financial contributions made users at that time. The contribution Forest owners made is unclear. The catalyst for the correspondence and complaints arose from the agent making contact with Scottish Forestry and the community in 2018 about road improvements(EIA scoping request) and again in 2020 with an amendment to the Forest plan (which was approved in 2014) to bring forward clear-felling in the Ballyoukan forest.

Methodology
Review all available paperwork associated with Ballyoukan forest.
Visit the forest and look at the various access point options
Discuss issues with key staff involved
Telephone conversations with [redacted].
[Personal Data]
Email sent to another representative in the local area asking for a possible meeting, no response received.
Reviewed content on the facebook page.

History:-
SF would have had involvement in grant support for the original planting in the 1980's. There is little information available due to file retention protocols.

1997 Forest Authority received a felling application for a small area due to the presence of windblow of an older shelterbelt with proposed restocking of mainly hardwoods protected within a deer fence (felling extended to 1.2ha although a small area of additional woodland creation was incorporated 0.7Ha). It is understood that this timber came down the Ballyoukan hill road via tractor and trailer units. There is some correspondence within the file indicating that the restocking and additional plantings did not establish well with grant reclaim considered.

In 2010, Scottish Woodlands (SW) approached Forestry Authority regarding scoping for a long term forest plan and drafted a scoping report for part of the Ballyoukan complex, The prime reason why SW pursued this was to access pre commercial thinning grants (chemical thinning) indicating that commercial felling would be at the tail end of the second 10 years of the plan. Work on scoping continued through to 2011 to refine the scoping report and draft of the Long Term Forest Plan. It would appear that the final version of the forest plan was submitted to Forest Authority in 2013 and sent to statutory consultees, neighbouring estate and Pitlochry and Moulin Community Council.

The approval letter for felling for the Ballyoukan Tom Beithe Forest Plan was signed on 10th February 2014 and included the licence to fell growing trees outlined in the plan. However, although a felling certificate was issued, there was no clear felling approved only pre commercial thinning, with the proposed likely method to be by chemical means.

Areas of pre commercial thinning were approved in the plan with the expectation that the applicant would then apply for grant support to deliver their pre commercial by chemical. As a result, there would be no timber extraction from the forest. The plan also included deer management activity, fence maintenance, road maintenance, drain maintenance and upgrade. The plan outlined the felling would commence around 2030 beyond the current plan approval period.

The plan noted ”there is a right of access for the woodland owners via the private road passing Ballyoukan House which is accessed via the former disused section of the old former A9 at Croftinloan”

Files are then silent until January 2020 when there was a request for EIA screening for internal forest road upgrades and the creation of several small borrow pits within the forest. This was sent to various consultees via email including Glen Lyon and Loch Tay and the east Strathearn but there is no record of this being sent to the Pitlochry and Moulin CC which appears odd given its location. Following consultee responses received, EIA response given was “no consent required.” And a very brief decision rationale included in the screening opinion letter. There was no reference seen in the documentation regarding machinery access/egress for the upgrading works.

In 2021, SW brought forward a proposal to create a new road across the Moulin Moor and onto the A924. There appears to have been a community council meeting and consultation with SNH, SEPA etc, and an initial bird survey with the clear intent to request EIA scoping decision for this route. This would have been complex given the need to cross the SPA but SW later dropped this proposal following [redacted] [Personal Data]. As part of this work, SW carried out an analysis of the different roading options and wrote a summary report. In this report, which was shared with the community, they stated that the Balyoukan hill road in its current condition was unsafe.

Scottish Woodlands also submitted an amendment to the approved Long Term Forest Plan to bring forward felling from 2030 to 2024. The amendment was consulted upon and sent to the community council in January 2022. It is noted that

there was a meeting in the community hall by Scottish Woodlands at which SF staff attended which was not well advertised and so limited attendance. This felling amendment was approved in February 2022 with no reference made to any access conditions. Whilst not specifically in record, I suspect that there was an assumption made that the alternative access route being discussed would be the timber transport route.

Following correspondence and complaints from various parts of the local community, the conservator set up a group locally with representatives of the local community councils, councillors, resident representative and the agents. The purpose of this group was to create an effective conduit for communication between all parties to ensure that the community representatives were kept up to date on developments and options. 2 meetings have taken place to date and whilst the concept of this is sound, further complaints have been received regarding the composition and conduct of those meetings. Unfortunately the neighbouring community councils, although invited, have not participated giving an incomplete picture of local representation.

Reflections

Given the lack of information relating to the original planting proposals and grant in the 1980's this will not be covered.

The small scale early felling in 1997 of 1.2ha is of limited relevant other than establishing for timber transport as part of forestry agents right of access. However, following a washout, the road was subsequently repaired/upgraded in 2021 which was funded by those with rights of access. The geometry, width and gradient suited to the needs of the users at that time of construction. It is understood that the forestry owners also made a contribution to the repair costs as part of their user responsibilities. Given their interest in this area, it would be surprising had they not been asked to contribute to the repairs on this private road over which they have access.

2014 plan.
This plan was developed and consulted on for a number of years prior to approval. The principle reason that the forestry agent scoped and prepared this forest plan was to access maintenance grant support under WGS. Given that no clearfelling was proposed and the pre commercial thinning was most likely to be carried out by chemical means, it is unsurprising that the access issues did not figure highly in the scoping responses and subsequent approval. It is also worthy of note that there was a change of woodland officer during the development stages of the forest plan (maternity leave) which will have impacted continuity. Having said that, given no significant operations were proposed in the first 10 years of the plan that would have impacted on heritage, conservation or community interests, it is unsurprising that this was approved at that time. Similarly it is also unsurprising that there was no detailed rationale to support the decision to approve the plan as this was this was not required in the Forest Authority process at that time.

2020 road upgrade amendment – as part of normal forest management, road maintenance and upgrade is required. In many cases, this work does impact on

local people given the need to move stone and aggregate. However, in this proposal, they noted the intent to use only locally won stone (as dug) from within the woodland and proposed a number of small borrow pits. Whilst improved roads also provide access benefits to local people, they do need large machines to carry out the operations. There was no information provided as to how the machines would access the forest in the proposal but it is recognised that at that time, the agents were also pursuing the access /EIA scoping across the Moulin Moor. I have 3 observations with regards to this amendment approval.

[redacted]

[Internal Communications]

2021/22 felling amendment proposal.
The original forest plan was due to expire in February 2024. The applicant requested approval to bring forward felling proposed for 2030 into 2024. Given that the existing plan was due to expire at the start of 2024 and that there was no felling proposed in the first 10 years of this plan, the proposal to bring forward a large felling area is a significant change to the original proposal. The explanation given by the forestry agent was that since they did not carry out the thinning operation, there is a need to bring forward the felling presumably due to windthrow risk. It is worthy to note that the amendment was consulted upon including the local community council but concerns were raised by others about the effectiveness of this consultation.

[redacted]

[Internal Communications]

Steering group.
The concept of this is excellent and a very positive initiative taken by the conservancy to try and improve relations between different stakeholders and the forestry agents and create an effective communication mechanism. Despite this positive initiative, complaints have still emerged regarding the terms of reference, membership and governance. It is my view that those topics should be raised at the next meeting to gain consensus and agreement. Having reviewed the minutes of the meeting, there is merit in having a more comprehensive note, recording key questions and answers provided and being clear when it was not possible to answer the question with associated action points. The community representatives can then use those minutes with the wider community to disseminate and update them on progress. From what I can see the chair is also trying to take notes which will not work effectively. I recommend that SF identify a staff member whose role at the meeting is specifically secretarial support.

2 meetings have taken place and so it is likely that the group are still establishing themselves which places more pressure on the chair to effectively manage the meeting.

[redacted]
[Personal Data]

Having made the observations above, the intention to bring together a focussed group of representatives to discuss progress, options, opportunities, constraints and rationale for key decisions has a great potential to build and repair relationships. For this to work effectively the group may need to revisit its TOR, Membership, culture and governance.

It is not appropriate for myself or any other external party to dictate how the meeting should operate as this has to be a matter for the group themselves to develop.

[redacted] [Personal Data]
1.2.23