

From: [Grant Stuart](#)
To: [Laura Stewart - Planning](#)
Cc: [Epc](#)
Subject: Consultation response - Pumped Hydro scheme South of Dores - 18/05427/S36
Date: 05 December 2018 16:59:30
Attachments: [AIA snip.JPG](#)
[BS snip.JPG](#)

Laura

I have not had a chance to visit this site just yet, having only recently received the consultation, but I thought I better point out that in Volume 5 - Appendix 12.1 - Arboricultural Impact Assessment, there is reference to surveying trees to the British Standard that are over 300mm diameter (please see AIA snip). This is not correct. The British Standard requires that trees over 75mm are surveyed, but in woodland the threshold is 150mm (please see BS snip).

As a consequence of this error, the applicant has not provided the Arboricultural Impact Assessment and Tree Protection Plans which were requested in the Scoping Response (see section 12.7.1 of the Tree Survey Report).

For the avoidance of doubt, both AIA and TPP will still be required.

Regards
Grant

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1. Introduction

This Technical Note is to justify and clarify the methodology used in the preparation of the BS5837:2012 Tree Survey carried out for the Red John Pumped Storage Hydro Scheme, specifically in relation to Section 4 of the Standard "Feasibility: surveys and preliminary constraints."

The Foreword of the Standard contains the following statement:

This British Standard takes the form of guidance and recommendations. It should not be quoted as if it were a specification and particular care should be taken to ensure that claims of compliance are not misleading. Any user claiming compliance with this British Standard is expected to be able to justify any course of action that deviates from its recommendations. It has been assumed in the preparation of this British Standard that the execution of its provisions is entrusted to appropriately qualified and experienced people, for whose use it has been produced.

The surveyor who carried out the survey is an appropriately qualified and experienced professional; is a Chartered Landscape Architect, Chartered Environmentalist, Chartered Horticulturist and Professional Member of the Arboricultural Association. He has extensive experience of working with and alongside local authority Planning Development Departments, preparing a range of large scale landscape projects adjacent to woodlands and / or part of former country estates. Work of this nature requires a working knowledge of relevant planning legislation, experience of preserving trees on development sites through BS5837:2012 Trees in Relation to Design, demolition and construction - Recommendations and having qualifications in Arboriculture and Professional Tree Inspection.

2. Methodology

The survey set out to identify significant trees that contributed the most to the landscape that could be affected by the development and, where possible, to be retained to ensure the visual fabric of the area, as well as the habitat that large mature and veteran trees support, was preserved.

The Standard Clause 4.2.4 - sections a & b states:

4.2.4 The survey should record

- a) spot levels at the base of trees and throughout the site at an interval appropriate to meet design requirements, recorded as a grid and interpolated as contours, ensuring that any abrupt changes, embankments, ditch inverts and retaining features are recorded;
- b) the position of all trees within the site with a stem diameter of 75 mm or more (see Note below), measured at 1.5 m above highest adjacent ground level;

NOTE In the case of woodlands or substantial tree groups, only individual trees with stem diameters greater than 150 mm usually need be plotted.

At the time of survey the above parameters were considered to be a preliminary constraint in terms of the time required to gather survey information would be prohibitively expensive; the efficacy of such survey information gathered would be repetitive and unreliable; along with the practicalities associated with the recording of reliable GPS information in such dense woodland. There were also considerations regarding access and health and safety issues.

Therefore, it was determined at the time of survey to amend the scope to trees with a diameter of $\geq 300\text{mm}$ at 1.5m above ground level, along with applying a Category U (under the Standard Table 1: Cascade chart for tree quality) to trees below 300mm, based on density and overall poor condition.



The image shows dense successional, coppiced and emergent *Betula pubescens* woodland, all trees are approximately $<150\text{mm}$ and, at the time of survey, considered Category U: Trees unsuitable for retention. Horticulturally, it is not considered viable that trees of such size and structure as shown in the image could be transplanted and moved to other areas of a development, should there be a requirement to maintain woodland cover or retain these trees.

With reference to the Standard Section 4.4 Tree Survey, specifically 4.4.1.1

4.4.1.1 A tree survey should be undertaken by an arboriculturist to record information about the trees on or adjacent to a site. The results of the tree survey, including material constraints arising from existing trees that merit retention, should be used (along with any other relevant baseline data) to inform feasibility studies and design options. For this reason, the tree survey should be completed and made available to designers prior to and/or independently of any specific proposals for development.

It was considered the trees within the affected Areas A and B as described in Technical Appendix 10.1 did not merit retention.

The Standard goes on to further state in Section 4.4.2.3:

4.4.2.3 Trees growing as groups or woodland should be identified and assessed as such where the arboriculturist determines that this is appropriate. However, an assessment of individuals within any group should still be undertaken if there is a need

to differentiate between them, e.g. in order to highlight significant variation in attributes (including physiological or structural condition).

NOTE The term "group" is intended to identify trees that form cohesive arboricultural features either aerodynamically (e.g. trees that provide companion shelter), visually (e.g. avenues or screens) or culturally, including for biodiversity (e.g. parkland or wood pasture), in respect of each of the three subcategories (see 4.5).

The woodland groups contained no individual trees that required differentiation, and at the time of survey were all considered as Category U, as discussed above.

3. Conclusion

In conclusion the size and condition, along with density and individual tree values identified the woodland areas as Category U. The woodland would continue to predominate at the same levels that exist. The soil substrate will contain extensive and viable seed base to ensure recolonisation and perpetuation of the woodland type.

The BS5837:2012 survey observations made at each area were reported in EIA Report Technical Appendix 10.1 with reference only to significant trees that would be affected by the proposed development.

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Laura

Within the red-line of the application there is a range of commercial conifer plantations with a wide age class range and species composition mainly on the east side of the B862, Dores to Erroglie road. To the west of the B862 is predominantly native broadleaf woodland with some smaller areas of commercial plantation. Woodland currently covers a significant proportion of the site (58.7% according to Table 12.2 in the EIA) . It should be noted that some of the native woodland is becoming over-mature/ moribund with a predominance of birch and an apparent lack of climax species such as oak and ash. These woodlands would benefit from positive management. The commercial conifer stands would appear to have variable yield class, with areas of failure, check and windthrow. It is also noted from the Opportunities and Constraints drawing (Fig 12.4) that there are areas of deep peat which will be restricting growth.

Policy and Designations

Most of the existing woodland to the east side of the B862 is listed on the Ancient Woodland Inventory as Long established plantation origin woodland (LEPO1860). This is a feature of local/regional importance in policy 57 of the Highland wide Local Development Plan where it is noted that Highland Council 'will allow developments if it can be satisfactorily demonstrated that they will not have an unacceptable impact on the natural environment, amenity and heritage resource'.

The majority of existing native woodland is listed on the Ancient Woodland Inventory as Ancient semi-natural origin woodland (ASNO1860 and ASNO1750). These are listed as features of national importance in policy 57 of the Highland wide Local Development Plan where it is noted that Highland Council 'will allow developments that can be shown not to compromise the natural environment, amenity and heritage resource'. Where there may be any significant adverse effects, these must be clearly outweighed by social or economic benefits of national importance'.

Policy 51 (Trees and Development) of the Highland wide Local Development Plan (HwLDP) states that 'The Council will support development which promotes significant protection to existing hedges, trees and woodlands on and around development sites. The acceptable developable area of a site is influenced by tree impact, and adequate separation distances will be required between established trees and any new development. Where appropriate a woodland management plan will be required to secure management of an existing resource.'

Policy 52 (Principle of Development in Woodland) of the HwLDP states that 'The applicant is expected to demonstrate the need to develop a wooded site and to show that the site has capacity to accommodate the development. The Council will maintain a strong presumption in favour of protecting woodland resources. Development proposals will only be supported where they offer clear and significant public benefit. Where this involves woodland removal, compensatory planting will usually be required.'

The amount of woodland loss that would be necessary to develop the site would be greater than 0.1ha so the Scottish Government's Control of Woodland Removal policy will apply. Section 218 of Scottish Planning Policy (June 2014) states that 'The Scottish Government's Control of Woodland Removal Policy includes a presumption in favour of protecting woodland. Removal should only be permitted where it would achieve significant and clearly defined additional public benefits. Where woodland is removed in association with development, developers will generally be expected to provide compensatory planting.' If the proposals were to offer public benefit in economic, social or environmental terms then an equivalent area of equal or better quality woodland would need to be planted elsewhere. The applicant would therefore need to consider and submit the following details in support of an application - what significant and clearly defined additional public benefits would be associated with the proposals; what area of tree cover would realistically need to be removed in order to accommodate all of the proposals and how the area of woodland proposed to be removed could be adequately compensated for with an area of equivalent size and quality of woodland.

Development Proposals

The applicant has provided a Tree Survey Report (Appendix 12.1) by James Anderson of DGA Forestry and a follow up 'Technical Note' in response to my early email expressing concern over the standard of the tree survey that had been carried out. Tree Survey Report claims to 'satisfy the requirements of the planning process by presenting a BS:5837(2012) tree survey'. This report however does not follow the British Standard. It starts by proposing to only survey trees 'considered to have a significant landscape and amenity value' and with stem diameter of more than 300mm (which is not specified in the BS). It also proposes to exclude all trees within 'woodlands and plantations', when these should really have been treated as groups. The Technical Note proposed that all trees with stem diameter less than 300mm would be regarded as category 'U', but this approach is not what is set out in the British Standard.

The Tree Survey Report gives lengthy methodology before scant detail is provided on the two survey areas (A and B) before disappointingly confirming that 'No survey data was therefore recorded'.

The Tree Survey Report then states that because no trees were surveyed then an Arboricultural Impact Assessment (AIA) and Tree Protection Plan (TPP) were not required. This is disappointing and misleading. The impact of the proposals has been identified in the Forestry section in terms of hectares of woodland that would need to be felled, but we still have no tree protection proposals for the retained woodland. This will still be required, but could be required by condition.

The applicant has provided a Forestry section within the EIA report (Volume 2, Chapter 12), which is most welcome, as it recognises SPP and Control of Woodland Removal policy. In section 12.2.16 however it misidentifies the Trees, Woodlands and Development Supplementary Guidance (2013 and updated 2016) as being supplementary to the Forest and Woodland Strategy (2006). The Supplementary Guidance has a far wider role as it relates to all development proposals, not just those within forestry.

In section 12.2.19 of the report there is an extract from the Supplementary Guidance section 3.2 (Developments Designed to Co-Exist with Existing Woodland) which states 'Certain woodlands can be adapted through careful management to accommodate an appropriate level of

development'. However the following line from the SG is not stated – 'This may consist of a 'cluster' of buildings within a suitable clearing, or lower density buildings 'dispersed' throughout the woodland'. The development proposals are not within a 'suitable clearing' or 'dispersed throughout the woodland' but instead would require wholesale woodland removal. I would therefore regard the proposals to be at the expense of woodland, so section 3.1 (Developments Involving Removal of Woodland) of the Supplementary Guidance is more pertinent. It would appear from the proposals that woodland loss is unavoidable, so as a consequence proactive woodland management of retained woodland; detailed restocking plans and detailed compensatory planting plans will be required.

The applicant has identified the need to prepare a Development Forest Plan and also sets out the principles of the Plan, which are principally felling and restocking. There are some details on the proposed restocking which is most welcome, but further details will be required in terms of timing of restock, ground preparation proposals, tree protection measures and ongoing maintenance in a detailed Plan, but this could be required by condition.

The Restocking Plan section 12.5.10 assumes the reinstatement and restocking of temporary infrastructure. This will need to be confirmed as it could have a bearing on the amount of compensatory planting required.

The proposals would require the felling of 161.7ha of woodland to facilitate development and a further 10.7ha to be felled for landscaping purposes. Of this, 8.7ha of ancient semi-natural woodland is to be felled for construction and 134.7ha of long established plantation origin woodland is to be felled. This is clearly a significant impact on existing woodland and so the applicant will need to demonstrate that they would provide adequate restocking and compensatory planting to offset the woodland loss. Table 12.6 shows that there is currently 391.6ha of open ground and after implementation of the Development Restocking Plan there would be 403.7ha of open ground. This amounts to a total loss of woodland cover of 12.1ha and this is confirmed in section 12.7.22. The applicant will therefore need to identify an additional 12.1ha of compensatory planting and it is confirmed in section 12.8 that off-site compensatory planting is to be agreed with FCS. This will need to be required as a condition of consent.

Conclusion

While the Tree Survey Report is disappointing, the Forestry section of the EIA does at least give some comfort that the applicant intends to carry out restocking and compensatory planting both on and off-site to compensate for the extensive woodland area that would need to be felled. I am also encouraged to note that FCS are to be involved in the planning and implementation of the restock and compensatory planting. I would not object to the application providing the following conditions are attached to any consent: -

1. Prior to any site excavation or groundworks, a Tree Protection Plan to be submitted to and subsequently approved in writing by the planning authority, in accordance with BS5837:2012 (Trees in Relation to Design, Demolition and Construction). All retained trees are to be protected against construction damage using protective barriers located beyond the Root Protection Area. Barriers are to remain in place throughout the construction period and must not be moved or removed without the prior written approval of the Planning Authority.
Reason: To ensure the protection of retained trees during construction and thereafter.

2. No development shall commence until a Forest Plan and maintenance programme has been submitted to and approved by the planning authority. The Forest Plan shall follow the principles set out in the Forestry section of the EIA and shall include woodland management of the existing native broadleaf woodlands and confirmation of the timing of restock planting. The Plan shall be implemented in full during the first planting season following commencement of development or as otherwise agreed in writing by the planning authority.

Reason: In the interests of amenity.

3. No development shall commence until a detailed scheme of Compensatory Planting (including future maintenance) has been submitted and approved in writing by the planning authority. All planting shall be implemented in full no later than 1st April 2020 or prior to first commissioning of the hydro scheme (which ever is first), or as otherwise agreed with the planning authority. The planting shall be maintained thereafter in accordance with the approved scheme, until established to the full satisfaction of the planning authority.

Reason: To protect Scotland's woodland resource, in accordance with the Scottish Government's policy on the Control of Woodland Removal.

Regards

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