



Scottish
Forestry
Coilltearachd
na h-Alba

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Chief Executive: Paul Lowe

Nick Kempe
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Our ref: 2023/00390478

22 February 2024

Dear Mr Kempe,

REQUEST UNDER THE ENVIRONMENTAL INFORMATION (SCOTLAND) REGULATIONS 2004 (EIRs)

Thank you for your information request dated December 15 2023 and your subsequent clarification of that request.

Your request

I am writing to request information the Scottish Forestry holds about Brewdog's Phase 1 planting of the Lost Forest which has resulted in the death of many of the trees planted <https://parkwatchscotland.co.uk/2023/11/11/brewdogs-lost-forest-at-kinrara-a-long-way-from-net-zero/>

- 1) Please provide me with all correspondence to and from BrewDog and their agents in relation to the above contract and the work that has taken place on the Lost Forest in 2023
- 2) Please provide me with any information Scottish Forestry holds on how many of the trees planted this year have taken and how many died
- 3) Please provide with information Scottish Forestry holds about how much of the money due to BrewDog this year for Phase 1 of the Lost Forest has been paid, whether any has been withhold or is being clawed back and the reasons for that

Regarding question 1, you subsequently clarified that your request should be taken to refer to only correspondence relating to the work that has taken place on the Lost Forest in 2023 under the contract.

As the information you have requested is 'environmental information' for the purposes of the Environmental Information (Scotland) Regulations 2004 (EIRs), we are required to deal with your



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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

BRAVE values and behaviours are the roots that underpin our work.



request under those Regulations. We are applying the exemption at section 39(2) of the Freedom of Information (Scotland) Act 2002 (FOISA), so that we do not also have to deal with your request under FOISA.

This exemption is subject to the 'public interest test'. Therefore, taking account of all the circumstances of this case, we have considered if the public interest in disclosing the information outweighs the public interest in applying the exemption. We have found that, on balance, the public interest lies in favour of upholding the exemption, because there is no public interest in dealing with the same request under two different regimes. This is essentially a technical point and has no material effect on the outcome of your request.

Response to your request

1) Please provide me with all correspondence to and from BrewDog and their agents in relation to the above contract and the work that has taken place on the Lost Forest in 2023

This information will be emailed separately to you due to the size of the documents. While our aim is to provide information whenever possible, in this instance we are unable to provide some of the information you have requested because an exception under regulation 11(2) (Personal data relating to third party) of the EIRs applies to some of the information you have requested. This information has been redacted in the supplied documentation.

2) Please provide me with any information Scottish Forestry holds on how many of the trees planted this year have taken and how many died.

The planting work in Lost forest Phase 1 was completed in 2022. The Forestry Grant Scheme application and subsequent claims are based on areas of the forest under each of the different grant option which carry a minimum stocking density requirement rather than on tree numbers. The table below shows the option and the minimum stocking requirement and the area covered by the different species. The last column is the expected minimum tree numbers that would be expected at full establishment, which is generally expected 5 years after planting. The grant contract is 20 years.

Species/option	Stocking density	Area (ha)	Derived Minimum expected tree numbers
Scots Pine	1600	115.57	184912
Birch	1600	141.98	227168
Native broadleaves (Oak)	1600	28.1	44960
Birch – low density	500	5.96	2980
Designed open ground		23.77	

Scottish Forestry has not carried out a full site survey nor received information from the applicant on their stocking density assessment. However, a number of SF staff did a site inspection on 7th September 2023. They noted that the fence and species boundaries were as per the agreed grant contract.

- For the pine, they noted the initial planting density of 1600/ha was achieved but there was high mortality of trees across the site with an initial estimate of 50 to 56%.
- For the birch, they noted an estimated planting density of 1700 and did not comment on mortality of this species within the inspection report.
- Within the native broadleaved option area they noted very high mortality of around 95% at the inspection.

The inspection also noted that there was some evidence of deer inside the deer fence with evidence of browsing.

The level of loss here is higher than normal which may be down to climatic factors after planting. The agent/owner will be required to replant the failed sections as a condition of the FGS contract to ensure that it is a fully stocked woodland at establishment.

3) Please provide with information Scottish Forestry holds about how much of the money due to BrewDog this year for Phase 1 of the Lost Forest has been paid, whether any has been withheld or is being clawed back and the reasons for that

To date the applicant has claimed for the fencing elements and also for the initial planting phase. This equates to £690986.90.

Scottish Forestry have not withheld payment for work completed nor is the agency currently in the process of reclaiming any grant money.

However, if the landowner/agent fails to achieve the minimum stocking density of live growing trees at establishment, or they fail to adequately protect and maintain the woodland throughout the life of the 20 year FGS grant contract, Scottish Forestry could reclaim grant funding from the applicant.

Your right to request a review

If you are unhappy with this response to your FOI request, you may ask us to carry out an internal review of the response, by writing to Scottish.Forestry@forestry.gov.scot or by post at Scottish Forestry, Saughton House, Broomhouse Drive, Edinburgh, EH11 3XD.

Your review request should explain why you are dissatisfied with this response, and should be made within 40 working days from the date when you received this letter. We will complete the review and tell you the result, within 20 working days from the date when we receive your review request.

If you are not satisfied with the result of the review, you then have the right to appeal to the Scottish Information Commissioner. More detailed information on your appeal rights is available on the Commissioner's website at:

<http://www.itspublicknowledge.info/YourRights/Unhappywiththeresponse/AppealingtoCommissioner.aspx>

Yours sincerely

Rona Crawley
Executive Office Assistant