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Chief Executive: Paul Lowe

Nick Kempe  
[nickkempe1@gmail.com](mailto:nickkempe1@gmail.com)

Our ref: 2024/00390478

19 March 2024

Dear Mr Kempe

## **REQUEST FOR REVIEW OF ORIGINAL RESPONSE TO REQUEST UNDER THE ENVIRONMENTAL INFORMATION (SCOTLAND) REGULATIONS 2004 (EIRs)**

Thank you for your email of 24 February 2024 requesting a review of our response to your request for correspondence relating to the work that has taken place on the Lost Forest in 2023.

### Your request

I had asked:

- 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

In the email exchange about the seed source of the trees the one on 4th October refers to SF accepting the seeds used in zones 105 and 106 would be suitable on the basis of an email exchange "earlier in the year". That was not included in the response. It may of course be the case that the respondent got the year wrong and that correspondence was in 2022. If so, I hope you would still supply that but if not would like to make a new FOI for "all correspondence to and from BrewDog and their agents in relation to the Lost Forest contract and the work that has taken place in 2022.

- 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

While you have provided me with a summary of the information about the number of Scots Pine and mixed broadleaf that have died, which is very helpful, the source of that information is not provided. The staff concerned must have some evidence to back up those figures and I believe that would come within the terms of my request. I am also unclear as to why staff would have estimated survival rates among mixed broadleaf and Scots Pine but not birch which comprise almost half the site and believe that information about that falls within the terms of my FOI. However, if not, I would like to make a new request for all information Scottish Forestry holds about the areas planted with birch and

the reasons why staff did not come up with an estimate of the survival rate of trees planted in those areas.

I have now completed my review of our response to your request under the Environmental Information (Scotland) Regulations 2004 (EIRs).

I have concluded that the original response should be modified to release additional information as follows.

### Response to your review request

I had asked:

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

In the email exchange about the seed source of the trees the one on 4th October [2023] refers to SF accepting the seeds used in zones 105 and 106 would be suitable on the basis of an email exchange "earlier in the year". That was not included in the response. It may of course be the case that the respondent got the year wrong and that correspondence was in 2022. If so, I hope you would still supply that but if not would like to make a new FOI for "all correspondence to and from BrewDog and their agents in relation to the Lost Forest contract and the work that has taken place in 2022.

On review I have confirmed that the email exchange to which you refer was included in our release under the file name "2023\_02\_07\_Seed Zones email exchange\_Redacted". I have reattached a copy to this response.

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

While you have provided me with a summary of the information about the number of Scots Pine and mixed broadleaf that have died, which is very helpful, the source of that information is not provided. The staff concerned must have some evidence to back up those figures and I believe that would come within the terms of my request. I am also unclear as to why staff would have estimated survival rates among mixed broadleaf and Scots Pine but not birch which comprise almost half the site and believe that information about that falls within the terms of my FOI. However, if not, I would like to make a new request for all information Scottish Forestry holds about the areas planted with birch and the reasons why staff did not come up with an estimate of the survival rate of trees planted in those areas.

In our previous release we provided the summary inspection report following our inspection of Lost forest. Four staff members were involved in the inspection and they split the site into 2 parts with 2 staff walking round each section. They then collated the findings into the summary report supplied.

The attached file titled “21fgs62745 lost forest site inspection report 07-09-2023.pdf” is the output from one pair of assessors which shows the location of plots and notes taken at the time. There were technical difficulties with the tablet they were using, hence notes were written into the map and data captured when they returned to the office. The field map was not retained after the information was captured.

The attached file titled “inspection report – 21fgs62745-No\_Date.pdf” is the output we have from the other group. This contains the photographs which were downloaded, but unfortunately the notes were not downloaded and filed, and are not now available from the tablet due to a factory reset of the device to accommodate a move to corporate cloud storage. A further 12 photographs were taken during the inspection and these are attached for completeness

This is all of the data that we have available from the inspection.

It might be useful to clarify the purpose of the admin inspection that was carried out. It is to ensure that the capital items claimed are in place and that the boundaries of the different options are as per the contract. A few plots were put in to establish the mounding and planting spacing to check compliance with the option requirements.

It may also be useful to note that the cost of purchasing replacement trees and for replanting to replace any losses will fall to the landowner and not the public purse. SF will expect full stocking at establishment (year 5) as per the grant contract and a further inspection will normally be undertaken at that point to confirm the grant conditions have been met and validate the grant payment.

If you are unhappy with the outcome of this review, you have the right to appeal to the Scottish Information Commissioner about our decision within 6 months of receiving this letter. Information on how to make an appeal, along with an application form, is available on the Commissioner’s website at:

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

You can also contact the Commissioner at:

The Scottish Information Commissioner  
Kinburn Castle  
Doubledykes Road  
St Andrews  
Fife  
KY16 9DS

E-mail: [enquiries@itspublicknowledge.info](mailto:enquiries@itspublicknowledge.info)

Telephone: 01334 464610

Should you then wish to appeal against the Commissioner's decision, there is a right of appeal to the Court of Session on a point of law only.

Yours sincerely

*Jonathan Taylor*

Jonathan Taylor  
Head of Scottish Forestry Executive Team