

**From:** [REDACTED] on behalf of [Scottish Forestry Executive Office](#)  
**To:** [REDACTED]  
**Cc:** [Scottish Forestry Corporate Affairs](#); [Niall Bradley](#)  
**Subject:** RE: East Nethwershiels Woodland - Non Compliant Issues  
**Date:** 23 September 2025 18:00:00  
**Attachments:** [image001.png](#)  
[image003.jpg](#)  
[SF Response - 08 August 2025.pdf](#)  
[image002.png](#)

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Hi,

Further to the below of 2 Sept, logged as GC with ref 202500483826 due 1 Oct.

Further to our team meeting this am, have highlighted below where it might have been a request for information, however, on reflection, our response of 8 August attached, under **202500475251** and **Other Regulations** although not specifically mentioned parking, I am understanding we have addressed this point in this section, so should continue to handle as an GC.

In addition, we have responded on the noise and vehicles issues in the related MR **202500481405** issued 11 Sept to their MSPs Senior Caseworker who had contacted SF on the senders behalf.

I have drafted the below in response:

Dear [REDACTED],

Further to your email of 2 September 2025, please refer to our previous response with reference 202500450345 which we sent to you on 8 August 2025 at 1:33 pm where we have responded to your correspondence of 9 July 2025 under reference 202500475251. Please find a copy of this letter attached in case this has not reached you.

Yours sincerely,

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**From:** [REDACTED] **On Behalf Of** Scottish Forestry Enquiries

**Sent:** 03 September 2025 08:28

**To:** Scottish Forestry Executive Office

**Subject:** FW: East Nethwershiels Woodland - Non Compliant Issues

**Importance:** High

Good Morning,

Please see below.

Kind Regards

[REDACTED]  
*Finance & Business Support Officer*

Scottish Forestry

Saughton House | Broomhouse Drive | Edinburgh | EH11 3XD

Email: [REDACTED]@forestry.gov.scot

Website: [forestry.gov.scot](http://forestry.gov.scot)

Twitter: [@scotforestry](https://twitter.com/scotforestry)

[BRAVE values](#) are the roots that underpin Scottish Forestry, to create a workplace where our staff, and the people we work with, feel valued, supported and respected.

**B**e professional, **R**espect others, **A**ct with honesty and integrity, **V**alue teamwork and collaboration and **E**ncourage innovation and creativity.



Scottish Forestry is the Scottish Government agency responsible for forestry policy, support and regulation.

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**From:** [REDACTED]@ [REDACTED]  
**Sent:** 02 September 2025 11:46  
**To:** Scottish Forestry Enquiries <[scottish.forestry@forestry.gov.scot](mailto:scottish.forestry@forestry.gov.scot)>  
**Cc:** [REDACTED]@[forestry.gov.scot](mailto:forestry.gov.scot)>; Cabinet Secretary for Rural Affairs, Land Reform & Islands 2024 <[cabsecforralri@gov.scot](mailto:cabsecforralri@gov.scot)>  
**Subject:** Re: East Nethwershiels Woodland - Non Compliant Issues  
**Importance:** High

To whom it concerns,

We refer to item 4 below, recorded on the 9<sup>th</sup> July 2025 the unauthorized formation of Forestry Infrastructure at the above location.

In addition to this previous information, we now record that this infrastructure is being used for parking and movement of forestry vehicles and equipment. As this is in direct conflict with the Grant Approval, and the recorded denial by the developer throughout the Due Process that there will be any new access or forestry infrastructure installed on this development, we request the SF immediately stop the use of this unauthorized and illegal use of this area of the land. This includes the illegal use of the private track for forestry activities. It is evident from the previous photographs that the private track is being used to access these locations, for these activities.

As you are aware and have recorded in the Due Process, all new forestry infrastructure must go through the Local Authority Planning Regulations, therefore we advise that you instruct the developer to provide evidence of this before any new infrastructure is formed, or used on this development. We have provided all the same evidence to the Local Authority recording a breach in Planning Regulations and advise you that there has been no pre engagement with SLC Planning Officers before any of the works that have been evidenced on site have developed.

We also take this opportunity to advise that new ground mats are being installed to new vehicle gates, which again did not form part of the application and Grant Approval.

Please advise, by return, what SF plan to do on this non compliance issues. From a SF communication last month we understand that all issues raised with SF will/are being investigated, we wait the detailed evidenced based responses on all the outstanding issues.

Regards

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**From:** [REDACTED]@ [REDACTED]  
**Sent:** 09 July 2025 09:59  
**To:** [scottish.forestry@forestry.gov.scot](mailto:scottish.forestry@forestry.gov.scot) <[scottish.forestry@forestry.gov.scot](mailto:scottish.forestry@forestry.gov.scot)>  
**Cc:** [REDACTED]@[forestry.gov.scot](mailto:forestry.gov.scot); [REDACTED]@[forestry.gov.scot](mailto:forestry.gov.scot)>; [cabsecforralri@gov.scot](mailto:cabsecforralri@gov.scot) <[cabsecforralri@gov.scot](mailto:cabsecforralri@gov.scot)>  
**Subject:** East Nethwershiels Woodland - Non Compliant Issues

To whom it concerns,

We refer to all other evidence recorded within this Public Regulated Due Process, including the unauthorised issues that have been evidenced to you since the works were approved by Scottish Forestry. As we have now recorded on a number of occasions, all Guidance, Requirements and Evidence linked to these issues are known to all Scottish Forestry representatives involved in this case and we request that these are referred to, to ensure enforcement action is taken immediately to deal with these new and all outstanding and ongoing issues.

1. We refer to all the additional unauthorized gates which have been installed over the past 6 - 8 months. Serious questions remain unanswered; 1. Why have all the unauthorized vehicle gates been installed, when everyone knows the application clearly stated that there will be no new vehicle access required and these Gates do NOT form part of the application documents. Only one of these Gate appeared later on the drawing attached to the delayed EIA Report, which did not form part of the Public Consultation? 2. Why has other unauthorized gates been allowed to be installed, and all unauthorised gates still remain in place after months of this being evidenced to Scottish Forestry? 3. Why has a number of these gates been allowed to remain padlocked preventing free responsible access by the Public? 4. Why has there been existing field gates removed leaving gaps in the perimeter hedging and fencing directly onto public roads?
2. There continues to be unauthorized access on Private Roads for maintenance vehicles and plant for the Woodland, why is this being allowed to continue when everyone knows that this is unauthorized and has been recorded on a number of occasions since January 2023? Without further delay, please issue the Woodland Operation and Management Plan that the Due Process states must be included with all applications and as you know it never was and despite this being requested on numerous occasions it is still being withheld from all Consultees and Stakeholders. Operation and Maintenance work has clearly been progressing over the past month and we as the community must have transparency now on this withheld mandatory documentation.
3. More existing fencing has been removed without authorization from the adjacent landowners and does not form part of the Application? Also, this fencing that has been removed is not solely owned by the new landowner and is fencing to a Private Road. Scottish Forestry clearly stated within the Due Process that NO existing fencing or accesses will be altered without it being noted within the application with evidence of a review of the Local Authority Planning Process. This evidence was withheld from the Application and existing fencing has continued to be removed since Scottish Forestry approved the works to commence.
4. There is currently unauthorized work being carried out forming forestry infrastructure works (Access and Parking), including large areas of soil being removed, stonework from a historic ruin being disturbed and spoil being loaded onto both the ruin and existing trees out with the ownership of the new landowner.

As everyone knows the application clearly stated there would be NO formation of new access and/or Roads, Tracks and Car Parks. This was the repeated response to the issue being raised at the start of the Due Process, this being that the known and required access and infrastructure works was being withheld from Woodland Proposal and never formed part of the Application. Everyone knows Scottish Forestry's recorded responses to this issues, in that new access and infrastructure works, including parking must be processed through the recorded requirements of the Local Authority Planning Process. We request that this unauthorized and illegal work is stopped immediately by Scottish Forestry and the Local Authority is advised of the breach of the Planning Regulations and this is dealt with accordingly. There seems to be an attitude from the Agent on site that they can now do what they want as it was not part of the Woodland Creation Application process. We all know that is incorrect and requires Public Regulator control and robust enforcement. The Record Evidence and Case History from the past 3 year can not be dismissed and ignore. The developers had 2 years to get this right, they made the choices they did but can now think they can do what they want.

5. Trees Planted out with the locations on the updated plan attached to the EIA Screening Letter? In addition to this we note that we have still not received an acceptable answer, to the evidence that it has not been agreed with SLC that trees are planted in conflict with the Local Authority recorded requirements though the Due Process and stated in the Issue Log?
6. As we have been refused access to the Woodland Management and Operation Plan, please advise what has been agreed with the maintenance of the natural grasses, both within the Deer Fence and all other areas, including grazing land which has currently got no livestock grazing it? We note that the natural grass has been getting cut, within the deer fencing over the past month and continues and that this operation seems to be damaging some of the trees. With the issuing of the Management and Operation Plan, and with reference to the Scottish Government Requirements, please confirm when Scottish Forestry have scheduled their first review and inspection of the woodland. Scottish Forestry stated in an email from earlier in the year that they inspect and validate the compliance of the woodland once it has been confirmed as installed, which it has been now for 3 -4 months? We continue to monitor the operations and note that there is already evidence of a number of trees that have died and others under stress. We look forward to a detailed response to all previously evidence based question and transparency on Scottish Forestry's validation of the woodland, both its install and its maintenance over the medium to long term of the woodland.

In addition to all these new and ongoing items, we refer to the increasing risk from Wild Fires, which has never been answered with a credible response and evidence. We now request an immediate response to this unacceptable situation. As everyone is aware this "Large and Sensitive" proposal has been approved minimum evidence of Design or Infrastructure being included in the Application to mitigate the clear and serious additional risk to property and life which this new woodland will cause. The unacceptable response

within the Issue Log and in the EAI Letter treats the families of this community with complete contempt. We have already provided sufficient evidence of the failure to comply with the Scottish Governments Guidance and Recommendations on this issue and we record that it is now time, based on increasing risks that are already landing and affecting communities throughout Scotland, that both the CEO of Scottish Forestry and our Cabinet Secretary now intervene and carry out a thorough review into how many Woodland Applications comply with the Scottish Government recorded requirements, and when found not to, why? Please don't be complicit in ignoring the increased risk to the properties and life's, including Fire Fighters and other rural workers, due to non compliant woodlands. With regards to our Properties and our Families, including our young children I now expect the respect of a competent answer from both Scottish Forestry and our Cabinet Secretary that deals with this issue with immediate action being taken to protect my children now and in the coming years.

The Following is Scottish Forestry's response noted on the delayed EIA Letter which does not refer to [Scottish Forestry - Wildfire prevention](#) and was not included within the Application Documentation, therefore withheld from the Engagement and Consultation. We have highlighted some key points, adding additional comments in red text and note that there has been no evidence provided that this complies with ALL of the detail noted in the above Scottish Government Guidance. Why were these serious and important questions not answered 2 years in advance of a delayed EIA?

**Population & Human Health Risk of Wild Fires The site is in a low risk area for wild fire, both in the current climate and with future climate models. This is in complete contradiction to all other Scottish Government Guidance and Publications on this matter, including on the effect to woodland and rural environments. This statement raises serious questions on the competency of those who have regulated and approved this Application. Again, where is the evidence to support these significant statements?**

The risk will be further mitigated by vegetation management during the establishment phase along with the proposed grazing of four areas retained in agriculture (Lot 1 - south of Burn Farm and east of South Sheild Farm, in lot 2 - west of A726 and east of Powmillon Burn). The area east of South Shields Farm was added post consultation due to that property having a timber barn in close proximity to the proposed woodland. The whole site is relatively flat which reduces the risk of rapid spread of a fire should one occur. This is a direct contradiction to the Landscape Report which describes the Landscape as Ridges and Valleys. It also does not acknowledge that the site sits at c800 ft and the areas is known for its high winds, the "land of the sloping trees" In addition, the public roads, track and rides crossing the site provide both fire breaks The rides across the site are not designed Fire Breaks and will not provide "good" access. and good access No evidence provide to demonstrate that ALL guidance has been followed to the above Scottish Government Guidance to manage a fire should one occur. During higher risk conditions, This contradicts what is sated above signs would be erected advising against use of BBQs and other activities which would increase the risk of fires starting. The hierarchy of the mitigation to protect Properties and Life prioritises a designed infrastructure before signs, clearly detailed. Also, fires can be started due to numerous reasons and in no way does a sign mitigate all these known risks. The above issue has

been assessed against The Forestry (Environmental Impact Assessment)(Scotland) Regulations 2017 and has been found to have **no significant negative environmental impacts.** **Again, where is the evidence for this significant statement?**

Please do not wait for a tragedy to happen before we hear that we are sorry for the families and will carry out an investigation. We and others around Scotland have made you all aware of the concerning development of this serious issue and there is no justifiable reason for you do not to take robust action now, based on the evidence.

This is not about Trees or no Trees, wilderness or no wilderness this is about peoples property and life and Scottish Forestry and the Scottish Government have the responsibility to mitigate the risk to the Scottish People.

Cabinet Secretary, please don't simply pass this back to those in Scottish Forestry who have laughed at us in the past on this serious point which has been recorded for over 2 years now, please do the right thing before its to late. Yes, this is powerful and direct language, but its because it's my children's future I am trying to protect and I am now at the place that being ignored and laughed at by our Government Representatives, and now threatened to be silenced by the same organisation is simply not acceptable to me. I deserve and require more respect from you all.

I hope you all reflect on this ongoing correspondence and the evidence you continue to be provided by the Public and now do the right thing. I also wait for confirmation that as a Stakeholder, who was invited into the Process in July 2022, I will provided access to all the required documents as I am entitled to based on the Scottish Governments Pubic Due Process, which has been continually denied since the application was received from Scottish Forestry.

Regards



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**This email has been received from an external party and has been swept for the presence of computer viruses.**

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**Scottish  
Forestry**  
Coilltearachd  
na h-Alba

Saughton House  
Broomhouse Drive  
Edinburgh EH11 3XD  
forestry.gov.scot

Email: scottish.forestry@forestry.gov.scot  
Tel: 0131 370 5250

Chief Executive: Paul Lowe

[Redacted]  
[Redacted]@ [Redacted]

Our ref: Multiple communications regarding East Nethershields

Date: 08 August 2025

Dear [Redacted]

I am writing to you in relation to a number of emails that have been submitted to various parts of Scottish Government over the last number of weeks and months and since I last wrote to you. I apologise for our delay in responding, as I wanted to take time to go through the correspondence from you on this case.

For the sake of clarity and to ensure that I have captured all correspondence, I will list them below and provide some context about who the recipients of each email was and on what dates each communication was received. You will have received acknowledgments to all the below cases that include the reference numbers I will use to identify each communication.

Case Reference	Recipient(s)	Subject	Date Received
202500450345	First Minister	Governance of Public Regulated Due Processes, for the Scottish People? Case Ref No: 202400443365	29 January 2025
202500460158	Director of Operational Delivery (Scottish Forestry)	East Nethershield Woodland Creation	31 March 2025
202500447974	First Minister	Governance of Public Regulated Due Processes, for the Scottish People? Case Ref No: 202400443365.	31 March 2025
202500465517	Director of Operational Delivery (Scottish Forestry)	East Nethershield Woodland Creation	9 May 2025
202500465792	First Minister	Governance of Public Regulated Due Processes, for the Scottish People? Case Ref No: 202400443365	12 May 2025
202500466665	Cabinet Secretary for Rural Affairs, Land Reform & Islands	East Nethershield Woodland Proposal and Grant Application	13 May 2025
202500475250	Cabinet Secretary for Rural Affairs, Land Reform & Islands	East Nethershield Woodland Proposal and Grant Application	30 June 2025

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Is e Coilltearachd na h-Alba a' bhuidheann-ghnìomha aig Riaghaltas na h-Alba a tha an urra ri poileasaidh, taic agus riaghladh do choilltearachd

202500474103	First Minister	Governance of Public Regulated Due Processes, for the Scottish People? Case Ref No: 202400443365	30 June 2025
202500475251	Scottish Forestry Enquiries, Cabinet Secretary for Rural Affairs, Land Reform & Islands, Director of Operational Delivery (Scottish Forestry)	East Nethershields Woodland - Non Compliant Issues	9 July 2025
202500476034	Scottish Forestry Enquiries, Cabinet Secretary for Rural Affairs, Land Reform & Islands, Director of Operational Delivery (Scottish Forestry)	East Nethershield Woodland Creation	14 July 2025
202500477626	Cabinet Secretary for Rural Affairs, Land Reform & Islands	East Nethershields	25 July 2025

I hope the above table will enable you to identify each correspondence I will refer to in this letter. I will attempt to respond to all points that I have not already addressed in previous communications to you. We are also aware that you have raised a complaint with South Lanarkshire Council on 22 July 2025 regarding noise from strimming around newly planted trees in the vicinity of Burn Farm. South Lanarkshire Council subsequently reached out to Scottish Forestry for a response. I can confirm that Scottish Forestry provided South Lanarkshire Council with our position on the issues raised and I refer you to South Lanarkshire Council should you wish to discuss this further.

Before I address the points raised in your multiple communications, please be advised that responses from Ministers and Cabinet Secretaries within the Scottish Government often require input from civil servants across relevant policy and operational areas to provide a thorough and informed reply. These responses can take some time to consider, and it is common government practice for the Offices of Ministers of Scottish Government to ask civil servants to reply on their behalf. As such, Scottish Forestry have been asked to address the correspondence sent by you for Ministers, as detailed above, as the lead on such matters within Scottish Government.

I would like to note, however, that the submission of multiple emails within a short period of time can inadvertently slow down our ability to respond effectively. Each piece of correspondence must be carefully reviewed to ensure all points raised are addressed accurately and respectfully. When many requests are submitted in quick succession, it places added pressure on our ability to respond with the diligence and attention that every enquiry deserves. Please understand that our ability to respond to such a large volume of emails is limited and we are in a much better position to respond if you provide us with sufficient time to do so.

We are committed to providing considered responses and appreciate your understanding as we work to do so.

I would like to reiterate what I have stated in previous correspondence. I understand that you have very strong views about how this case has been handled and, in particular, about aspects of Scottish Forestry's role. However, I have reached the conclusion that your extensive and repeated correspondence on this case has breached Scottish Government's [Unacceptable actions policy](#). You have made statements that constitute abusive behaviour, made unreasonable demands and been unreasonably persistent. I therefore ask you to stop contacting Scottish Forestry and Scottish Ministers in relation to the handling of this case. If you continue to contact Scottish Forestry or Scottish Ministers in the above manner, we will no longer correspond or engage with you on matters relating to the East Nethershields woodland creation application process and may take action to limit wider contact. Examples of further action that may be necessary should you continue to contact Scottish Forestry and Scottish Ministers in relation to this case can include;

- terminating all contact (subject to necessary limitations)
- terminating communication by specified channels only (eg refusing to take telephone calls from an individual)
- refusing to accept communication on a specified subject only
- requiring the individual to communicate only through a third party

Despite advising you that we have taken the decision to longer correspond or engage with you on matters relating to the East Nethershields woodland creation, you have continued to contact Scottish Forestry and Scottish Ministers.

Having stated the above, you have raised issues that were not present in earlier communications to us and Scottish Ministers, and I will respond to those here. I will not respond to points that have already been addressed in previous correspondence.

### **Case 202500450345**

You have raised concerns about a failure of Scottish Forestry senior management to meet with the community. Scottish Forestry senior managers do not routinely get involved with the handling of woodland creation applications, particularly during the development phase led by the forestry agent. Under Scottish Forestry's procedures, senior national managers do not have a direct role in regulatory decision-making processes. These are handled locally by the conservancy teams and case officers. It would therefore be irregular and very unusual for senior managers to meet with a stakeholder to discuss a particular application or regulatory decision.

If you are not satisfied with how your correspondence has been handled, then you have the option to submit a complaint. I will provide detailed information relating to our complaints policy at the end of this letter. Scottish Forestry is not prepared to enter an ongoing dialogue on these matters.

### **Case 202500460158**

You have raised concerns about delays in Scottish Forestry in replying to correspondence and you have stated that you feel Scottish Forestry has not replied fully responded to your concerns in previous communications with us.

As stated earlier in this letter, and in previous responses to you, submission of multiple emails within a short period of time can inadvertently slow down our ability to respond effectively. We strive to respond, where appropriate, as soon as is possible but I must again ask that you try to moderate the volume and frequency of correspondence that you send Scottish Ministers and Scottish Forestry as this will ultimately cause delays in responding.

After careful review of this correspondence, it is my position that Scottish Forestry have addressed other points you have raised in our letter dated 23 January 2025. I have attached that letter for your convenience.

If you are not satisfied with how your correspondence has been handled, then you have the option to submit a complaint.

### **Case 202500447974**

You have raised concerns about a failure of Scottish Forestry senior management to meet with the community and have requested that the First Minister and Cabinet Secretary for Rural Affairs, Land Reform & Islands meet with you to discuss your concerns. As stated previously, Scottish Forestry senior managers and Scottish Ministers do not routinely get involved with the handling of woodland creation applications, particularly during the development phase led by the forestry agent.

That said, I would like to remind you that Cabinet Secretary did meet with you on 05 September 2023. The Cabinet Secretary confirmed that Scottish Forestry would ensure that any application received careful and thorough assessment, including checking that the concerns raised by the community had been properly taken into account and that the woodland creation process, including community engagement, was being properly followed.

Under Scottish Forestry's procedures senior national managers don not have a direct role in regulatory decision-making processes. These are handled locally by the conservancy teams and case officers. It would therefore be irregular and very unusual for senior managers and Scottish Ministers to meet with a stakeholder in order to discuss a particular application or regulatory decision.

You also stated that;

*“These concerns are only increasing, with both the receipt of the recent letters from Scottish Forestry, the lack of clarity and response on the content of these letters, and now also (since 20th November 2024) the non-response and action on the Material Evidence of non-compliance with the Woodland Proposals, as the work has progressed since the commencement in October 2024. This includes the unauthorized formation of new access, which is the only reason a large part of the woodland has been able to be formed over the period since, a period of 2 months and continuing, but this access was continually denied by the Agent over the previous 2 years. This conduct must not be tolerated in Public Regulated Due Processes, as it is clearly known decisions by the Agent to exclude the required Planning Regulations requirements”.*

Having considered this statement, and having reviewed our previous responses to you, it is my position that we have previously addressed the above concerns in a letter dated 23 January 2025. I have attached that letter for your convenience”.

If you are not satisfied with how your correspondence has been handled, then you have the option to submit a complaint.

### **Case 202500465517**

You have raised concerns about delays in Scottish Forestry in replying to correspondence. You have suggested that Scottish Forestry have ignored your concerns, and you have stated that you feel Scottish Forestry has not replied fully responded to your concerns in previous communications with us.

In a letter dated 28 November 2024, I provided evidence of the considerable efforts myself and my colleagues have made to respond to your correspondence. Since then, we have continued to utilise considerable resource and time in addressing concerns you have raised. Scottish Forestry is a small agency with limited resources, but I can confidently state that we have done our utmost to provide detailed responses that have been carefully considered and thoroughly investigated. I have provided a copy of that letter for your review.

If you are not satisfied with how your correspondence has been handled, then you have the option to submit a complaint.

### **Case 202500465792**

You have repeated concerns about delays in Scottish Forestry in replying to correspondence, repeated a request to meet with Scottish Ministers and have made allegations that Scottish Government are putting lives at risk. You have also stated that you feel that Scottish Forestry has made threats by applying the Scottish Government's Unacceptable Actions policy.

I believe I have adequately responded to matters raised in this email above but wish to, again, advise you that you have made statements that constitute abusive behaviour, made unreasonable demands and been unreasonably persistent. It is for this reason that we have taken the decision to no longer correspond or engage with you on matters relating to the East Nethersields woodland creation.

If you are not satisfied with how your correspondence has been handled, then you have the option to submit a complaint.

### **Case 202500466665**

You have repeated concerns about delays in Scottish Forestry in replying to correspondence, repeated a request to meet with Scottish Ministers. You have, again, also stated that you feel that Scottish Forestry has threatened your community by applying the Scottish Government's Unacceptable Actions policy.

You have also stated that the Cabinet Secretary for Rural Affairs, Land Reform & Islands should "enforce the powers you have and intervene in this case, instructing a robust and truly independent investigation into the evidence of this case".

I believe I have addressed many of the points raised by you earlier in this letter. That said, and in response to your request that Cabinet Secretary intervene, I would like to reiterate that Scottish Forestry senior managers and Scottish Ministers do not routinely get involved with the handling of woodland creation applications, particularly during the development phase led by the forestry agent. As highlighted previously, senior national managers do not have a direct role in regulatory decision-making processes. These are handled locally by the conservancy teams and case officers.

In your letter, you asked 14 questions relating to Nethershields woodland creation and repeated many points that Scottish Forestry had already responded to in the past. I do not find that it would be helpful to repeat points previously made and would like to remind you that we have made the decision not to continue to engage in discussion on matters relating to the East Nethershields woodland creation.

If you are not satisfied with how your correspondence has been handled, then you have the option to submit a complaint.

#### **Case 202500475250**

You have repeated requests to meet Scottish Ministers and have highlighted your concerns that you feel that you have been ignored by Cabinet Secretary for Rural Affairs, Land Reform & Islands.

I have provided a response to these points earlier in this letter and clarified why it is that senior civil servants and Scottish Ministers do not routinely intervene in a way that you have suggested.

If you aren't satisfied with how your correspondence has been handled, then you have the option to submit a complaint. I will provide detailed information relating to our complaints policy at the end of this letter. Scottish Forestry is not prepared to enter an ongoing dialogue on these matters.

#### **Case 202500474103**

You have repeated concerns as detailed above in case 202500475250. I believe that I have sufficiently responded to both cases.

If you are not satisfied with how your correspondence has been handled, then you have the option to submit a complaint.

#### **Case 202500475251**

You asked us to review evidence you have submitted where you allege unauthorised work has been carried out and that the works were approved by Scottish Forestry in relation to East Nethershields woodland creation.

I have asked the local Senior Operations Manager to review what you have submitted and to provide a response that I have detailed below.

In considering your points, it is useful to provide clarity on the regulatory and administrative processes that relate to this woodland creation project.

### **The Forestry (Environmental Impact Assessment) (Scotland) Regulations 2017**

The applicant wrote to Scottish Forestry requesting that Scottish Forestry adopt a screening opinion in relation to the woodland creation project at East Nethershields. This correspondence included the information necessary for that screening opinion to be reached and on that basis, Scottish Forestry concluded that the project did **not** require consent to proceed. For information - if a screening opinion concludes that consent **is** required, it is sought by the applicant by way of the submission of an Environmental Impact Assessment (EIA) report (commonly referred to as 'requiring an EIA'). In support of the screening opinion, Scottish Forestry issued a document to the effect that consent is not required and stated the reasons for that decision (commonly known as the 'reasoned conclusion'). Scottish Forestry sent a copy of this document to interested parties, including yourself.

The above background summary is relevant to your enquiry for the following reasons: through the screening process, Scottish Forestry decided that EIA consent was not required and thus none was sought by the applicant. In this scenario, the Regulations make no provision for the enforcement action to which you appear to refer, as put simply, there is no consent under which to act in this way (Scottish Forestry may only take EIA enforcement action in relation to projects which have or require EIA consent).

Additionally, other than through an application to the Court of Session, the published screening opinion cannot be withdrawn or reviewed – this application must be made before the expiry of 3 months from the date of the adoption of a screening opinion. I consider that some of the matters you raise in your e-mail fall within scope of decisions made under these Regulations and note that Scottish Forestry considers the processes undertaken in this respect to be complete.

### **The Forestry Grant Scheme (FGS)**

Subsequent to the above, the applicant submitted a separate application to the Forestry Grant Scheme (FGS) seeking financial support in delivering the woodland creation project. The application was assessed against the relevant published guidance and in relation to relevant requirements and guidelines contained within the UK Forestry Standard. Following completion of this, the application was approved and an FGS contract agreed with the applicant. Scottish Forestry has established procedures outlining how it will inspect and monitor all FGS contracts throughout the life of those contracts, this including what will be inspected, how and when. It also covers what action SF will take in circumstances where it is found that an applicant is in breach of an FGS contract.

In the case of East Nethershields the contract requires that this monitoring and compliance process takes place over a period of 20 years, commencing with an initial inspection of the project post completion. In all cases Scottish Forestry expects that projects are managed in line with the requirements as set out within the FGS guidance along with those of the contract undertakings, maps and operational plan. A number of the matters you raise are considered as a matter of course as a result of the aforementioned monitoring and compliance process.

### **Other Regulations**

From a regulatory perspective, it may be that a number of your concerns fall within regulatory regimes under which Scottish Forestry has no direct locus. However, where such situations appear to be connected to a forestry project and are considered by Scottish Forestry to be material to it, Scottish Forestry will work

with the relevant regulatory bodies in an attempt to address any issues. On occasion this can be aligned with the ongoing FGS contact management processes that have described.

### **Provision of information relating to the woodland creation project at East Nethershields**

Your e-mail refers to information that has not been provided to you by Scottish Forestry. We have received a separate request from you to provide all the application information held by us in relation to this project. This has been logged under case reference 202500476034 and you will have received a response to that request by now.

If you are not satisfied with how your correspondence has been handled, then you have the option to submit a complaint.

### **Case 202500476034**

You asked that we permit access to the Scottish Forestry Conservancy (South) offices so that you can view all application documents relevant to the East Nethershields Woodland Proposal.

We responded to this separately, however, I wish to reiterate that we have taken the decision to publish the Environmental Impact Assessment (EIA) documents relating to East Nethershields. I refer you to the letter we issued to you on 08 August 2025 for further details.

As I understand it, you should have also received an earlier email stating that we would not be able to arrange access on the day you requested to visit one of our offices, but we would look to make other arrangements.

If you are not satisfied with how your correspondence has been handled, then you have the option to submit a complaint.

### **Case 202500477626**

Although you have not stated this directly to Scottish Forestry, I understand that you have experienced what you have described as noise nuisance in the area that has been caused by strimming. This understanding comes from the request from information we received from South Lanarkshire Council who I believe are investigating a noise complaint.

Scottish Forestry's role as regulator focuses on the sustainable management of Scotland's forests and woodlands. This includes oversight of felling permissions, administration of grant schemes, and ensuring compliance with the UK Forestry Standard. We do not have a statutory role in regulating environmental noise. While forestry operations are not automatically exempt from noise legislation, routine activities such as weeding or thinning are generally considered reasonable land management practices when carried out responsibly and some constraints such as time sensitivity, weather dependences, ecological constraints may be a factor in the timing of operations.

Although there is no statutory guidance specific to noise in forestry, the following documents promote good practice in operational planning and neighbour relations:

- [UK Forestry Standard \(UKFS\)](#) – the reference standard for sustainable forest management in the UK, which encourages good neighbour principles and operational planning.
- [FISA Safety Guides](#) – particularly FISA 806 (Welfare) and FISA 808 (CDM in Forestry), which support responsible site management and planning.
- [Forest Research guidance on occupational noise hazards](#) – focused on worker safety, though not environmental noise.

It is not in Scottish Forestry's remit to respond to the specific concerns you have raised in relation to noise complaints but I encourage you to continue to work with South Lanarkshire Council as I understand, from the interest they have taken in your complaint to them, that this may be within their remit and should be for South Lanarkshire Council to respond to. As previously stated, we have provided a response to South Lanarkshire Council and I expect that, if they have not already, they will be in contact with you in due course.

You have also asked to again meet with Scottish Ministers about this decision. I believe I have provided a thorough response to this request.

You have also asked for a copy of an Operational Plan for East Nethershields woodland creation. I understand that this may have previously been provided but, for the sake of ensuring you are able to view it, I have attached it to this letter below.

You have also asked to again meet with Scottish Ministers about this decision. I believe I have provided a thorough response to this request.

### **Complaint Policy**

As I stated previously, I would like to take an opportunity to provide you with information on our complaints policy. Scottish Forestry operates a Model Complaints Handling Procedure that you can read more about [here](#). I understand that you have previously stated that you would not like to have your concerns handled as complaints however I want to highlight what Scottish Forestry considers to be a complaint. A complaint is any expression of dissatisfaction about our action or lack of action, or about the standard of service provided by us or on our behalf.

Much of what you have said would fall under the above definition of a complaint. Due to the large number of concerns you have raised, it would be considered as a stage 2 complaint.

Were we to address this matter as a stage 2 complaint, we would, in the course of investigating, consider an appropriate form of communication to discuss your complaint with you to understand why you remain dissatisfied and what outcome you are looking for. We would appoint a complaint manager to have this conversation with you, investigate all concerns raised and issue a response within stated timeframes. Any complaint manager appointed would be an experienced civil servant within Scottish Forestry, due to the complex nature of concerns raised.


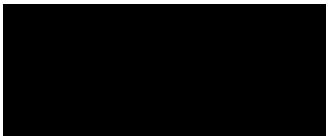
If you remained unsatisfied with any potential outcome of this complaint, you would have the right to appeal to Scottish Public Services Ombudsman (SPSO). The SPSO is the final stage for complaints about public service organisations in Scotland.

Should you wish to have your concerns addressed through our Model Complaints Handling Procedure, please contact us through our Executive Office email.

However, should you not wish to have concerns addressed through the complaint's mechanism, this letter will serve as a final response to the issues you have raised to us. If you continue to contact Scottish Forestry or Scottish Ministers in relation to East Nethershields woodland creation and that contact is not related to a complaint you would like to submit, we will no longer correspond or engage with you.

Once again, I would like to apologise for the unavoidable delays in issuing this reply, but I hope it will be received with the understanding that we have addressed concerns raised.

Yours sincerely



Director of Operational Delivery  
Scottish Forestry

**From:** [REDACTED] on behalf of [Scottish Forestry Enquiries](#)  
**To:** [Scottish Forestry Executive Office](#)  
**Subject:** FW: East Nethwershiels Woodland - Non Compliant Issues  
**Date:** 03 September 2025 08:28:27  
**Attachments:** [image001.png](#)  
[image003.jpg](#)  
[image004.png](#)  
**Importance:** High

---

Good Morning,  
Please see below.  
Kind Regards

[REDACTED]  
*Finance & Business Support Officer*

Scottish Forestry

Saughton House | Broomhouse Drive | Edinburgh | EH11 3XD

Email: [REDACTED]@[forestry.gov.scot](#)

Website: [forestry.gov.scot](#)

Twitter: [@scotforestry](#)

[BRAVE values](#) are the roots that underpin Scottish Forestry, to create a workplace where our staff, and the people we work with, feel valued, supported and respected.

**B**e professional, **R**espect others, **A**ct with honesty and integrity, **V**alue teamwork and collaboration and **E**ncourage innovation and creativity.



Scottish Forestry is the Scottish Government agency responsible for forestry policy, support and regulation.

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**From:** [REDACTED]  
**Sent:** 02 September 2025 11:46  
**To:** Scottish Forestry Enquiries  
**Cc:** [REDACTED]; Cabinet Secretary for Rural Affairs, Land Reform & Islands 2024  
**Subject:** Re: East Nethwershiels Woodland - Non Compliant Issues  
**Importance:** High

To whom it concerns,

We refer to item 4 below, recorded on the 9<sup>th</sup> July 2025 the unauthorized formation of Forestry Infrastructure at the above location.

In addition to this previous information, we now record that this infrastructure is being used for parking and movement of forestry vehicles and equipment. As this is in direct conflict with the Grant Approval, and the recorded denial by the developer throughout the Due Process that there will be any new access or forestry infrastructure installed on this development, we request the SF immediately stop the use of this unauthorized and illegal use of this area of the land. This includes the illegal use of the private track for forestry activities. It is evident from the previous photographs that the private track is being used to access these locations, for these activities.

As you are aware and have recorded in the Due Process, all new forestry infrastructure must go through the Local Authority Planning Regulations, therefore we advise that you

instruct the developer to provide evidence of this before any new infrastructure is formed, or used on this development. We have provided all the same evidence to the Local Authority recording a breach in Planning Regulations and advise you that there has been no pre engagement with SLC Planning Officers before any of the works that have been evidenced on site have developed.

We also take this opportunity to advise that new ground mats are being installed to new vehicle gates, which again did not form part of the application and Grant Approval. Please advise, by return, what SF plan to do on this non compliance issues. From a SF communication last month we understand that all issues raised with SF will/are being investigated, we wait the detailed evidenced based responses on all the outstanding issues.

Regards

---

**From:** [REDACTED]@ [REDACTED]

**Sent:** 09 July 2025 09:59

**To:** [scottish.forestry@forestry.gov.scot](mailto:scottish.forestry@forestry.gov.scot) <[scottish.forestry@forestry.gov.scot](mailto:scottish.forestry@forestry.gov.scot)>

**Cc:** [REDACTED]@forestry.gov.scot [REDACTED]@forestry.gov.scot>; [cabsecforralri@gov.scot](mailto:cabsecforralri@gov.scot) <[cabsecforralri@gov.scot](mailto:cabsecforralri@gov.scot)>

**Subject:** East Nethwershiels Woodland - Non Compliant Issues

To whom it concerns,

We refer to all other evidence recorded within this Public Regulated Due Process, including the unauthorised issues that have been evidenced to you since the works were approved by Scottish Forestry. As we have now recorded on a number of occasions, all Guidance, Requirements and Evidence linked to these issues are known to all Scottish Forestry representatives involved in this case and we request that these are referred to, to ensure enforcement action is taken immediately to deal with these new and all outstanding and ongoing issues.

1. We refer to all the additional unauthorized gates which have been installed over the past 6 - 8 months. Serious questions remain unanswered; 1. Why have all the unauthorized vehicle gates been installed, when everyone knows the application clearly stated that there will be no new vehicle access required and these Gates do NOT form part of the application documents. Only one of these Gate appeared later on the drawing attached to the delayed EIA Report, which did not form part of the Public Consultation? 2. Why has other unauthorized gates been allowed to be installed, and all unauthorised gates still remain in place after months of this being evidenced to Scottish Forestry? 3. Why has a number of these gates been allowed to remain padlocked preventing free responsible access by the Public? 4. Why has there been existing field gates removed leaving gaps in the perimeter hedging and fencing directly onto public roads?
2. There continues to be unauthorized access on Private Roads for maintenance vehicles and plant for the Woodland, why is this being allowed to continue when everyone knows that this is unauthorized and has been recorded on a number of

occasions since January 2023? Without further delay, please issue the Woodland Operation and Management Plan that the Due Process states must be included with all applications and as you know it never was and despite this being requested on numerous occasions it is still being withheld from all Consultees and Stakeholders. Operation and Maintenance work has clearly been progressing over the past month and we as the community must have transparency now on this withheld mandatory documentation.

3. More existing fencing has been removed without authorization from the adjacent landowners and does not form part of the Application? Also, this fencing that has been removed is not solely owned by the new landowner and is fencing to a Private Road. Scottish Forestry clearly stated within the Due Process that NO existing fencing or accesses will be altered without it being noted within the application with evidence of a review of the Local Authority Planning Process. This evidence was withheld from the Application and existing fencing has continued to be removed since Scottish Forestry approved the works to commence.
4. There is currently unauthorized work being carried out forming forestry infrastructure works (Access and Parking), including large areas of soil being removed, stonework from a historic ruin being disturbed and spoil being loaded onto both the ruin and existing trees out with the ownership of the new landowner. As everyone knows the application clearly stated there would be NO formation of new access and/or Roads, Tracks and Car Parks. This was the repeated response to the issue being raised at the start of the Due Process, this being that the known and required access and infrastructure works was being withheld from Woodland Proposal and never formed part of the Application. Everyone knows Scottish Forestry's recorded responses to this issues, in that new access and infrastructure works, including parking must be processed through the recorded requirements of the Local Authority Planning Process. We request that this unauthorized and illegal work is stopped immediately by Scottish Forestry and the Local Authority is advised of the breach of the Planning Regulations and this is dealt with accordingly. There seems to be an attitude from the Agent on site that they can now do what they want as it was not part of the Woodland Creation Application process. We all know that is incorrect and requires Public Regulator control and robust enforcement. The Record Evidence and Case History from the past 3 year can not be dismissed and ignore. The developers had 2 years to get this right, they made the choices they did but can now think they can do what they want.
5. Trees Planted out with the locations on the updated plan attached to the EIA Screening Letter? In addition to this we note that we have still not received an acceptable answer, to the evidence that it has not been agreed with SLC that trees are planted in conflict with the Local Authority recorded requirements though the Due Process and stated in the Issue Log?
6. As we have been refused access to the Woodland Management and Operation Plan,

please advise what has been agreed with the maintenance of the natural grasses, both within the Deer Fence and all other areas, including grazing land which has currently got no livestock grazing it? We note that the natural grass has been getting cut, within the deer fencing over the past month and continues and that this operation seems to be damaging some of the trees. With the issuing of the Management and Operation Plan, and with reference to the Scottish Government Requirements, please confirm when Scottish Forestry have scheduled their first review and inspection of the woodland. Scottish Forestry stated in an email from earlier in the year that they inspect and validate the compliance of the woodland once it has been confirmed as installed, which it has been now for 3 -4 months? We continue to monitor the operations and note that there is already evidence of a number of trees that have died and others under stress. We look forward to a detailed response to all previously evidence based question and transparency on Scottish Forestry's validation of the woodland, both its install and its maintenance over the medium to long term of the woodland.

In addition to all these new and ongoing items, we refer to the increasing risk from Wild Fires, which has never been answered with a credible response and evidence. We now request an immediate response to this unacceptable situation. As everyone is aware this "Large and Sensitive" proposal has been approved minimum evidence of Design or Infrastructure being included in the Application to mitigate the clear and serious additional risk to property and life which this new woodland will cause. The unacceptable response within the Issue Log and in the EAI Letter treats the families of this community with complete contempt. We have already provided sufficient evidence of the failure to comply with the Scottish Governments Guidance and Recommendations on this issue and we record that it is now time, based on increasing risks that are already landing and affecting communities throughout Scotland, that both the CEO of Scottish Forestry and our Cabinet Secretary now intervene and carry out a thorough review into how many Woodland Applications comply with the Scottish Government recorded requirements, and when found not to, why? Please don't be complicit in ignoring the increased risk to the properties and life's, including Fire Fighters and other rural workers, due to non compliant woodlands. With regards to our Properties and our Families, including our young children I now expect the respect of a competent answer from both Scottish Forestry and our Cabinet Secretary that deals with this issue with immediate action being taken to protect my children now and in the coming years.

The Following is Scottish Forestry's response noted on the delayed EIA Letter which does not refer to [Scottish Forestry - Wildfire prevention](#) and was not included within the Application Documentation, therefore withheld from the Engagement and Consultation. We have highlighted some key points, adding additional comments in red text and note that there has been no evidence provided that this complies with ALL of the detail noted in the above Scottish Government Guidance. Why were these serious and important questions not answered 2 years in advance of a delayed EIA?

**Population & Human Health Risk of Wild Fires The site is in a low risk area for wild fire, both in the current climate and with future climate models. This is in complete contradiction to all other Scottish Government Guidance and Publications on this**

**matter, including on the effect to woodland and rural environments. This statement raises serious questions on the competency of those who have regulated and approved this Application. Again, where is the evidence to support these significant statements?**

The risk will be further mitigated by vegetation management during the establishment phase along with the proposed grazing of four areas retained in agriculture (Lot 1 - south of Burn Farm and east of South Sheild Farm, in lot 2 - west of A726 and east of Powmillon Burn). The area east of South Shields Farm was added post consultation due to that property having a timber barn in close proximity to the proposed woodland. **The whole site is relatively flat which reduces the risk of rapid spread of a fire should one occur. This is a direct contradiction to the Landscape Report which describes the Landscape as Ridges and Valleys. It also does not acknowledge that the site sits at c800 ft and the areas is known for its high winds, the "land of the sloping trees"** In addition, the public roads, track and **rides crossing the site provide both fire breaks** **The rides across the site are not designed Fire Breaks and will not provide "good" access.** and **good access** **No evidence provide to demonstrate that ALL guidance has been followed to the above Scottish Government Guidance** to manage a fire should one occur. **During higher risk conditions, This contradicts what is sated above** signs would be erected advising against use of BBQs and other activities which would increase the risk of fires starting. **The hierarchy of the mitigation to protect Properties and Life prioritises a designed infrastructure before signs, clearly detailed. Also, fires can be started due to numerous reasons and in no way does a sign mitigate all these known risks.** The above issue has been assessed against The Forestry (Environmental Impact Assessment)(Scotland) Regulations 2017 and has been found to have **no significant negative environmental impacts.** **Again, where is the evidence for this significant statement?**

Please do not wait for a tragedy to happen before we hear that we are sorry for the families and will carry out an investigation. We and others around Scotland have made you all aware of the concerning development of this serious issue and there is no justifiable reason for you do not to take robust action now, based on the evidence.

This is not about Trees or no Trees, wilderness or no wilderness this is about peoples property and life and Scottish Forestry and the Scottish Government have the responsibility to mitigate the risk to the Scottish People.

Cabinet Secretary, please don't simply pass this back to those in Scottish Forestry who have laughed at us in the past on this serious point which has been recorded for over 2 years now, please do the right thing before its to late. Yes, this is powerful and direct language, but its because it's my children's future I am trying to protect and I am now at the place that being ignored and laughed at by our Government Representatives, and now threatened to be silenced by the same organisation is simply not acceptable to me. I deserve and require more respect from you all.

I hope you all reflect on this ongoing correspondence and the evidence you continue to be provided by the Public and now do the right thing. I also wait for confirmation that as a Stakeholder, who was invited into the Process in July 2022, I will provided access to all the required documents as I am entitled to based on the Scottish Governments Pubic Due Process, which has been continually denied since the application was received from Scottish Forestry.

Regards



\*\*\*\*\*

\*\*\*\*\*

This email has been received from an external party and has been swept for the presence of computer viruses.

\*\*\*\*\*

\*\*\*\*\*



Scottish  
Forestry  
Coilltearachd  
na h-Alba

Saughton House  
Broomhouse Drive  
Edinburgh EH11 3XD  
forestry.gov.scot

Email: [scottish.forestry@forestry.gov.scot](mailto:scottish.forestry@forestry.gov.scot)  
Tel: 0131 370 5250

Chief Executive: Paul Lowe

[REDACTED]  
[REDACTED]@ [REDACTED]

Our ref: 202400431004

Date: 28 November 2024

Dear [REDACTED],

### East Nethersields Woodland Creation

I refer to your emails of 6, 17 and 22 September 2024 to Ms Gougeon, Cabinet Secretary for Rural Affairs, Land Reform and Islands in connection with the woodland creation project at East Nethersields. Your correspondence has been passed to Scottish Forestry to respond, as the lead on such matters within Scottish Government.

I apologise for our delay in responding, this have been due to the volume and complexity of the correspondence from you on this case.

Whilst Scottish Forestry has been asked to respond, Ms Gougeon and her staff team are fully aware of your concerns. Ms Gougeon's office has advised that you have contacted them on a number of occasions by telephone and email expressing similar concerns and making serious allegations about the way this case has been handled. These include stating that the Cabinet Secretary is being incorrectly informed, continually misled about this case, is issuing responses that misrepresent the facts and evidence, and that the community has been excluded from the process.

I also appreciate from reading your extensive correspondence that you have no confidence in Scottish Forestry's handling of this case or the woodland creation process. In your recent correspondence you continued to raise points which have been responded to in earlier Cabinet Secretary responses. I appreciate that your view is that these responses misrepresent the handling of the case and have not addressed issues that you have raised. If you aren't satisfied with how your correspondence has been handled then you have the option to submit a complaint. Scottish Forestry is not prepared to enter into an ongoing dialogue on these matters.

You have also raised concerns about a failure of Scottish Forestry senior management to meet with the community. Scottish Forestry senior managers do not routinely get involved with the handling of woodland creation applications, particularly during the development phase led by the forestry agent. Under Scottish Forestry's procedures senior national managers don't have a direct role in regulatory decision making processes. These are handled locally by the conservancy teams and case officers. It would therefore be be irregular and very unusual for senior managers to meet with a stakeholder in order to discuss a particular application or regulatory decision.

Scottish Forestry is the Scottish Government agency responsible for forestry policy, support and regulation

Is e Coilltearachd na h-Alba a' bhuidheann-ghnìomha aig Riaghaltas na h-Alba a tha an urra ri poileasaidh, taic agus riaghladh do choilltearachd

 **Scottish Government**  
Riaghaltas na h-Alba

As the senior manager responsible for this area of Scottish Forestry's work I have personally monitored the progress of this case and reviewed the majority of the correspondence and case documents since concerns were raised in 2023. I have spent a significant amount of time, with an open mind, carefully considering this case as it progressed. I have looked for any evidence that would have supported the claims you were making. Despite considerable time spent reviewing the case I haven't been able to identify any significant matters of concern or reasons to intervene. As a result I have been reluctant to commit more time or to agree to meet with you. The case was also subject to a complaint about whether the process had been followed. That process found that the case had been handled in line with normal procedures. The review also found that interested parties had been given opportunities to engage during the project development process and evidence that the planting design had been altered as a result of this engagement.

You have written to Scottish Forestry, Scottish Government and Ministers repeatedly on this case. I have personally received over 90 emails that you have sent, and many more which have been forwarded to me. Many of these have been very lengthy with long lists of attachments. One recent email you sent to a Minister referred to a supporting email chain that was 375 pages long together with 18 attached documents totalling over 50 Mbs in size. The volume and repeated and overlapping nature of the correspondence has been manifestly unreasonable and has made it much harder for Ministers and Scottish Forestry to respond to you. During 2024 you regularly escalated your concerns by directly writing to multiple ministers. Where this happens the ministerial correspondence takes precedence, has a set response timeframe and limits the scope for direct engagement by officials. Unfortunately, this has led to delays in responding to some of your emails, whilst others were superseded by subsequent correspondence.

In addition to your general concerns about the process and Scottish Forestry's role you have made more recent serious allegations, both in writing and verbally. These allegations have been about Scottish Forestry "suppressing community engagement" and "bias and the impression of collusion". You have also alleged that officials lied to and misled ministers, and withheld evidence from ministers. In your letter of 6 September you used the phrase "what scale of complaint, greater than directly to the Scottish Government Cab Sec does Scottish Forestry require...".

In your email of 17 September to the Cabinet Secretary's Private Office, you sought to clarify that you did not wish your correspondence to be considered as a complaint and rejected any attempt to treat your communication as a complaint. You also made requests for further responses from the Cabinet Secretary in relation to all the matters you considered outstanding and sought dates for a further meeting with Scottish Forestry. You again alleged that the factual evidence and truth were being suppressed by Scottish Forestry.

In your email of 22 September you included a dense email chain that was 19 pages long. In particular highlighting your disappointment about a response you had received from the Scottish Government's Correspondence team on 20 September and including your detailed response to this. In your reply to the Scottish Government's Correspondence team you included a list of factual evidence and examples of omissions, but then stated that you did not expect any further correspondence from this team. You again asked the Cabinet Secretary for answers to the questions to be provided with factual evidence and asked the Cabinet Secretary to confirm that a meeting would be arranged, asking why Scottish Forestry have been so determined to not meet the community. You also restated your allegations that Scottish Forestry is continuing to misrepresent the truth to the Cabinet Secretary. Unfortunately due to

the extensive nature of the correspondence and the many emails expressing general concerns it wasn't immediately obvious what questions you are seeking answers to.

I understand that you have very strong views about how this case has been handled and in particular about aspects of Scottish Forestry's role. However, having carefully considered all the material you have submitted I have reached the conclusion that your extensive and repeated correspondence on this case has breached Scottish Government's [Unacceptable actions policy](#). In particular, you have made statements that constitute abusive behaviour, made unreasonable demands and been unreasonably persistent. I therefore ask you to stop contacting Scottish Forestry and Scottish Ministers in relation to the handling of this case. If you continue to contact Scottish Forestry or Scottish Ministers in the above manner we will no longer correspond or engage with you on matters relating to the East Nethersields woodland creation application process and may take action to limit wider contact.

I am aware that you have sent more recent emails about the work that is now underway at East Nethersields. These are being considered and a separate response will be provided in due course.

I appreciate that you do not wish your exchanges from September to be treated as a complaint. However given the serious nature of the allegations you are making, I am obliged to take these seriously and take action to ensure that they are investigated. You have repeatedly made these allegations that could undermine the Cabinet Secretary's confidence in her officials. In earlier emails you described your communication as a complaint and as such it wouldn't be reasonable for me to dismiss the claims you have made or wait to see if you decide to confirm that you have submitted a complaint. Therefore, unless you advise me that you wish to withdraw the serious allegations you have made I will be making arrangements for them to be investigated as a complaint with the aim of establishing whether there is any substance to these claims. You may be contacted by the person carrying out this investigation if they decide this would help to ensure that they fully consider the accusations you are making. I appreciate you may not wish to participate.

If you aren't satisfied with this response you are of course welcome to submit a complaint. However, as above, your allegations about Scottish Forestry's handling of this case as a complaint will be covered by the complaint investigation I am about to initiate.

If you wish to submit a complaint or want to contact Scottish Forestry about other matters I request that you use our [scottish.forestry@forestry.gov.scot](mailto:scottish.forestry@forestry.gov.scot) email account and no longer send emails to individual Scottish Forestry staff members. Emails you send to this account will be read, monitored and allocated for response.

Yours sincerely

  
 Director of Operational Delivery



Scottish  
Forestry  
Coilltearachd  
na h-Alba

Saughton House  
Broomhouse Drive  
Edinburgh EH11 3XD  
forestry.gov.scot

Email: [scottish.forestry@forestry.gov.scot](mailto:scottish.forestry@forestry.gov.scot)  
Tel: 0131 370 5250

Chief Executive: Paul Lowe

[REDACTED]  
[REDACTED]@ [REDACTED]  
202400436864 East Nethersheids Woodland Creation Proposal Update 15 October 2024

Our ref: 2024/00436864

Date: 23 January 2025

Dear [REDACTED],

## **EAST NETHERSHEILDS WOODLAND CREATION PROPOSAL - ACTIVE WORKS ON SITE**

I refer to your emails which cover the following case references:

2024/00436864  
2024/00438574  
2024/00439853  
2024/00441100  
2024/00443365  
2025/00447451  
2024/00445244  
2024/00446206  
2025/00447243  
2025/00447956

and the voicemail left with Central Scotland Conservancy on 26 November 2024.

Apologies for the time taken to respond to these emails, however as some were copied to the Cabinet Secretary there was a delay whilst these were forwarded to Scottish Forestry for a response. Also, as we have previously advised, the large number of emails you have sent means it is more complex to respond and takes longer to ensure that all parties copied in and matters raised have been considered.

Scottish Forestry have reviewed and investigated the concerns you have raised with the operational works and at this stage we are content that works are proceeding in accordance with the EIA screening opinion issued on 29/8/24 and as per the Forestry Grant scheme contract. We do not normally visit sites or inspect works until they are confirmed as complete as operational issues are often identified, addressed and resolved by the developer as they finalise the implementation.

Scottish Forestry is the Scottish Government agency responsible for forestry policy, support and regulation

Is e Coilltearachd na h-Alba a' bhuidheann-ghnìomha aig Riaghaltas na h-Alba a tha an urra ri poileasaidh, taic agus riaghladh do choilltearachd

 **Scottish Government**  
Riaghaltas na h-Alba

When we receive an FGS grant claim we will visit the site and carry out a full inspection to verify compliance with grant conditions, the UK Forestry Standard and the approved project design. If at that stage we find that the project hasn't been implemented in line with the approved plan we will consider and take appropriate action. Please note that we will further review all the points you have identified as we conduct the site inspection.

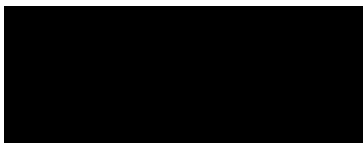
The map referenced in your email of 20 November 2024 is not the approved map. The approved maps, both dated 20 August 2024, were provided with the screening opinion we have previously sent to you and include a gate off the private access track to East Nethersields Farm.

To avoid further confusion we have included a copy of the approved maps and the final version of the issues log, as requested in your emails of 17 October 2024, 6 November 2024 and 6 January 2025. These documents are also available from Tillhill's website - [East Nethersields - Tilhill Forestry](#).

Should you have any further concerns about how this project is being implemented we are happy for these to be brought to our attention. However unless these present an immediate risk to the environment the local conservancy team will acknowledge/keep a record of your concerns and investigate them when we are inspecting the site later in 2025, in line with normal procedures.

As per recent responses on this case, I would ask that you try to moderate the volume and frequency of correspondence that you send as we have limited capacity and if we decide that your correspondence is unreasonable we may take action to limit contact.

Yours sincerely



Director Operational Delivery

## Project Proposal

Business Reference Number:	344745	FGS Case Number: (if known)	
Application name:	East Nethershields		

## Introduction

The Woodland Creation Operational Plan allows you to show that you have carefully considered all of the relevant impacts and effects that the work you are proposing might have on the environment, and where appropriate the measures you intend to take to mitigate any adverse effects.

The Operational Plan, including the issues log at Annex 2, can be used to record any pre-application work completed ahead of submitting your woodland creation application (e.g. discussions with stakeholders, site assessment results, etc.) as detailed in our [Woodland Creation Application Guidance](#) and its [Supporting Information](#).

The Woodland Officer will take account of the details you have given in this Plan when they assess your application and it will also help them to decide on a score for your application.

## General Details

You must complete this Woodland Creation Operational Plan and submit it with your Forestry Grant Scheme Woodland Creation application.

The amount of supporting information you give will depend on the scale, location and nature of your application. You should give sufficient detail so that we can properly assess the work you propose. Your local Scottish Forestry (SF) [Conservancy office](#) will be able to provide you with further advice about this.

Please note that the Woodland Officer who will assess your application may request further information or clarification about the details you give in this Operational Plan, especially those that may have an environmental impact on the site.

***When you have completed your Woodland Creation Operational Plan, save the document to your computer and then upload to your on-line application.***

## Business Details

What type of entity is the business that is applying for grant?

To assist us monitor who is benefitting from our grant schemes, we would ask that you select one of the following business types that best describes your business entity:

- Farm Business – Owner
- Farm Business – Tenant
- Crofter – including Crofting/Grazing Committees
- Forestry Business
- Investor – including Private/Trusts/Pension Funds
- Mixed Rural Estate
- Small-scale Forestry Owner (your woodland ownership is less than 20ha)
- Conservation Company/Charity/NGO/Carbon Investor
- Developer
- Temporary Owner

Please select your most appropriate Business Type from the dropdown list:  
Developer

## General Assessment

The information in your Operational Plan should be based on a thorough assessment of the site. Please complete the following:

Describe the management objectives for the site.

Sequester carbon with a mixed native broadleaf woodland.

Increase biodiversity by establishing and managing a healthy native woodland.

Provide a description of the planting site.

East Nethershields is former pastoral farm of 97 hectares, located at NS 698490 & NS 691470 in South Lanarkshire, approximately one mile from Chapelton and 1 mile from Strathaven. The site is spread across two lots: Lot 1 is adjacent to the A723 and Burn Road, and Lot 2 is adjacent to the A726. The site occupies an undulating area of land between East Kilbride and Strathaven. Lot 1 is generally north and east facing with gentle slopes running down towards the Darngaber Burn flowing east. Lot 2 area is gently southwest facing and drains towards the Powmillon Burn which runs south. Both burns are tributaries of the Avon Water which joins the River Clyde near Motherwell. The highest point of the site is the convex rise between Nethershields Farm and East Nethershields in Lot 1 and is 252 metres above sea level. The lowest point is approximately 210 metres above sea level where the southern end of Lot 2 meets Powmillon Burn. There is no existing woodland cover within the site area,

although there are individual hedgerow trees in places and there is a small strip of woodland adjoining Lot 1 to the east of the A723 and adjoining Lot 2 at High Coldstream.

The site is not covered by any landscape designations. The closest designated site is the raised bog of Waukenwae Moss which is a Site of Special Scientific Interest and a Special Area of Conservation. This is located 390 metres north of the property and will not be affected by the proposal. Within six miles of East Nethershields, there are 12 small- and medium-sized woodland creation proposals which have been approved in the last eight years. Whitelee Forest and Windfarm is located three miles west of East Nethershields.

The property has LCA classifications of 4.1 (88.5 hectares), 5.1 (5.2 hectares), 6.2 (1.1 hectares) and 6.3 (2.1 hectares). The soils comprise 67.73 hectares of gleys, 24.76 hectares of brown earth, and 5.82 hectares of deep peat. East Nethershields primarily comprises agriculturally improved soils that have undergone considerable alterations through cultivation, drainage, and nutrient supplementation. Discrete peat areas exceeding 50 centimetres have been identified and excluded from planting, but their value as peatland is questionable due to historical modifications.

A Phase 1 Habitat and NVC survey showed the majority of the site is improved grassland (92.6 hectares), 3.2 hectares is neutral grassland, and 1.1 hectares is calcareous grassland. This survey highlighted the high conservation value of the CG10 calcareous grassland on the bank of Powmillon Burn. This will be protected by an open ground buffer of 10 metres followed by 10 metres of low-density broadleaves which will be direct planted by hand. Furthermore, the grassland will be grazed to keep vegetation low, with a non-grazing period between May and August (inclusive) to allow calcicoles to flower and seed. All the habitats found during surveys were typical of sites in this setting and have been modified due to the long-term grazing.

Provide details of discussions with neighbours, local communities and consultees. For Community Councils and neighbours please evidence who was contacted, date and method of contact used (e.g. meeting, leaflet drop, letter etc.) Where reasonable, you may just identify street names (e.g. larger urban areas).

A list of neighbouring properties to the proposed area was compiled, and a scoping letter and map was delivered to neighbours in July 2022. The same information was also emailed to statutory consultees. This process was repeated in November 2022 with more detailed information provided to share how the proposal was developing. This was repeated for a third time in June 2023, and then finally in May 2024 the final design was shared.

Tilhill has been in ongoing discussions with several neighbours by email, telephone and in person. Tilhill attended in-person meetings at four neighbouring properties. All consultee and stakeholder correspondence has been shared with Scottish Forestry.

Strathaven Community Council and Chapelton and Auldhouse Community Council were consulted, and Tilhill and the Scottish Forestry Woodland Technical Officer attended a meeting with Chapelton and Auldhouse Community Council to discuss the proposal

with council members.

All statutory consultees, as well as the RSPB, have been contacted to gain opinion and support for the scheme. These parties were provided with detail from relevant ecological and environmental surveys relating to the site.

All consultation received to date has been carefully considered and mitigations have been implemented where appropriate. Responses and communication can be found in the issues log, which provides additional detail to the comments above.

You must carry out a site-based assessment of soil and vegetation to match species choice with the particular site. Refer to ([ESC-DSS](#)) during this process.

List the site surveys undertaken to inform tree species selection. For example: soil survey, soil depth survey, vegetation survey.

Soil and vegetation surveys have been undertaken to assess site conditions for tree species selection. In addition, frequent site visits have helped to understand how conditions change throughout the year – most notably water table levels during wet spells. The Ecological Site Classification (ESC) tool was used to investigate 14 plots which were selected to represent the different site conditions found across the property. The ESC results were used to as an initial guide for species selection, which was followed up with site-based analysis.

The NVC survey showed the majority of the site is improved grassland (92.6 hectares), 3.2 hectares is neutral grassland, and 1.1 hectares is calcareous grassland. This survey highlighted the high conservation value of the CG10 calcareous grassland on the bank of Powmillon Burn. This will be protected by an open ground buffer of 10 metres followed by 10 metres of low-density broadleaves which will be direct planted by hand.

The soils comprise 67.73 hectares of gleys, 24.76 hectares of brown earth, and 5.82 hectares of deep peat. East Nethersields primarily comprises agriculturally improved soils that have undergone considerable alterations through cultivation, drainage, and nutrient supplementation. Discrete peat areas exceeding 50 centimetres have been identified and excluded from planting. There are no issues with soil rooting depth that would be detrimental to successful establishment or future crop stability.

68.58 hectares of native broadleaves will be planted across the site, and will include 5% Scots pine too. Broadleaf species have been selected for each area based on soil type, vegetation, moisture regime and exposure. Oak, Scots pine and downy birch have been chosen for more favourable sites where soils are free draining, whereas wet woodland species (e.g. alder and willow) have been chosen for very wet areas.

Please indicate the climatic suitability of the site for the tree species you have chosen. Use the [Scottish Forestry Map Viewer](#) - see the 'FGS Climatic Site Suitability' data.

Native W4 is suitable and very suitable, Native W11 and W17 are marginal or unsuitable, and Native W18 is suitable and very suitable. The inclusion of four

woodland communities increases resilience, and the overlap of species between the four communities will increase overall woodland health. Ground-truthing and surveys on the site's soil and vegetation have confirmed the suitability of these species. See ESC NVC supporting evidence which details the suitability of these four woodland types, and NVC supporting evidence which details the suitability of individual species.

**Woodland Strategy:** Describe how your proposal fits with the Local Authority woodland strategy.

East Nethershields is situated in the plateau farmland of South Lanarkshire. In Chapter 9, the local FWS describes the key issue of the decline and under-management of farm woodlands, shelterbelts and field trees, which has led to the erosion of landscape quality and character. The design of the woodland at East Nethershields aims to re-set the landscape character towards a more sheltered, visually diverse and more wooded landscape.

The proposed woodland creation at East Nethershields will support the delivery of priorities for woodland expansion. These include:

*Expand and Manage (Reference: Chapter 5, Forestry & Woodland Strategy for Glasgow City Region 2020)*

The woodland at East Nethershields aligns with the local FWS' priorities for expanding both native broadleaf woodland schemes. The farmland sits within the strategy's 'preferred' zone for woodland creation, indicating that woodland expansion in this location should be prioritised. This also aligns with its position within the CSGN's Outer Core zone.

*Climate Change (Reference: Chapter 4, Forestry & Woodland Strategy for Glasgow City Region 2020)*

Chapter 4 of the local FWS emphasises that climate change requires urgent action and explains the role that new woodlands can play in sequestering carbon. It is estimated that the woodland creation proposed for East Nethershields will sequester 25,000 tonnes of CO<sub>2</sub>e, which is equivalent to the annual energy use of approximately 2,300 homes. Notably, the FWS stresses the importance of new woodlands contributing to wider objectives for habitat, landscape or recreational benefit. The design for East Nethershields' woodland has considered precisely this, with native broadleaves and shrubs chosen for their ecological benefits and rides and open spaces designed to enable good access to woodland visitors.

*Community (Reference: Chapter 7, Forestry & Woodland Strategy for Glasgow City Region 2020)*

Chapter 7 of the local FWS describes how woodland can contribute to healthy and sustainable communities by enhancing the quality of the local environment. The proximity of the woodland to Chapelton and Strathaven ensures that the community can derive social and mental health benefits from this accessible green space. The woodland will be accessible in line with the Scottish Outdoor Access Code, and its design includes rides and open ground for visitor enjoyment. Children at the local primary schools in Chapelton and Strathaven will be invited to plant trees during the creation process to establish a connection to their local woodland.

*Environment (Reference: Chapter 8, Forestry & Woodland Strategy for Glasgow City Region 2020)*

Chapter 8 of the Glasgow City Region 2020 Forestry & Woodland Strategy the need to

address habitat fragmentation through the development of integrated habitat networks. By significantly increasing the local broadleaf planted area and incorporating the existing trees and hedgerows on site, the project will reduce habitat fragmentation and ensure a diversity of tree species, which provide an invaluable habitat and food source to local wildlife. This aligns with the strategy's objective of improving connectivity between isolated resources, aiding species adaptability to climate change. Chapter 8 also explains how woodland creation can help to reduce agricultural run-off entering watercourses. Improved water quality is expected at East Nethershields due to the reduction of agricultural run-off from the reduction in livestock grazing and, later, established trees helping to regulate water flow.

Another environmental benefit which East Nethershields is expected to confer is an improvement in air quality. The proximity of East Nethershields to two A-roads and a local road provides both a challenge and an opportunity. The line of tree planting has been brought back from the road to minimise the impact on road safety, which has caused a significant reduction in plantable area. However, it is hoped that, as explained in 8.28 of the FWS, the proximity of trees to roads will help to reduce pollutant loads – especially particulate matter arising from diesel engines.

In summary, the East Nethershields woodland creation project harmoniously integrates with the local Forestry & Woodland Strategy for Glasgow City Region 2020, addressing priorities for native broadleaf expansion, enhancing habitat networks, mitigating environmental impact, and providing valuable community access and recreation opportunities. This alignment underscores the project's commitment to sustainable woodland management and biodiversity gain.

In areas where wildfire is a risk to the woodland describe how you will address the risks and how this has been considered in the woodland design. Refer to [Building wildfire resilience into forest management planning](#) for information.

East Nethershields is in a low-risk area (3) as per the MacArthur Forest Fire Danger Index. There is some risk associated with the current vegetation being grass. However, this risk is mitigated by the existing broadleaf trees and hedgerows throughout the site. Our maintenance plans include 5 years of vegetation control, and three large areas of open ground (8.18 ha total) will continue to be grazed. This includes the neighbouring farmer of South Shields Farm grazing the land adjacent to the property's barn. We will monitor vegetation levels and fire risk as part of our ongoing management of the site. The topography of the site is relatively flat which reduces the risk of fire spreading quickly. Roads and tracks which intersect the site may provide further protection from fire spreading. Some areas of the site are particularly damp, further reducing fire risk.

As most fires are started by people, during higher risk conditions, signs will be erected advising visitors against the use of BBQs and other activities that may increase fire risk.

In case of emergency there is a district fire plan held in the Tilhill district office in Jedburgh.

If applying for the productive conifer options please use the Timber Transport Forum – [Agreed Routes Map](#) and confirm the sites timber route classification i.e. agreed, consultation, severely restricted, excluded or no classification.

n/a

If applying for the Native Woodland options please use the 'Native Woodland Habitat Network' map in the 'FGS Target and Eligibility' folder on the [Scottish Forestry Map Viewer](#) and describe the habitat network zones your application is within i.e. primary, secondary or out with the habitat network.

The site is out with the habitat network, but establishing new native woodland in this area will certainly help to boost habitat connectivity among the local declining tree and hedgerow population.

## Sensitive Areas & Potential Impacts

### **Sensitive Areas:**

- National Nature Reserve or Site of Special Scientific Interest (SSSI)
- National Park
- World Heritage Site
- Scheduled Ancient Monument
- National Scenic Area
- Natura sites – Special Area of Conservation (SAC) or Special Area of Conservation (SPA)
- Land on which there is a Nature Conservation Order
- Deep peat soil

### **Potential Impacts:**

- Population & Human Health
- Biodiversity
- Land, Soil, Water, Air, Climate
- Material Assets, Cultural Heritage, Landscape

List any **Sensitive Areas** and any **Potential Significant Impacts** relating to your site, including appropriate mitigation (**refer to Annex 1**). Detail any surveys completed to inform this assessment.

*For complex cases the Issues Log (**Annex 2**) can be used to record this instead.*

*(Scotland's Environment Web Land Information Search*

*<https://www.environment.gov.scot/maps/land-information-search/> is a useful resource which may help you identify some of the constraints within your site).*

Please see the Issues Log for further details.

***Please ensure that any maps or survey reports that have been produced to support your application are uploaded to the online application system.***

## Management Operations

### **All Applications**

Having assessed the site please provide information about how you are going to establish the new woodland.

**Ground Preparation:** Describe the method that you will use, including dimensions. Where you propose multiple ground preparation techniques then you must identify these on a map.

Ground preparation will comprise continuous mounding across most of the site. Inverted and hinge mounding using an excavator will be used along some borders of the woodland to create a natural, scattered effect. Broadleaves will be planted at 1,800 per hectare, with some small areas of lower density broadleaf areas, which will be planted at 1,100 per hectare. Overall stocking will reach a minimum average of 1,600 per hectare at Year 5 of establishment. Planting with a small manual screef will be used in areas adjacent to more ecologically sensitive ground, i.e. within 5 metres of deep peat, and along the calcareous grassland next to Powmillon Burn.

**Drainage:** Identify any existing drains/watercourses and provide information relating to new drains.

Existing drains and watercourses are listed by each field recorded by its LPID parcel number:

NS/69349/49253

A ditch runs through the middle of this field running west to east, in addition to two other ditches which follow the northern half of the east and west boundary of the field.

NS/69472/48991

A small watercourse (marked on a 1:25,000 map but not a 1:50,000 map) runs south to north outside the western boundary of this field.

NS/69888/49110

An agricultural drain runs underground from north to south through this field and bends east before the bottom of the hill and opens into an open ditch which runs west to east before entering a culvert crossing beneath the A723.

Another agricultural drain runs underground in this field from southwest to northeast and connects with the other drain in this field.

NS/70249/48989

The water carried from the drain in NS/69888/49110 is carried through an underground agricultural drain which runs west to east to the eastern boundary, which is deposited into an open drain which runs south to north along the field boundary.

NS/68957/47288

There is an agricultural drain which exits the southeastern field boundary and is

connected to the neighbouring property's drainage system.

NS/69169/46575

An agricultural drain runs through the middle of this field running northeast to southwest and exits at Powmillon Burn which runs along the western boundary of this field.

New drain recorded by field LPID parcel number:

NS/69888/49110

An open drain (609 metres) will be created to carry water which is currently not being successfully drained by the existing agricultural drain. It will largely follow the same course.

**Protection:** Describe how the site will be protected. For example: fencing, tree guards/shelters and pest management.

Append a deer management plan if required. You should refer to the [Deer Management Best Practice Guide](#) and the [Joint Agency statement on deer fencing](#). You may be asked to submit a checklist from the Joint Agency guidance (May 2010).

Most of the site will be protected with a deer fence, within which trees will be planted with vole guards and canes. The fence will be situated at least 20 metres from public roads. In Lot 1, the fence does not cross over the track leading to Nethershields Farm to enable vehicle access to the residents of this property. Some trees will be planted outside the deer fence to create a feathered edge to the woodland; these trees will be protected with 1.2m tubes and stakes. All trees in one field (LPID NS/69349/49253) will be protected by 1.2m tubes and stakes. Protection will be maintained until it is no longer needed, at which point it will be removed and appropriately recycled.

One small area of planting (1.46 ha) inside the deer fence in the northeastern corner of Lot 2 will not have vole guards due to wet ground conditions. Instead, trees will be planted at a higher density (3,000/ha) without vole guards with the aim of achieving at least 1,600/ha at full establishment.

Deer stalking will be undertaken by a competent employed Tilhill wildlife manager to protect trees outside of the deer fence and to check for ingress into the deer fenced area. A stalking tenant may also be appointed to assist with population control. They will be required operate in accordance with wildlife legislation and codes of practice issued by the British Association for Shooting and Conservation.

**Planting; please provide the following:**

- Species to be planted and percentage of each. (Please use the components area table to record hectares planted).
- Describe the nursery stock and planting method to be used.
- Confirm if you will be planting vegetatively propagated Sitka spruce.
- For native woodland creation specify the [Seed Source Zone](#).

W4, W11, W17 and W18 native mixtures will be selected based on the NVCs found across the site and supported by the ESC NVC programme (see supporting document

for ESC NVC results). Accordingly, downy birch will be the main species planted within the woodland. On the wettest ground, moisture-favouring species will be selected, such as willow and alder. Bordering wet areas, aspen, bird cherry and downy birch will be planted. On drier ground a mix of rowan, downy birch, sessile oak, Scots pine, hazel and hawthorn will be planted in species groups. Smaller tree species and shrubs will be planted along the woodland edge for a softer visual effect (e.g. rowan, hawthorn, dog rose, crab apple, blackthorn). Trees will be planted at a lower density (1,100/ha) along parts of the boundary and more ecologically sensitive areas. Elsewhere, the stocking density will be 1,800/ha to allow for areas of lower stocking and rides; overall, the woodland's stocking density will be a minimum of 1,600/ha. Cell grown trees will be preferred to provide greater timing certainty. Native trees will be grown from seed sourced from zones 106, 107, 108 and 109. Holly will be sourced from zone 203. Broadleaf trees will be planted 5 metres away from existing tree canopies and hedgerows. There will be no planting within the first 5 metres of the property boundary to reduce roots spreading into neighbouring land. The drystone wall in Lot 2 will also be protected by an open ground buffer of 5 metres. Smaller tree species will be planted within 20 metres of Property I where concern over agricultural drainage has been raised. Smaller tree species will also border the outside of the woodland along the property boundary of the recently exchanged field.

Tree species by LPID:

**NS/69349/49253**

Willow, hazel, sessile oak, wild cherry, rowan, blackthorn

**NS/69472/48991**

Hawthorn, willow, alder, bird cherry, sessile oak, downy birch, Scots pine, hazel, elder, holly, blackthorn

**NS/69888/49110**

Hawthorn, willow, alder, bird cherry, sessile oak, downy birch, aspen, Scots pine, hazel, dog rose

**NS/69631/48879**

Sessile oak, downy birch, hazel, rowan, alder

**New Land**

Willow, alder, aspen, wild cherry, downy birch, crab apple, dog rose

**NS/69943/48685**

Sessile oak, downy birch, Scots pine, aspen, wild cherry, blackthorn, hawthorn, rowan, alder

**NS/70249/48989**

Hawthorn, willow, alder, bird cherry, sessile oak, downy birch, aspen, Scots pine, hazel, dog rose, wild cherry

**NS/68957/47288**

Sessile oak, downy birch, Scots pine, aspen, bird cherry, blackthorn, hawthorn, rowan, alder

**NS/69169/46575**

Sessile oak, downy birch, aspen, bird cherry, blackthorn, hawthorn, dog rose, alder, hazel, rowan

**Maintenance:** Describe the maintenance regime for the site (e.g. monitoring, weeding, beat-up, etc.).

A beat-up survey will be undertaken towards the end of each growing season until the scheme is deemed to be established. This will give us the necessary information on tree mortality and trees that need replacing due to significant levels of damage. Information on weeding requirements can be gathered through this beat-up survey, although earlier and more frequent checks in the growing season will help us with a weeding regime (manual and chemical as required, including interrow mowing).

With the correct ground preparation techniques as outlined, chemical usage for weeding across the site will be reduced. If chemical weeding is required, propyzamide and/or glyphosate may be applied. Mechanical and hand-weeding will be undertaken across the site, and 8.18 hectares will be grazed by livestock. Weeding requirements will be monitored annually.

To manage the spread of ragwort, we will create a 50m buffer where our land marches with agricultural land, within which ragwort will be topped to prevent flowering. This will be implemented annually in early summer before flower heads mature. We do not wish to eliminate the plant further within our site, as it is a native flower which is an important nectar source and food plant for a range of invertebrate species including 5 Red Data Book and Nationally Scarce species.

The calcareous grassland will be protected by an open ground buffer of 10 metres followed by 10 metres of low-density broadleaves which will be direct planted by hand. Furthermore, the grassland will be grazed to keep vegetation low, with a non-grazing period between May and August (inclusive) to allow calcicoles to flower and seed. Any regenerating trees will be removed from the calcareous grassland.

**Fertilisation:** Where applicable, describe the proposed fertiliser regime e.g. application rate, timing, etc.

N/a

**Other:** Please include any other silvicultural detail here.

Deep peat - A systematic analysis has been carried out to identify mappable areas of deep peat across the site. Where these have been identified they have been excluded from the plantable area in the current design.

## Small Woodlands Loan Scheme (woodlands up to 50 hectares only)

**Please read this section if you are interested in receiving a loan based on the capital items in your FGS contract. To confirm your interest in receiving a Loan, you must sign the declaration at the foot of this section.**

The Small Woodlands Loan Scheme (SWLS) is designed to assist landowners in implementing woodland creation projects by releasing early capital. The following thresholds apply:

- The maximum Woodland Creation proposal size, approved in your FGS contract, eligible for loan support is 50 hectares and we will pay you a Loan of 50% of the value of the capital items in your FGS contract (not including CSGN supplement values where this is present), rounded up to the nearest £100, up to a maximum value of £40,000 per FGS application.
- To be eligible for a Loan payment, the maximum Woodland Creation proposal grant value, approved in your FGS contract, must be no greater than £250,000.

The loan is recovered by deducting the value from your FGS capital claim.

If both your FGS and Loan applications are successful you will be provided with a loan offer that will detail the value of the loan and set out the terms of the loan. You will be required to sign and return the loan agreement with your FGS contract to accept the loan offer. By signing here you are expressing an interest in receiving a loan however funding is not guaranteed. Funding will be committed at FGS contract approval and is dependent on available budget at that time.

If you wish to be considered for a loan, please first read the SWLS guidance on our [website](#) and then sign the following declaration:

- I/we are applying for a Small Woodlands Loan on the capital items contained in the FGS application associated with this Operational Plan
- I/we confirm that our woodland creation proposal is less than 50 hectares
- I/we confirm that we have no Small Woodlands Loan Scheme agreements active at this time
- I/we confirm that should I/we be successful in obtaining a Loan, then I/we will only make one claim for our FGS capital works which, in accordance with FGS terms and conditions, will be once all the capital works, as laid out in the FGS contract's schedule of works, have been completed.
- I/we understand that by signing this declaration, I/we am/are only stating that I/we am/are interested in receiving a loan and, as such, meet all the eligibility criteria required as laid out in our guidance and our Loans terms and conditions.
- I/we understand that by signing this declaration, I/we acknowledge that my/our success in receiving a loan is subject to the funds available in any given year and should there be no dedicated funding available for the SWLS, I/we will continue with the FGS application and will fund the capital works of that application under the terms and conditions of the FGS.
- I/we have the necessary consents/permissions to sign this loan application declaration as evidenced on the administrative system, RP&S, to which this Operation Plan and associated FGS application relates.

# Woodland Creation Operational Plan

- I/we have read, understand and hereby acknowledge that Scottish Ministers may use any of my personal data contained in or relating to this loan application in accordance with the terms of [Scottish Forestry's privacy notice](#) and the [Rural Payments and Services Privacy Policy](#).
- I/we, on behalf of the business applying for both a FGS application and a Small Woodland Loan, hereby sign this declaration:

<b>Signed:</b>		
<b>Print:</b>		
<b>Date:</b>		
Would the project have gone ahead without a loan? Please delete as appropriate. (this will not affect your application for loan)		<b>YES / NO</b>

Please do not sign this declaration if you do not wish to apply for the SWLS, but please continue to complete the other sections as these are required for your FGS application. Currently all correspondence relating to the SWLS will be via email. Please ensure the email address held in RP&S is correct prior to submitting your application.

**Ends section on SWLS**

## Annex 1

### **Assessment of Potential Impact**

Please use the following guidance to assist with describing any potential significant impacts and any mitigation which is proposed:

- **Population & Human Health:** Detail any discussions which you have had with neighbours, local communities or other stakeholders and explain how this has influenced your proposal. Explain what public access is currently undertaken on the site and what provisions you plan to make to continue or improve this in adherence with the [Scottish Outdoor Access Code](#).
- **Cultural Heritage:** Indicate what survey work has been undertaken and describe how archaeology will be protected.
- **Soil:** Provide an accurate assessment of the soil on site and describe how you will manage the quality of the soil including any effects from erosion and compaction.
- **Water:** Detail the nature of the likely impacts on water bodies or water supplies from your activities and how you will mitigate these impacts.
- **Air:** Detail the nature of the likely impacts on air quality or the impacts on light provision.
- **Biodiversity:** Detail the nature and extent of high value habitats such as those listed on the [Scottish Biodiversity List](#) and describe how you will protect these habitats. Detail the nature of the likely impacts on wildlife from your activities and how you will mitigate these impacts. Refer to [European Protected Species](#) for guidance.
- **Landscape:** Provide details of how the impact on the landscape has been assessed and how the application has been designed to minimise any impact.
- **Climate:** Provide details on the vulnerability of the project to climate change and how this impact was mitigated.
- **Land:** Does your application have an impact or an effect on prime agricultural land (defined as land use classes 1, 2 and 3.1), or the local land use balance with agriculture? Detail the nature of the likely impacts on agriculture from your activities and how you will mitigate these impacts and integrate with forestry. You should refer to the [Guidance About Woodland Creation on Agricultural Land](#), located in the further information and technical guidance section of the [FGS woodland creation](#) web page.
- **Material Assets:** Identify and describe all built and natural assets that are relevant to the site and which could be adversely impacted by the proposal e.g. utilities, minerals. Describe any mitigation proposed for these features.

### Annex 2 Issues Log

Issue (include date and raised by)	Applicant's Comments	Scottish Forestry Comments	Agreed Mitigation	Status (Open, Closed)	Significance of Impact (High, Medium, Low)
<i>e.g. Archaeology – Scheduled Monument at NS123456. HES, 23/10/16.</i>	<i>e.g. Scheme design includes OG to buffer Scheduled Monument as per UKFS. John Smith, 25/10/16</i>	<i>e.g. Applicant has taken on board HES feedback and designed the scheme in accordance with best practise. Susan Jones, 27/10/17.</i>	<i>e.g. 20 metre OG buffer around SAM.</i>	<i>e.g. Closed</i>	<i>e.g. Low</i>
<b>Population &amp; Human Health</b>					
<b>Cultural Heritage</b>					
<b>Soil</b>					
<b>Biodiversity</b>					
<b>Landscape</b>					
<b>Material Assets</b>					
<b>Water</b>					
<b>Air</b>					
<b>Climate</b>					
<b>Land</b>					



**Scottish  
Forestry**  
Coilltearachd  
na h-Alba

Saughton House  
Broomhouse Drive  
Edinburgh EH11 3XD  
forestry.gov.scot

Email: scottish.forestry@forestry.gov.scot  
Tel: 0131 370 5250

Chief Executive: Paul Lowe

[Redacted]  
[Redacted]@ [Redacted]

Our ref: Multiple communications regarding East Nethershields

Date: 08 August 2025

Dear [Redacted]

I am writing to you in relation to a number of emails that have been submitted to various parts of Scottish Government over the last number of weeks and months and since I last wrote to you. I apologise for our delay in responding, as I wanted to take time to go through the correspondence from you on this case.

For the sake of clarity and to ensure that I have captured all correspondence, I will list them below and provide some context about who the recipients of each email was and on what dates each communication was received. You will have received acknowledgments to all the below cases that include the reference numbers I will use to identify each communication.

Case Reference	Recipient(s)	Subject	Date Received
202500450345	First Minister	Governance of Public Regulated Due Processes, for the Scottish People? Case Ref No: 202400443365	29 January 2025
202500460158	Director of Operational Delivery (Scottish Forestry)	East Nethershield Woodland Creation	31 March 2025
202500447974	First Minister	Governance of Public Regulated Due Processes, for the Scottish People? Case Ref No: 202400443365.	31 March 2025
202500465517	Director of Operational Delivery (Scottish Forestry)	East Nethershield Woodland Creation	9 May 2025
202500465792	First Minister	Governance of Public Regulated Due Processes, for the Scottish People? Case Ref No: 202400443365	12 May 2025
202500466665	Cabinet Secretary for Rural Affairs, Land Reform & Islands	East Nethershield Woodland Proposal and Grant Application	13 May 2025
202500475250	Cabinet Secretary for Rural Affairs, Land Reform & Islands	East Nethershield Woodland Proposal and Grant Application	30 June 2025

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Is e Coilltearachd na h-Alba a' bhuidheann-ghnìomha aig Riaghaltas na h-Alba a tha an urra ri poileasaidh, taic agus riaghladh do choilltearachd

202500474103	First Minister	Governance of Public Regulated Due Processes, for the Scottish People? Case Ref No: 202400443365	30 June 2025
202500475251	Scottish Forestry Enquiries, Cabinet Secretary for Rural Affairs, Land Reform & Islands, Director of Operational Delivery (Scottish Forestry)	East Nethershields Woodland - Non Compliant Issues	9 July 2025
202500476034	Scottish Forestry Enquiries, Cabinet Secretary for Rural Affairs, Land Reform & Islands, Director of Operational Delivery (Scottish Forestry)	East Nethershield Woodland Creation	14 July 2025
202500477626	Cabinet Secretary for Rural Affairs, Land Reform & Islands	East Nethershields	25 July 2025

I hope the above table will enable you to identify each correspondence I will refer to in this letter. I will attempt to respond to all points that I have not already addressed in previous communications to you. We are also aware that you have raised a complaint with South Lanarkshire Council on 22 July 2025 regarding noise from strimming around newly planted trees in the vicinity of Burn Farm. South Lanarkshire Council subsequently reached out to Scottish Forestry for a response. I can confirm that Scottish Forestry provided South Lanarkshire Council with our position on the issues raised and I refer you to South Lanarkshire Council should you wish to discuss this further.

Before I address the points raised in your multiple communications, please be advised that responses from Ministers and Cabinet Secretaries within the Scottish Government often require input from civil servants across relevant policy and operational areas to provide a thorough and informed reply. These responses can take some time to consider, and it is common government practice for the Offices of Ministers of Scottish Government to ask civil servants to reply on their behalf. As such, Scottish Forestry have been asked to address the correspondence sent by you for Ministers, as detailed above, as the lead on such matters within Scottish Government.

I would like to note, however, that the submission of multiple emails within a short period of time can inadvertently slow down our ability to respond effectively. Each piece of correspondence must be carefully reviewed to ensure all points raised are addressed accurately and respectfully. When many requests are submitted in quick succession, it places added pressure on our ability to respond with the diligence and attention that every enquiry deserves. Please understand that our ability to respond to such a large volume of emails is limited and we are in a much better position to respond if you provide us with sufficient time to do so.

We are committed to providing considered responses and appreciate your understanding as we work to do so.

I would like to reiterate what I have stated in previous correspondence. I understand that you have very strong views about how this case has been handled and, in particular, about aspects of Scottish Forestry's role. However, I have reached the conclusion that your extensive and repeated correspondence on this case has breached Scottish Government's [Unacceptable actions policy](#). You have made statements that constitute abusive behaviour, made unreasonable demands and been unreasonably persistent. I therefore ask you to stop contacting Scottish Forestry and Scottish Ministers in relation to the handling of this case. If you continue to contact Scottish Forestry or Scottish Ministers in the above manner, we will no longer correspond or engage with you on matters relating to the East Nethershields woodland creation application process and may take action to limit wider contact. Examples of further action that may be necessary should you continue to contact Scottish Forestry and Scottish Ministers in relation to this case can include;

- terminating all contact (subject to necessary limitations)
- terminating communication by specified channels only (eg refusing to take telephone calls from an individual)
- refusing to accept communication on a specified subject only
- requiring the individual to communicate only through a third party

Despite advising you that we have taken the decision to longer correspond or engage with you on matters relating to the East Nethershields woodland creation, you have continued to contact Scottish Forestry and Scottish Ministers.

Having stated the above, you have raised issues that were not present in earlier communications to us and Scottish Ministers, and I will respond to those here. I will not respond to points that have already been addressed in previous correspondence.

### **Case 202500450345**

You have raised concerns about a failure of Scottish Forestry senior management to meet with the community. Scottish Forestry senior managers do not routinely get involved with the handling of woodland creation applications, particularly during the development phase led by the forestry agent. Under Scottish Forestry's procedures, senior national managers do not have a direct role in regulatory decision-making processes. These are handled locally by the conservancy teams and case officers. It would therefore be irregular and very unusual for senior managers to meet with a stakeholder to discuss a particular application or regulatory decision.

If you are not satisfied with how your correspondence has been handled, then you have the option to submit a complaint. I will provide detailed information relating to our complaints policy at the end of this letter. Scottish Forestry is not prepared to enter an ongoing dialogue on these matters.

### **Case 202500460158**

You have raised concerns about delays in Scottish Forestry in replying to correspondence and you have stated that you feel Scottish Forestry has not replied fully responded to your concerns in previous communications with us.

As stated earlier in this letter, and in previous responses to you, submission of multiple emails within a short period of time can inadvertently slow down our ability to respond effectively. We strive to respond, where appropriate, as soon as is possible but I must again ask that you try to moderate the volume and frequency of correspondence that you send Scottish Ministers and Scottish Forestry as this will ultimately cause delays in responding.

After careful review of this correspondence, it is my position that Scottish Forestry have addressed other points you have raised in our letter dated 23 January 2025. I have attached that letter for your convenience.

If you are not satisfied with how your correspondence has been handled, then you have the option to submit a complaint.

### **Case 202500447974**

You have raised concerns about a failure of Scottish Forestry senior management to meet with the community and have requested that the First Minister and Cabinet Secretary for Rural Affairs, Land Reform & Islands meet with you to discuss your concerns. As stated previously, Scottish Forestry senior managers and Scottish Ministers do not routinely get involved with the handling of woodland creation applications, particularly during the development phase led by the forestry agent.

That said, I would like to remind you that Cabinet Secretary did meet with you on 05 September 2023. The Cabinet Secretary confirmed that Scottish Forestry would ensure that any application received careful and thorough assessment, including checking that the concerns raised by the community had been properly taken into account and that the woodland creation process, including community engagement, was being properly followed.

Under Scottish Forestry's procedures senior national managers don not have a direct role in regulatory decision-making processes. These are handled locally by the conservancy teams and case officers. It would therefore be irregular and very unusual for senior managers and Scottish Ministers to meet with a stakeholder in order to discuss a particular application or regulatory decision.

You also stated that;

*“These concerns are only increasing, with both the receipt of the recent letters from Scottish Forestry, the lack of clarity and response on the content of these letters, and now also (since 20th November 2024) the non-response and action on the Material Evidence of non-compliance with the Woodland Proposals, as the work has progressed since the commencement in October 2024. This includes the unauthorized formation of new access, which is the only reason a large part of the woodland has been able to be formed over the period since, a period of 2 months and continuing, but this access was continually denied by the Agent over the previous 2 years. This conduct must not be tolerated in Public Regulated Due Processes, as it is clearly known decisions by the Agent to exclude the required Planning Regulations requirements”.*

Having considered this statement, and having reviewed our previous responses to you, it is my position that we have previously addressed the above concerns in a letter dated 23 January 2025. I have attached that letter for your convenience”.

If you are not satisfied with how your correspondence has been handled, then you have the option to submit a complaint.

**Case 202500465517**

You have raised concerns about delays in Scottish Forestry in replying to correspondence. You have suggested that Scottish Forestry have ignored your concerns, and you have stated that you feel Scottish Forestry has not replied fully responded to your concerns in previous communications with us.

In a letter dated 28 November 2024, I provided evidence of the considerable efforts myself and my colleagues have made to respond to your correspondence. Since then, we have continued to utilise considerable resource and time in addressing concerns you have raised. Scottish Forestry is a small agency with limited resources, but I can confidently state that we have done our utmost to provide detailed responses that have been carefully considered and thoroughly investigated. I have provided a copy of that letter for your review.

If you are not satisfied with how your correspondence has been handled, then you have the option to submit a complaint.

**Case 202500465792**

You have repeated concerns about delays in Scottish Forestry in replying to correspondence, repeated a request to meet with Scottish Ministers and have made allegations that Scottish Government are putting lives at risk. You have also stated that you feel that Scottish Forestry has made threats by applying the Scottish Government's Unacceptable Actions policy.

I believe I have adequately responded to matters raised in this email above but wish to, again, advise you that you have made statements that constitute abusive behaviour, made unreasonable demands and been unreasonably persistent. It is for this reason that we have taken the decision to no longer correspond or engage with you on matters relating to the East Nethersields woodland creation.

If you are not satisfied with how your correspondence has been handled, then you have the option to submit a complaint.

**Case 202500466665**

You have repeated concerns about delays in Scottish Forestry in replying to correspondence, repeated a request to meet with Scottish Ministers. You have, again, also stated that you feel that Scottish Forestry has threatened your community by applying the Scottish Government's Unacceptable Actions policy.

You have also stated that the Cabinet Secretary for Rural Affairs, Land Reform & Islands should "enforce the powers you have and intervene in this case, instructing a robust and truly independent investigation into the evidence of this case".

I believe I have addressed many of the points raised by you earlier in this letter. That said, and in response to your request that Cabinet Secretary intervene, I would like to reiterate that Scottish Forestry senior managers and Scottish Ministers do not routinely get involved with the handling of woodland creation applications, particularly during the development phase led by the forestry agent. As highlighted previously, senior national managers do not have a direct role in regulatory decision-making processes. These are handled locally by the conservancy teams and case officers.

In your letter, you asked 14 questions relating to Nethershields woodland creation and repeated many points that Scottish Forestry had already responded to in the past. I do not find that it would be helpful to repeat points previously made and would like to remind you that we have made the decision not to continue to engage in discussion on matters relating to the East Nethershields woodland creation.

If you are not satisfied with how your correspondence has been handled, then you have the option to submit a complaint.

#### **Case 202500475250**

You have repeated requests to meet Scottish Ministers and have highlighted your concerns that you feel that you have been ignored by Cabinet Secretary for Rural Affairs, Land Reform & Islands.

I have provided a response to these points earlier in this letter and clarified why it is that senior civil servants and Scottish Ministers do not routinely intervene in a way that you have suggested.

If you aren't satisfied with how your correspondence has been handled, then you have the option to submit a complaint. I will provide detailed information relating to our complaints policy at the end of this letter. Scottish Forestry is not prepared to enter an ongoing dialogue on these matters.

#### **Case 202500474103**

You have repeated concerns as detailed above in case 202500475250. I believe that I have sufficiently responded to both cases.

If you are not satisfied with how your correspondence has been handled, then you have the option to submit a complaint.

#### **Case 202500475251**

You asked us to review evidence you have submitted where you allege unauthorised work has been carried out and that the works were approved by Scottish Forestry in relation to East Nethershields woodland creation.

I have asked the local Senior Operations Manager to review what you have submitted and to provide a response that I have detailed below.

In considering your points, it is useful to provide clarity on the regulatory and administrative processes that relate to this woodland creation project.

### **The Forestry (Environmental Impact Assessment) (Scotland) Regulations 2017**

The applicant wrote to Scottish Forestry requesting that Scottish Forestry adopt a screening opinion in relation to the woodland creation project at East Nethershields. This correspondence included the information necessary for that screening opinion to be reached and on that basis, Scottish Forestry concluded that the project did **not** require consent to proceed. For information - if a screening opinion concludes that consent **is** required, it is sought by the applicant by way of the submission of an Environmental Impact Assessment (EIA) report (commonly referred to as 'requiring an EIA'). In support of the screening opinion, Scottish Forestry issued a document to the effect that consent is not required and stated the reasons for that decision (commonly known as the 'reasoned conclusion'). Scottish Forestry sent a copy of this document to interested parties, including yourself.

The above background summary is relevant to your enquiry for the following reasons: through the screening process, Scottish Forestry decided that EIA consent was not required and thus none was sought by the applicant. In this scenario, the Regulations make no provision for the enforcement action to which you appear to refer, as put simply, there is no consent under which to act in this way (Scottish Forestry may only take EIA enforcement action in relation to projects which have or require EIA consent).

Additionally, other than through an application to the Court of Session, the published screening opinion cannot be withdrawn or reviewed – this application must be made before the expiry of 3 months from the date of the adoption of a screening opinion. I consider that some of the matters you raise in your e-mail fall within scope of decisions made under these Regulations and note that Scottish Forestry considers the processes undertaken in this respect to be complete.

### **The Forestry Grant Scheme (FGS)**

Subsequent to the above, the applicant submitted a separate application to the Forestry Grant Scheme (FGS) seeking financial support in delivering the woodland creation project. The application was assessed against the relevant published guidance and in relation to relevant requirements and guidelines contained within the UK Forestry Standard. Following completion of this, the application was approved and an FGS contract agreed with the applicant. Scottish Forestry has established procedures outlining how it will inspect and monitor all FGS contracts throughout the life of those contracts, this including what will be inspected, how and when. It also covers what action SF will take in circumstances where it is found that an applicant is in breach of an FGS contract.

In the case of East Nethershields the contract requires that this monitoring and compliance process takes place over a period of 20 years, commencing with an initial inspection of the project post completion. In all cases Scottish Forestry expects that projects are managed in line with the requirements as set out within the FGS guidance along with those of the contract undertakings, maps and operational plan. A number of the matters you raise are considered as a matter of course as a result of the aforementioned monitoring and compliance process.

### **Other Regulations**

From a regulatory perspective, it may be that a number of your concerns fall within regulatory regimes under which Scottish Forestry has no direct locus. However, where such situations appear to be connected to a forestry project and are considered by Scottish Forestry to be material to it, Scottish Forestry will work

with the relevant regulatory bodies in an attempt to address any issues. On occasion this can be aligned with the ongoing FGS contact management processes that have described.

### **Provision of information relating to the woodland creation project at East Nethershields**

Your e-mail refers to information that has not been provided to you by Scottish Forestry. We have received a separate request from you to provide all the application information held by us in relation to this project. This has been logged under case reference 202500476034 and you will have received a response to that request by now.

If you are not satisfied with how your correspondence has been handled, then you have the option to submit a complaint.

### **Case 202500476034**

You asked that we permit access to the Scottish Forestry Conservancy (South) offices so that you can view all application documents relevant to the East Nethershields Woodland Proposal.

We responded to this separately, however, I wish to reiterate that we have taken the decision to publish the Environmental Impact Assessment (EIA) documents relating to East Nethershields. I refer you to the letter we issued to you on 08 August 2025 for further details.

As I understand it, you should have also received an earlier email stating that we would not be able to arrange access on the day you requested to visit one of our offices, but we would look to make other arrangements.

If you are not satisfied with how your correspondence has been handled, then you have the option to submit a complaint.

### **Case 202500477626**

Although you have not stated this directly to Scottish Forestry, I understand that you have experienced what you have described as noise nuisance in the area that has been caused by strimming. This understanding comes from the request from information we received from South Lanarkshire Council who I believe are investigating a noise complaint.

Scottish Forestry's role as regulator focuses on the sustainable management of Scotland's forests and woodlands. This includes oversight of felling permissions, administration of grant schemes, and ensuring compliance with the UK Forestry Standard. We do not have a statutory role in regulating environmental noise. While forestry operations are not automatically exempt from noise legislation, routine activities such as weeding or thinning are generally considered reasonable land management practices when carried out responsibly and some constraints such as time sensitivity, weather dependences, ecological constraints may be a factor in the timing of operations.

Although there is no statutory guidance specific to noise in forestry, the following documents promote good practice in operational planning and neighbour relations:

- [UK Forestry Standard \(UKFS\)](#) – the reference standard for sustainable forest management in the UK, which encourages good neighbour principles and operational planning.
- [FISA Safety Guides](#) – particularly FISA 806 (Welfare) and FISA 808 (CDM in Forestry), which support responsible site management and planning.
- [Forest Research guidance on occupational noise hazards](#) – focused on worker safety, though not environmental noise.

It is not in Scottish Forestry's remit to respond to the specific concerns you have raised in relation to noise complaints but I encourage you to continue to work with South Lanarkshire Council as I understand, from the interest they have taken in your complaint to them, that this may be within their remit and should be for South Lanarkshire Council to respond to. As previously stated, we have provided a response to South Lanarkshire Council and I expect that, if they have not already, they will be in contact with you in due course.

You have also asked to again meet with Scottish Ministers about this decision. I believe I have provided a thorough response to this request.

You have also asked for a copy of an Operational Plan for East Nethersields woodland creation. I understand that this may have previously been provided but, for the sake of ensuring you are able to view it, I have attached it to this letter below.

You have also asked to again meet with Scottish Ministers about this decision. I believe I have provided a thorough response to this request.

### **Complaint Policy**

As I stated previously, I would like to take an opportunity to provide you with information on our complaints policy. Scottish Forestry operates a Model Complaints Handling Procedure that you can read more about [here](#). I understand that you have previously stated that you would not like to have your concerns handled as complaints however I want to highlight what Scottish Forestry considers to be a complaint. A complaint is any expression of dissatisfaction about our action or lack of action, or about the standard of service provided by us or on our behalf.

Much of what you have said would fall under the above definition of a complaint. Due to the large number of concerns you have raised, it would be considered as a stage 2 complaint.

Were we to address this matter as a stage 2 complaint, we would, in the course of investigating, consider an appropriate form of communication to discuss your complaint with you to understand why you remain dissatisfied and what outcome you are looking for. We would appoint a complaint manager to have this conversation with you, investigate all concerns raised and issue a response within stated timeframes. Any complaint manager appointed would be an experienced civil servant within Scottish Forestry, due to the complex nature of concerns raised.


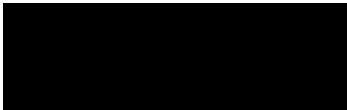
If you remained unsatisfied with any potential outcome of this complaint, you would have the right to appeal to Scottish Public Services Ombudsman (SPSO). The SPSO is the final stage for complaints about public service organisations in Scotland.

Should you wish to have your concerns addressed through our Model Complaints Handling Procedure, please contact us through our Executive Office email.

However, should you not wish to have concerns addressed through the complaint's mechanism, this letter will serve as a final response to the issues you have raised to us. If you continue to contact Scottish Forestry or Scottish Ministers in relation to East Nethershields woodland creation and that contact is not related to a complaint you would like to submit, we will no longer correspond or engage with you.

Once again, I would like to apologise for the unavoidable delays in issuing this reply, but I hope it will be received with the understanding that we have addressed concerns raised.

Yours sincerely



Director of Operational Delivery  
Scottish Forestry

**From:** [REDACTED] on behalf of [Scottish Forestry Executive Office](#)  
**To:** [REDACTED]  
**Cc:** [Scottish Forestry Executive Office](#); [REDACTED]  
**Subject:** RE: Final draft - Multiple correspondences - For review  
**Date:** 08 August 2025 12:33:59  
**Attachments:** [image001.png](#)  
[image002.jpg](#)  
[image003.jpg](#)

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Hi [REDACTED]

Thanks for the green light – agree that this should go out sooner rather than later. I have the final copy with minor changes you sent over. I'll do a final proof read and then [REDACTED] / I can co-ordinate a release.

Thanks

[REDACTED]

---

**From:** [REDACTED]@forestry.gov.scot>  
**Sent:** 08 August 2025 12:21  
**To:** [REDACTED]@forestry.gov.scot>  
**Cc:** Scottish Forestry Executive Office <sfexecoffice@forestry.gov.scot>; [REDACTED]  
[REDACTED]@forestry.gov.scot>; [REDACTED]  
<[REDACTED]@forestry.gov.scot>  
**Subject:** RE: Final draft - Multiple correspondences - For review

[REDACTED]

Many thanks for this. Again, hugely appreciate your efforts on this case and help navigate the multiple letters in play.

I am content to approve. Whilst I am sure there are adjustments and improvements which [REDACTED] would make (he has seen and approved the majority), think there is sense in moving this on and the risks are low. I suspect that it will trigger a response and we can discuss that.

A few very minor edits in attached.  [Final Draft - NB Response.docx](#)

Thanks

[REDACTED]

[REDACTED]

Head of Corporate Affairs and Communications

Scottish Forestry  
Spur E1, Saughton House, Edinburgh, EH11 3XD

Email: [REDACTED]@forestry.gov.scot

Website: [forestry.gov.scot](http://forestry.gov.scot)

X: [@scotforestry](#)



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---

**From:** [REDACTED] <[\[REDACTED\]@forestry.gov.scot](mailto:[REDACTED]@forestry.gov.scot)>

**Sent:** 08 August 2025 10:23

**To:** [REDACTED] <[\[REDACTED\]@forestry.gov.scot](mailto:[REDACTED]@forestry.gov.scot)>

**Cc:** Scottish Forestry Executive Office <[sfexecoffice@forestry.gov.scot](mailto:sfexecoffice@forestry.gov.scot)>; [REDACTED]

[REDACTED] <[\[REDACTED\]@forestry.gov.scot](mailto:[REDACTED]@forestry.gov.scot)>

**Subject:** Final draft - Multiple correspondences - For review

Good morning [REDACTED]

I attached a full draft with additional text (highlighted in yellow) for your review and potential approval. [REDACTED] kindly provided a response to [REDACTED] email (attached) that I have included in the draft and have attached his initial reply as well for context. This was not signed off by [REDACTED] before he went on leave and I was hoping you can approve it in his absence.

I reviewed the last paragraph [REDACTED] wrote with [REDACTED] who has been preparing the EIA screening response and updated the text slightly to avoid reference to any particular regulations.

Once approved, [REDACTED] and I will work together on ensuring both responses go out soon after each other.

**Thanks**

[REDACTED]  
*Corporate Support and Correspondance Officer*

Scottish Forestry | Saughton House | Broomhouse Drive | Edinburgh | EH11 3XD

Website: [forestry.gov.scot](http://forestry.gov.scot)

Email: [REDACTED] <[\[REDACTED\]@forestry.gov.scot](mailto:[REDACTED]@forestry.gov.scot)>



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Is e Coilltearachd na h-Alba a' bhuidheann-ghnìomha aig Riaghaltas na h-Alba a tha an urra ri poileasaidh, taic agus riaghladh do choilltearachd.

**From:** [REDACTED]  
**To:** [Scottish Forestry Executive Office](#)  
**Cc:** [REDACTED]  
**Subject:** RE: Draft Response - All outstanding [REDACTED] cases  
**Date:** 04 August 2025 13:29:48  
**Attachments:** [draft\\_response\\_MACP.docx](#)  
[image001.jpg](#)

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Hi [REDACTED],

Many thanks for taking the time to digest all this correspondence, including the previous responses and summarising so well in the draft response.

I am entirely comfortable with how you have structured this, the content of the responses to each of the cases and the overall firm approach of closing this down to just the complaint route. In fact I'd say you've done a first job of pulling this together and preparing the response. I've been struggling to get to on top of this for a few months, so your efforts are very much appreciated.

My only comment was to replace the term "senior" civil servant with "experienced" civil servant. "senior" has a specific meaning, and other than [REDACTED] we don't have any actual Senior civil Servants in SF. I had previously asked [REDACTED] to pick up the compliant, but it could be someone else, if he comes back to confirm he would like to pursue the complaint route.

As I'm on leave for the next two weeks, I'm content for the response to be sent with the added material on the response to unauthorised works when available.

thanks again

[REDACTED]

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**From:** [REDACTED]@forestry.gov.scot> **On Behalf Of** Scottish Forestry Executive Office  
**Sent:** 31 July 2025 15:39  
**To:** [REDACTED]@forestry.gov.scot>  
**Cc:** [REDACTED]@forestry.gov.scot>; [REDACTED]  
[REDACTED]@forestry.gov.scot>; [REDACTED]@forestry.gov.scot>;  
[REDACTED]@forestry.gov.scot>; Scottish Forestry Executive Office  
<sfexecoffice@forestry.gov.scot>  
**Subject:** Draft Response - All outstanding [REDACTED] cases

Hi [REDACTED],

Please see an initial draft for your consideration. I appreciate it is quite lengthy, but I hope it will be a good place to start.

Let me know if you need all emails that were sent in to cross reference against.

**Thanks**

  
*Corporate Support and Correspondance Officer*

Scottish Forestry | Saughton House | Broomhouse Drive | Edinburgh | EH11 3XD

Website: [forestry.gov.scot](https://www.forestry.gov.scot)

Email: @[forestry.gov.scot](mailto:forestry.gov.scot)



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Is e Coilltearachd na h-Alba a' bhuidheann-ghnìomha aig Riaghaltas na h-Alba a tha an urra ri poileasaidh, taic agus riaghladh do choilltearachd.



Scottish  
Forestry  
Coilltearachd  
na h-Alba

Saughton House  
Broomhouse Drive  
Edinburgh EH11 3XD  
forestry.gov.scot

Email: [scottish.forestry@forestry.gov.scot](mailto:scottish.forestry@forestry.gov.scot)  
Tel: 0131 370 5250

Chief Executive: Paul Lowe

Our ref: Multiple communications regarding East Nethershields

Date: 31 July 2025

Dear [REDACTED]

I am writing to you in relation to a number of emails that have been submitted to various parts of Scottish Government over the last number of weeks and months and since I last wrote to you. I apologise for our delay in responding, this have been due to the volume and complexity of the correspondence from you on this case.

For the sake of clarity and to ensure that I have captured all correspondence, I will list them below and provide some context about who the recipients of each email was and on what dates each communication was received. You will have received acknowledgments to all of the below cases that include the reference numbers I will use to identify each communication.

Case Reference	Recipient(s)	Subject	Date Received
202500450345	First Minister	Governance of Public Regulated Due Processes, for the Scottish People? Case Ref No: 202400443365	29 January 2025
202500460158	Director of Operational Delivery (Scottish Forestry)	East Nethershield Woodland Creation	31 March 2025
202500447974	First Minister	Governance of Public Regulated Due Processes, for the Scottish People? Case Ref No: 202400443365.	31 March 2025
202500465517	Director of Operational Delivery (Scottish Forestry)	East Nethershield Woodland Creation	09 May 2025
202500465792	First Minister	Governance of Public Regulated Due Processes, for the Scottish People? Case Ref No: 202400443365	12 May 2025
202500466665	Cabinet Secretary for Rural Affairs, Land Reform & Islands	East Nethershield Woodland Proposal and Grant Application	13 May 2025

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Is e Coilltearachd na h-Alba a' bhuidheann-ghnìomha aig Riaghaltas na h-Alba a tha an urra ri poileasaidh, taic agus riaghladh do choilltearachd

 Scottish Government  
Riaghaltas na h-Alba

202500475250	Cabinet Secretary for Rural Affairs, Land Reform & Islands	East Nethersfield Woodland Proposal and Grant Application	30 June 2025
202500474103	First Minister	Governance of Public Regulated Due Processes, for the Scottish People? Case Ref No: 202400443365	30 June 2025
202500475251	Scottish Forestry Enquiries, Cabinet Secretary for Rural Affairs, Land Reform & Islands, Director of Operational Delivery (Scottish Forestry)	East Nethersfields Woodland - Non Compliant Issues	09 July 2025
202500476034	Scottish Forestry Enquiries, Cabinet Secretary for Rural Affairs, Land Reform & Islands, Director of Operational Delivery (Scottish Forestry)	East Nethersfield Woodland Creation	14 July 2025
202500477626	Cabinet Secretary for Rural Affairs, Land Reform & Islands	East Nethersfields	25 July 2025

I hope the above table will enable you to identify each correspondence I will refer to in this letter and I will attempt to respond to all points that I have not already addressed in previous communications to you. We are also aware that you have raised a complaint with South Lanarshire Council on 22 July 2025 regarding noise from strimming around newly planted trees in the vicinity of Burn Farm. South Lanarkshire Council subsequently reached out to Scottish Forestry for a response. I can confirm that Scottish Forestry provided South Lanarkshire Council with our position on the issues raised and I refer you to South Lanarkshire Council should you wish to discuss this further.

Before I address the points raised in your multiple communications, please be advised that responses to Ministers and Cabinet Secretaries within the Scottish Government often require input from civil servants across relevant policy and operational areas in order to provide a thorough and informed reply. As such, these responses can take some time to consider and it is common government practice for the Offices of Ministers of Scottish Government to ask civil servants to reply on their behalf. As such, Scottish Forestry have been asked to address the correspondence sent by you for Ministers as detailed above as the lead on such matters within Scottish Government.

I would like to note, however, that the submission of multiple emails within a short period of time can inadvertently slow down our ability to respond effectively. Each piece of correspondence must be carefully reviewed to ensure all points raised are addressed accurately and respectfully. When many requests are submitted in quick succession, it places added pressure on our ability to respond with the diligence and attention that every enquiry deserves. Please understand that our ability to respond to such a large volume of emails is limited and we are in a much better position to respond if you provide us with sufficient time to do so.

We are committed to providing considered responses and appreciate your understanding as we work to do so. That said, I would like to reiterate what I have stated in previous correspondence.

I, again, wish to state that I understand that you have very strong views about how this case has been handled and in particular about aspects of Scottish Forestry's role. However, I have reached the conclusion that your extensive and repeated correspondence on this case has breached Scottish Government's [Unacceptable actions policy](#). In particular, you have made statements that constitute abusive behaviour, made unreasonable demands and been unreasonably persistent. I therefore ask you to stop contacting Scottish Forestry and Scottish Ministers in relation to the handling of this case. If you continue to contact Scottish Forestry or Scottish Ministers in the above manner, we will no longer correspond or engage with you on matters relating to the East Nethershields woodland creation application process and may take action to limit wider contact. Examples of further action that may be necessary should you continue to contact Scottish Forestry and Scottish Ministers in relation to this case can include;

- terminating all contact (subject to necessary limitations)
- terminating communication by specified channels only (eg refusing to take telephone calls from an individual)
- refusing to accept communication on a specified subject only
- requiring the individual to communicate only through a third party

Despite advising you that we have taken the decision to longer correspond or engage with you on matters relating to the East Nethershields woodland creation, you have continued to contact Scottish Forestry and Scottish Ministers.

Having stated the above, you have raised issues that were not present in earlier communications to us and Scottish Ministers and I will endeavour, in this response, to respond to them. Please understand, however, that my aim is not to respond to points that have already been addressed in previous correspondence.

#### **Case 202500450345**

You have raised concerns about a failure of Scottish Forestry senior management to meet with the community. Scottish Forestry senior managers do not routinely get involved with the handling of woodland creation applications, particularly during the development phase led by the forestry agent. Under Scottish Forestry's procedures senior national managers don't have a direct role in regulatory decision making processes. These are handled locally by the conservancy teams and case officers. It would therefore be be irregular and very unusual for senior managers to meet with a stakeholder in order to discuss a particular application or regulatory decision.

If you aren't satisfied with how your correspondence has been handled then you have the option to submit a complaint. I will provide detailed information relating to our complaints policy at the end of this letter. Scottish Forestry is not prepared to enter into an ongoing dialogue on these matters.

#### **Case 202500460158**

You have raised concerns about delays in Scottish Forestry in replying to correspondence and you have stated that you feel Scottish Forestry has not replied fully responded to your concerns in previous communications with us.

As stated earlier in this letter, and in previous responses to you, submission of multiple emails within a short period of time can inadvertently slow down our ability to respond effectively. We strive to respond, where appropriate, as soon as is possible but I must again ask that you try to moderate the volume and frequency of correspondence that you send Scottish Ministers and Scottish Forestry as this will ultimately cause delays in responding.

After careful review of this correspondence, it is my position that Scottish Forestry have addressed other points you have raised in our letter dated 23 January 2025. I have attached that letter for your convenience.

If you aren't satisfied with how your correspondence has been handled then you have the option to submit a complaint.

#### **Case 202500447974**

You have raised concerns about a failure of Scottish Forestry senior management to meet with the community and have requested that the First Minister and Cabinet Secretary for Rural Affairs, Land Reform & Islands meet with you to discuss your concerns. Scottish Forestry senior managers and Scottish Ministers do not routinely get involved with the handling of woodland creation applications, particularly during the development phase led by the forestry agent.

That said, I would like to remind you that Cabinet Secretary did meet with you in 05 September 2023 where Cabinet Secretary confirmed that Scottish Forestry would ensure that any application received careful and thorough assessment, including checking that the concerns raised by the community had been properly taken into account and that the woodland creation process, including community engagement, was being properly followed. I would like to reiterate Cabinet Secretary words and say that, having reviewed all available data, it is my firm belief that Scottish Forestry have met their obligations to ensure a thorough and considered assessment was completed.

Further, under Scottish Forestry's procedures senior national managers don't have a direct role in regulatory decision making processes. These are handled locally by the conservancy teams and case officers. It would therefore be irregular and very unusual for senior managers and Scottish Ministers to meet with a stakeholder in order to discuss a particular application or regulatory decision.

You also stated that;

*These concerns are only increasing, with both the receipt of the recent letters from Scottish Forestry, the lack of clarity and response on the content of these letters, and now also (since 20th November 2024) the non-response and action on the Material Evidence of non-compliance with the Woodland Proposals, as the work has progressed since the commencement in October 2024. This includes the unauthorized formation of new access, which is the only reason a large part of the woodland has been able to be formed over the period since, a period of 2 months and continuing, but this access was continually denied by the Agent over the previous 2 years. This conduct must not be tolerated in Public Regulated Due Processes, as it is clearly known decisions by the Agent to exclude the required Planning Regulations requirements.*

Having considered this statement, and having reviewed our previous responses to you, it is my position that we have previously addressed the above concerns in a letter dated 23 January 2025. I have attached that letter for your convenience.

If you aren't satisfied with how your correspondence has been handled then you have the option to submit a complaint.

**Case 202500465517**

You have raised concerns about delays in Scottish Forestry in replying to correspondence. You have suggested that Scottish Forestry have ignored your concerns and you have stated that you feel Scottish Forestry has not replied fully responded to your concerns in previous communications with us.

In a letter dated 28 November 2024, I provided evidence of the considerable efforts that I, and my colleagues, have made to respond to your correspondence. Since then, we have continued to utilise considerable resource and time in addressing concerns you have raised. Scottish Forestry is a small agency with limited resources but I can confidently state that we have done our utmost to provide detailed responses that have been carefully considered and thoroughly investigated. I have provided a copy of that letter for your review.

If you aren't satisfied with how your correspondence has been handled then you have the option to submit a complaint.

**Case 202500465792**

You have repeated concerns about delays in Scottish Forestry in replying to correspondence, repeated a request to meet with Scottish Ministers and have made allegations that Scottish Government are putting lives at risk. You have also stated that you feel that Scottish Forestry has threatened your community by applying the Scottish Government's Unacceptable Actions policy.

I believe I have adequately responded to matters raised in this email above but wish to, again, advise you that you have made statements that constitute abusive behaviour, made unreasonable demands and been unreasonably persistent. It is for this reason that we have taken the decision to longer correspond or engage with you on matters relating to the East Nethersields woodland creation.

If you aren't satisfied with how your correspondence has been handled then you have the option to submit a complaint.

**Case 202500466665**

You have repeated concerns about delays in Scottish Forestry in replying to correspondence, repeated a request to meet with Scottish Ministers. You have, again, also stated that you feel that Scottish Forestry has threatened your community by applying the Scottish Government's Unacceptable Actions policy.

You have also stated that the Cabinet Secretary for Rural Affairs, Land Reform & Islands should "enforce the powers you have and intervene in this case, instructing a robust and truly independent investigation into the evidence of this case".

I believe I have addressed many of the points raised by you earlier in this letter. That said, and in response to your request that Cabinet Secretary intervene, I would like to reiterate that Scottish Forestry senior managers and Scottish Ministers do not routinely get involved with the handling of woodland creation

applications, particularly during the development phase led by the forestry agent. Under Scottish Forestry's procedures senior national managers don't have a direct role in regulatory decision making processes. These are handled locally by the conservancy teams and case officers. It would therefore be irregular and very unusual for senior managers and Scottish Ministers to meet with a stakeholder in order to discuss a particular application or regulatory decision.

In your letter, you asked 14 questions relating to Nethershields woodland creation and have repeated many points that Scottish Forestry have already responded to in the past. I do not find that it would be helpful to repeat points made and would like to remind you that we have made the decision not to continue to engage in discussion on matters relating to the East Nethershields woodland creation.

If you aren't satisfied with how your correspondence has been handled then you have the option to submit a complaint.

#### **Case 202500475250**

You have repeated requests to meet Scottish Ministers and have highlighted your concerns that you feel that you have been ignored by Cabinet Secretary for Rural Affairs, Land Reform & Islands.

I have provided a response to these points earlier in this letter and clarified why it is that senior civil servants and Scottish Ministers do not routinely intervene in a way that you have suggested.

If you aren't satisfied with how your correspondence has been handled then you have the option to submit a complaint. I will provide detailed information relating to our complaints policy at the end of this letter. Scottish Forestry is not prepared to enter into an ongoing dialogue on these matters.

#### **Case 202500474103**

You have repeated concerns as detailed above in case 202500475250. I believe that I have sufficiently responded to both cases.

If you aren't satisfied with how your correspondence has been handled then you have the option to submit a complaint.

#### **Case 202500475251**

You asked us to review evidence you have submitted that pertains to your belief that unauthorised work has been carried out the works were approved by Scottish Forestry in relation to East Nethershields woodland creation.

I have asked our Senior Operations Manager to review what you have submitted and to provide a response that I have detailed below.

**(INSERT TEXT ONCE RECEIVED)**

If you aren't satisfied with how your correspondence has been handled then you have the option to submit a complaint.

### **Case 202500476034**

You asked that we permit access to the Scottish Forestry Conservancy (South) offices so that you can view all application documents relevant to the East Nethersfields Woodland Proposal.

I have considered this request and we have taken the decision to publish the Environmental Impact Assessment (EIA) documents relating to East Nethersfields. They have been made available on the EIA Public Register, which can be found on the EIA Public [Register Webpage](#). The reference number for this case is **EIA-61**.

As I understand it, you should have received an email stating that we would not be able to arrange access on the day requested but would look to make other arrangements. I would encourage you to respond to said email and attempt to arrange a mutually suitable time to visit.

If you aren't satisfied with how your correspondence has been handled then you have the option to submit a complaint.

### **Case 202500477626**

Although you have not stated this directly to Scottish Forestry, I understand that you have experienced what you have described as noise nuisance in the area that has been caused by strimming. This understanding comes from the request for information we received from South Lanarkshire Council who I understand are investigating a noise complaint.

Scottish Forestry's role as regulator focuses on the sustainable management of Scotland's forests and woodlands. This includes oversight of felling permissions, administration of grant schemes, and ensuring compliance with the UK Forestry Standard. We do not have a statutory role in regulating environmental noise. While forestry operations are not automatically exempt from noise legislation, routine activities such as weeding or thinning are generally considered reasonable land management practices when carried out responsibly and some constraints such as time sensitivity, weather dependences, ecological constraints may be a factor in the timing of operations.

Although there is no statutory guidance specific to noise in forestry, the following documents promote good practice in operational planning and neighbour relations:

- [UK Forestry Standard \(UKFS\)](#) – the reference standard for sustainable forest management in the UK, which encourages good neighbour principles and operational planning.
- [FISA Safety Guides](#) – particularly FISA 806 (Welfare) and FISA 808 (CDM in Forestry), which support responsible site management and planning.
- [Forest Research guidance on occupational noise hazards](#) – focused on worker safety, though not environmental noise.

It is not in Scottish Forestry's remit to respond to the specific concerns you have raised in relation to noise complaints but I encourage you to continue to work with South Lanarkshire Council as I understand, from the interest they have taken in your complaint to them, that this may be within their remit and should be for South Lanarkshire Council to respond to. As previously stated, we have provided a response to South Lanarkshire Council and I expect that, if they have not already, they will be in contact with you in due course.

You have also asked to again meet with Scottish Ministers about this decision. I believe I have provided a thorough response to this request.

You have also asked for a copy of an Operational Plan for East Nethershields woodland creation. I have considered that this request is a request under Environmental Information (Scotland) Regulations 2004. I have asked my colleagues to log the required EIR request case and respond to you within 20 working days.

You have also asked to again meet with Scottish Ministers about this decision. I believe I have provided a thorough response to this request.

### **Complaint Policy**

As I stated previously, I would like to take an opportunity to provide you with information on our complaints policy. Scottish Forestry operates a Model Complaints Handling Procedure that you can read more about [here](#). I understand that you have previously stated that you would not like to have your concerns handled as complaints however I want to highlight what Scottish Forestry considers to be a complaint. A complaint is any expression of dissatisfaction about our action or lack of action, or about the standard of service provided by us or on our behalf.

Although we may disagree about many of the points you have raised, I hope we can agree that much of what you have said would fall under the above definition of a complaint. In fact, due to the large number of concerns you have raised, I would be comfortable in advising that, were you to let us treat matters raised as an official complaint, it would likely have to be considered as a stage 2 complaint.

Were we to address this matter as a stage 2 complaint, we would, in the course of investigating, invite you to have a telephone conversation to discuss your complaint with you to understand why you remain dissatisfied and what outcome you are looking for. We would appoint a complaint manager to have this conversation with you, investigate all concerns raised and issue a response within stated timeframes. Whilst I cannot say for certain, I would suspect that any complaint manager appointed would be an experienced civil servant within Scottish Forestry due to the complex nature of concerns raised.

If you remained unsatisfied with any potential outcome of this complaint, you would have the right to appeal to Scottish Public Services Ombudsman (SPSO). The SPSO is the final stage for complaints about public service organisations in Scotland.

Should you wish to have your concerns addressed through our Model Complaints Handling Procedure, please contact us through our Executive Office email.

However, should you not wish to have concerns addressed through a complaints mechanism, please appreciate that this letter will serve as a final response to the issues you have raised to us. If you continue to contact Scottish Forestry or Scottish Ministers in relation to East Nethershields woodland creation and that contact is not related to a complaint you would like to submit, we will no longer correspond or engage with you.

Once again, I would like to apologise for the unavoidable delays in issuing this reply but I hope it will be received with the understanding that we have addressed concerns raised.

Yours sincerely



Director of Operational Delivery  
Scottish Forestry

**From:** [REDACTED] on behalf of [Scottish Forestry Executive Office](#)  
**To:** [REDACTED]  
**Cc:** [REDACTED] [Scottish Forestry Executive Office](#)  
**Subject:** Draft Response - All outstanding Stewart MacPhail cases  
**Date:** 31 July 2025 15:39:10  
**Attachments:** [image001.jpg](#)  
[draft\\_response MACP.docx](#)

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Hi [REDACTED],

Please see an initial draft for your consideration. I appreciate it is quite lengthy, but I hope it will be a good place to start.

Let me know if you need all emails that were sent in to cross reference against.

**Thanks**

[REDACTED]  
*Corporate Support and Correspondance Officer*

Scottish Forestry | Saughton House | Broomhouse Drive | Edinburgh | EH11 3XD

Website: [forestry.gov.scot](http://forestry.gov.scot)

Email: [REDACTED]@[forestry.gov.scot](mailto:forestry.gov.scot)



Scottish Forestry is the Scottish Government agency responsible for forestry policy, support and regulation.

Is e Coilltearachd na h-Alba a' bhuidheann-ghnìomha aig Riaghaltas na h-Alba a tha an urra ri poileasaidh, taic agus riaghladh do choilltearachd.



Scottish  
Forestry  
Coilltearachd  
na h-Alba

Saughton House  
Broomhouse Drive  
Edinburgh EH11 3XD  
forestry.gov.scot

Email: [scottish.forestry@forestry.gov.scot](mailto:scottish.forestry@forestry.gov.scot)  
Tel: 0131 370 5250

Chief Executive: Paul Lowe

[Redacted]  
[Redacted]@ [Redacted]

Our ref: Multiple communications regarding East Nethershields

Date: 31 July 2025

Dear [Redacted]

I am writing to you in relation to a number of emails that have been submitted to various parts of Scottish Government over the last number of weeks and months and since I last wrote to you. I apologise for our delay in responding, this have been due to the volume and complexity of the correspondence from you on this case.

For the sake of clarity and to ensure that I have captured all correspondence, I will list them below and provide some context about who the recipients of each email was and on what dates each communication was received. You will have received acknowledgments to all of the below cases that include the reference numbers I will use to identify each communication.

Case Reference	Recipient(s)	Subject	Date Received
202500450345	First Minister	Governance of Public Regulated Due Processes, for the Scottish People? Case Ref No: 202400443365	29 January 2025
202500460158	Director of Operational Delivery (Scottish Forestry)	East Nethershield Woodland Creation	31 March 2025
202500447974	First Minister	Governance of Public Regulated Due Processes, for the Scottish People? Case Ref No: 202400443365.	31 March 2025
202500465517	Director of Operational Delivery (Scottish Forestry)	East Nethershield Woodland Creation	09 May 2025
202500465792	First Minister	Governance of Public Regulated Due Processes, for the Scottish People? Case Ref No: 202400443365	12 May 2025
202500466665	Cabinet Secretary for Rural Affairs, Land Reform & Islands	East Nethershield Woodland Proposal and Grant Application	13 May 2025

Scottish Forestry is the Scottish Government agency responsible for forestry policy, support and regulation



Is e Coilltearachd na h-Alba a' bhuidheann-ghnìomha aig Riaghaltas na h-Alba a tha an urra ri poileasaidh, taic agus riaghladh do choilltearachd

202500475250	Cabinet Secretary for Rural Affairs, Land Reform & Islands	East Nethersfield Woodland Proposal and Grant Application	30 June 2025
202500474103	First Minister	Governance of Public Regulated Due Processes, for the Scottish People? Case Ref No: 202400443365	30 June 2025
202500475251	Scottish Forestry Enquiries, Cabinet Secretary for Rural Affairs, Land Reform & Islands, Director of Operational Delivery (Scottish Forestry)	East Nethersfields Woodland - Non Compliant Issues	09 July 2025
202500476034	Scottish Forestry Enquiries, Cabinet Secretary for Rural Affairs, Land Reform & Islands, Director of Operational Delivery (Scottish Forestry)	East Nethersfield Woodland Creation	14 July 2025
202500477626	Cabinet Secretary for Rural Affairs, Land Reform & Islands	East Nethersfields	25 July 2025

I hope the above table will enable you to identify each correspondence I will refer to in this letter and I will attempt to respond to all points that I have not already addressed in previous communications to you. We are also aware that you have raised a complaint with South Lanarshire Council on 22 July 2025 regarding noise from strimming around newly planted trees in the vicinity of Burn Farm. South Lanarkshire Council subsequently reached out to Scottish Forestry for a response. I can confirm that Scottish Forestry provided South Lanarkshire Council with our position on the issues raised and I refer you to South Lanarkshire Council should you wish to discuss this further.

Before I address the points raised in your multiple communications, please be advised that responses to Ministers and Cabinet Secretaries within the Scottish Government often require input from civil servants across relevant policy and operational areas in order to provide a thorough and informed reply. As such, these responses can take some time to consider and it is common government practice for the Offices of Ministers of Scottish Government to ask civil servants to reply on their behalf. As such, Scottish Forestry have been asked to address the correspondence sent by you for Ministers as detailed above as the lead on such matters within Scottish Government.

I would like to note, however, that the submission of multiple emails within a short period of time can inadvertently slow down our ability to respond effectively. Each piece of correspondence must be carefully reviewed to ensure all points raised are addressed accurately and respectfully. When many requests are submitted in quick succession, it places added pressure on our ability to respond with the diligence and attention that every enquiry deserves. Please understand that our ability to respond to such a large volume of emails is limited and we are in a much better position to respond if you provide us with sufficient time to do so.

We are committed to providing considered responses and appreciate your understanding as we work to do so. That said, I would like to reiterate what I have stated in previous correspondence.

I, again, wish to state that I understand that you have very strong views about how this case has been handled and in particular about aspects of Scottish Forestry's role. However, I have reached the conclusion that your extensive and repeated correspondence on this case has breached Scottish Government's [Unacceptable actions policy](#). In particular, you have made statements that constitute abusive behaviour, made unreasonable demands and been unreasonably persistent. I therefore ask you to stop contacting Scottish Forestry and Scottish Ministers in relation to the handling of this case. If you continue to contact Scottish Forestry or Scottish Ministers in the above manner, we will no longer correspond or engage with you on matters relating to the East Nethershields woodland creation application process and may take action to limit wider contact. Examples of further action that may be necessary should you continue to contact Scottish Forestry and Scottish Ministers in relation to this case can include;

- terminating all contact (subject to necessary limitations)
- terminating communication by specified channels only (eg refusing to take telephone calls from an individual)
- refusing to accept communication on a specified subject only
- requiring the individual to communicate only through a third party

Despite advising you that we have taken the decision to longer correspond or engage with you on matters relating to the East Nethershields woodland creation, you have continued to contact Scottish Forestry and Scottish Ministers.

Having stated the above, you have raised issues that were not present in earlier communications to us and Scottish Ministers and I will endeavour, in this response, to respond to them. Please understand, however, that my aim is not to respond to points that have already been addressed in previous correspondence.

#### **Case 202500450345**

You have raised concerns about a failure of Scottish Forestry senior management to meet with the community. Scottish Forestry senior managers do not routinely get involved with the handling of woodland creation applications, particularly during the development phase led by the forestry agent. Under Scottish Forestry's procedures senior national managers don't have a direct role in regulatory decision making processes. These are handled locally by the conservancy teams and case officers. It would therefore be be irregular and very unusual for senior managers to meet with a stakeholder in order to discuss a particular application or regulatory decision.

If you aren't satisfied with how your correspondence has been handled then you have the option to submit a complaint. I will provide detailed information relating to our complaints policy at the end of this letter. Scottish Forestry is not prepared to enter into an ongoing dialogue on these matters.

#### **Case 202500460158**

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As stated earlier in this letter, and in previous responses to you, submission of multiple emails within a short period of time can inadvertently slow down our ability to respond effectively. We strive to respond, where appropriate, as soon as is possible but I must again ask that you try to moderate the volume and frequency of correspondence that you send Scottish Ministers and Scottish Forestry as this will ultimately cause delays in responding.

After careful review of this correspondence, it is my position that Scottish Forestry have addressed other points you have raised in our letter dated 23 January 2025. I have attached that letter for your convenience.

If you aren't satisfied with how your correspondence has been handled then you have the option to submit a complaint.

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That said, I would like to remind you that Cabinet Secretary did meet with you in 05 September 2023 where Cabinet Secretary confirmed that Scottish Forestry would ensure that any application received careful and thorough assessment, including checking that the concerns raised by the community had been properly taken into account and that the woodland creation process, including community engagement, was being properly followed. I would like to reiterate Cabinet Secretary words and say that, having reviewed all available data, it is my firm belief that Scottish Forestry have met their obligations to ensure a thorough and considered assessment was completed.

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You also stated that;

*These concerns are only increasing, with both the receipt of the recent letters from Scottish Forestry, the lack of clarity and response on the content of these letters, and now also (since 20th November 2024) the non-response and action on the Material Evidence of non-compliance with the Woodland Proposals, as the work has progressed since the commencement in October 2024. This includes the unauthorized formation of new access, which is the only reason a large part of the woodland has been able to be formed over the period since, a period of 2 months and continuing, but this access was continually denied by the Agent over the previous 2 years. This conduct must not be tolerated in Public Regulated Due Processes, as it is clearly known decisions by the Agent to exclude the required Planning Regulations requirements.*

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**(INSERT TEXT ONCE RECEIVED)**

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If you aren't satisfied with how your correspondence has been handled then you have the option to submit a complaint.

### **Case 202500477626**

Although you have not stated this directly to Scottish Forestry, I understand that you have experienced what you have described as noise nuisance in the area that has been caused by strimming. This understanding comes from the request for information we received from South Lanarkshire Council who I understand are investigating a noise complaint.

Scottish Forestry's role as regulator focuses on the sustainable management of Scotland's forests and woodlands. This includes oversight of felling permissions, administration of grant schemes, and ensuring compliance with the UK Forestry Standard. We do not have a statutory role in regulating environmental noise. While forestry operations are not automatically exempt from noise legislation, routine activities such as weeding or thinning are generally considered reasonable land management practices when carried out responsibly and some constraints such as time sensitivity, weather dependences, ecological constraints may be a factor in the timing of operations.

Although there is no statutory guidance specific to noise in forestry, the following documents promote good practice in operational planning and neighbour relations:

- [UK Forestry Standard \(UKFS\)](#) – the reference standard for sustainable forest management in the UK, which encourages good neighbour principles and operational planning.
- [FISA Safety Guides](#) – particularly FISA 806 (Welfare) and FISA 808 (CDM in Forestry), which support responsible site management and planning.
- [Forest Research guidance on occupational noise hazards](#) – focused on worker safety, though not environmental noise.

It is not in Scottish Forestry's remit to respond to the specific concerns you have raised in relation to noise complaints but I encourage you to continue to work with South Lanarkshire Council as I understand, from the interest they have taken in your complaint to them, that this may be within their remit and should be for South Lanarkshire Council to respond to. As previously stated, we have provided a response to South Lanarkshire Council and I expect that, if they have not already, they will be in contact with you in due course.

You have also asked to again meet with Scottish Ministers about this decision. I believe I have provided a thorough response to this request.

You have also asked for a copy of an Operational Plan for East Nethershields woodland creation. I have considered that this request is a request under Environmental Information (Scotland) Regulations 2004. I have asked my colleagues to log the required EIR request case and respond to you within 20 working days.

You have also asked to again meet with Scottish Ministers about this decision. I believe I have provided a thorough response to this request.

### **Complaint Policy**

As I stated previously, I would like to take an opportunity to provide you with information on our complaints policy. Scottish Forestry operates a Model Complaints Handling Procedure that you can read more about [here](#). I understand that you have previously stated that you would not like to have your concerns handled as complaints however I want to highlight what Scottish Forestry considers to be a complaint. A complaint is any expression of dissatisfaction about our action or lack of action, or about the standard of service provided by us or on our behalf.

Although we may disagree about many of the points you have raised, I hope we can agree that much of what you have said would fall under the above definition of a complaint. In fact, due to the large number of concerns you have raised, I would be comfortable in advising that, were you to let us treat matters raised as an official complaint, it would likely have to be considered as a stage 2 complaint.

Were we to address this matter as a stage 2 complaint, we would, in the course of investigating, invite you to have a telephone conversation to discuss your complaint with you to understand why you remain dissatisfied and what outcome you are looking for. We would appoint a complaint manager to have this conversation with you, investigate all concerns raised and issue a response within stated timeframes. Whilst I cannot say for certain, I would suspect that any complaint manager appointed would be a senior civil servant within Scottish Forestry due to the complex nature of concerns raised.

If you remained unsatisfied with any potential outcome of this complaint, you would have the right to appeal to Scottish Public Services Ombudsman (SPSO). The SPSO is the final stage for complaints about public service organisations in Scotland.

Should you wish to have your concerns addressed through our Model Complaints Handling Procedure, please contact us through our Executive Office email.

However, should you not wish to have concerns addressed through a complaints mechanism, please appreciate that this letter will serve as a final response to the issues you have raised to us. If you continue to contact Scottish Forestry or Scottish Ministers in relation to East Nethershields woodland creation and that contact is not related to a complaint you would like to submit, we will no longer correspond or engage with you.

Once again, I would like to apologise for the unavoidable delays in issuing this reply but I hope it will be received with the understanding that we have addressed concerns raised.

Yours sincerely

[Redacted signature]

[Redacted name]

Director of Operational Delivery  
Scottish Forestry

**From:** [REDACTED]  
**To:** [Scottish Forestry Executive Office](#); [Scottish Forestry Conservancy, Central Scotland](#)  
**Cc:** [REDACTED]  
**Subject:** RE: Complaint Re noise in the vicinity of BURN FARM, BURN HIGHWAY, HAMILTON, SOUTH LANARKSHIRE, ML3 7XP  
**Date:** 31 July 2025 08:31:01  
**Attachments:** [RE Complaint Re noise in the vicinity of BURN FARM BURN HIGHWAY HAMILTON SOUTH LANARKSHIRE ML3 7XP.msg](#)  
[image001.jpg](#)  
[image002.png](#)  
[RE Complaint Re noise in the vicinity of BURN FARM BURN HIGHWAY HAMILTON SOUTH LANARKSHIRE ML3 7XP.msg](#)

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Morning [REDACTED]

Please find attached a copy of the response sent to [REDACTED] at the South Lanarkshire Council.

I followed up with a copy of the Operational Plan at his request.

Kind regards,

[REDACTED]

---

**From:** [REDACTED]@forestry.gov.scot> **On Behalf Of** Scottish Forestry Executive Office  
**Sent:** 31 July 2025 08:22  
**To:** [REDACTED]@forestry.gov.scot>; Scottish Forestry Executive Office <sfexecoffice@forestry.gov.scot>; Scottish Forestry Conservancy, Central Scotland <centralscotland.cons@forestry.gov.scot>  
**Cc:** [REDACTED]@forestry.gov.scot>  
**Subject:** RE: Complaint Re noise in the vicinity of BURN FARM, BURN HIGHWAY, HAMILTON, SOUTH LANARKSHIRE, ML3 7XP

Hi [REDACTED]

Could you send a copy of that response if possible?

Thanks

[REDACTED]

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**From:** [REDACTED]@forestry.gov.scot>  
**Sent:** 30 July 2025 14:52  
**To:** Scottish Forestry Executive Office <sfexecoffice@forestry.gov.scot>; Scottish Forestry Conservancy, Central Scotland <centralscotland.cons@forestry.gov.scot>  
**Cc:** [REDACTED]@forestry.gov.scot>  
**Subject:** RE: Complaint Re noise in the vicinity of BURN FARM, BURN HIGHWAY, HAMILTON, SOUTH LANARKSHIRE, ML3 7XP

Good afternoon [REDACTED],

I can confirm this was responded to on Tuesday the 22<sup>nd</sup> of July, by myself.

Many thanks,

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**From:** [REDACTED] <[REDACTED]@forestry.gov.scot> **On Behalf Of** Scottish Forestry Executive Office  
**Sent:** 30 July 2025 14:47  
**To:** Scottish Forestry Executive Office <sfexecoffice@forestry.gov.scot>; Scottish Forestry Conservancy, Central Scotland <centralscotland.cons@forestry.gov.scot>  
**Cc:** [REDACTED] <[REDACTED]@forestry.gov.scot>; [REDACTED] <[REDACTED]@forestry.gov.scot>  
**Subject:** RE: Complaint Re noise in the vicinity of BURN FARM, BURN HIGHWAY, HAMILTON, SOUTH LANARKSHIRE, ML3 7XP

Hi all,

Can I check if anyone has responded to the council in relation to the noise complaint raised?

Thanks

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**From:** [REDACTED] <[REDACTED]@forestry.gov.scot> **On Behalf Of** Scottish Forestry Executive Office  
**Sent:** 17 July 2025 11:35  
**To:** Scottish Forestry Conservancy, Central Scotland <centralscotland.cons@forestry.gov.scot>  
**Cc:** [REDACTED] <[REDACTED]@forestry.gov.scot>; [REDACTED] <[REDACTED]@forestry.gov.scot>; Scottish Forestry Executive Office <sfexecoffice@forestry.gov.scot>  
**Subject:** FW: Complaint Re noise in the vicinity of BURN FARM, BURN HIGHWAY, HAMILTON, SOUTH LANARKSHIRE, ML3 7XP

Morning

Please see noted below complaint raised on behalf of [REDACTED].

I would be grateful if you can respond to the local council.

Thanks

Kind regards

[REDACTED]  
Executive Office Assistant  
Scottish Forestry  
Saughton House | Broomhouse Drive | Edinburgh | EH11 3XD  
Email: [REDACTED]@forestry.gov.scot

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**From:** [REDACTED]@southlanarkshire.gov.uk>

**Sent:** 17 July 2025 09:55

**To:** Scottish Forestry Enquiries <[Scottish.Forestry@forestry.gov.scot](mailto:Scottish.Forestry@forestry.gov.scot)>

**Subject:** Complaint Re noise in the vicinity of BURN FARM, BURN HIGHWAY, HAMILTON, SOUTH LANARKSHIRE, ML3 7XP

**Importance:** High

Hi,

This service is in receipt of a complaint about noise from strimming around newly planted trees in the vicinity of BURN FARM, BURN HIGHWAY, HAMILTON, SOUTH LANARKSHIRE, ML3 7XP. The complaint is from [REDACTED] who lives at Burn Farm and I believe that you may be familiar with this individual and situation.

The nature of the complaint is that trees have been planted on land surrounding him as part of a government scheme to encourage tree planting on agricultural land and he alleges that he is subject to noise from strimming grass around these trees on a 'an almost daily basis' and this is occurring 'before 06.50 in the morning'.

[REDACTED] has asked this service to investigate this as a Statutory Nuisance in terms of Section 79 of the Environmental Protection Act 1990.

I am looking for any information that Scottish Forestry have on these activities that would be relevant to my investigation. Specifically is there any management plan for this new woodland, if so, is there anything relevant to noise therein. Is Scottish Forestry as regulator, aware of any possible exemptions from statutory (noise) nuisance for such forestry activities. Are there any relevant codes of practice or guidance I should be aware of. Has [REDACTED] previously raised the issue of noise with Scottish Forestry? Is there any other relevant information you think I should be aware of?

I am happy to discuss on the phone number below if that is easier.

Thanks for any help you can provide on this matter.

Kind Regards,

[REDACTED]  
Environmental Health Officer  
Community and Enterprise Resources  
Planning & Regulatory Services  
Brandon Gate  
1 Leechlee Road  
Hamilton  
ML3 6AU  
Telephone: [REDACTED]  
Email: [REDACTED]@southlanarkshire.gov.uk  
Council website [www.southlanarkshire.gov.uk](http://www.southlanarkshire.gov.uk)



More information about Contact Scotland BSL can be found at their website <https://contactscotland-bsl.org/>

South Lanarkshire Council Disclaimer

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