



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

Nick Kempe
nickkempe1@gmail.com

Our Reference: 202600510596

7 April 2026

Dear Nick Kempe,

REQUEST FOR AN INTERNAL REVIEW OF THE RESPONSE TO INFORMATION REQUEST UNDER THE ENVIRONMENTAL INFORMATION (SCOTLAND) REGULATIONS 2004 (EIRs)

Thank you for your email of 9 March 2026, in which you requested an internal review of the response you received on 17 February 2026 directly from the official to whom your initial request of 13 February 2026 was sent.

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 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.

Your review request:

In your correspondence of 9 March 2026, you have sought a review of the response to a previous email which sought information in relation to four specific questions. Within that correspondence you also asked two further questions:

- *“Does this mean the assumptions on soil carbon used in the calculator have not been updated*

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

S 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
gov.scot

since 2011?

- *The section on Future Developments at the end also refers to some future research in next few years - did that research happen?"*

Please note that a response to these questions will be provided under separate cover and have not formed part of our review.

In order to ensure that requests for information are not overlooked or mishandled I would ask that you send future requests to foi@forestry.gov.scot. This will ensure that it is registered, assigned to a FoI officer and responded to under the legislation of FoI(S)A or the Environmental Information (Scotland) Regulations 2004 (EIRs).

To confirm, your request for information was compiled of four specific questions:

- *"The land-use tab gives three options, Arable, Pasture and Semi-natural - what evidence was used to divide land-use into just three options, what assumption underpins each option and on what evidence is that based?"*
- *The soil-type tab gives just two options, and what evidence was used to come up with assumptions, mineral and organo-mineral - what evidence was used to divide soil-type into just two options, what assumption underpins these two options and on what evidence is that based? (I want to understand for example why; under the calculator it appears that planting on peat 49cms deep appears to be treated as having the same impact as planting on peat 4.9cms deep).*
- *The Disturbance/Site preparation tab gives six options ranging from "none" to "very high disturbance" - what evidence was used to divide and classify soil disturbance into these six broad options, what assumption underpins each of them and on what evidence is that based (I would like to understand, for example, why hand screening, inverted, hinge and trench mounding are all described in the WCC as low disturbance and what evidence has been used to determine that the carbon emissions from these different methods of planting, which clearly affect the soil in significantly different ways, can be treated as being the same).*
- *In terms of the overall calculation, Carbon Sequestration over Time, Column D is about cumulative soil carbon loss. While I have not looked at that many calculations, in those that I have this column has never been completed after year one despite research which shows carbon emissions can continue for 30 years or more after planting through respiratory processes (eg Friggens et al). Please provide me therefore with the assumptions/guidance on when this column in the table should be completed and the evidence underpinning this. "*

A response was provided however you have asked that this be reviewed as *"it does not appear to answer the questions I asked on 13th February about the Woodland Carbon Code calculator, as it appears to be mainly about assumptions around tree growth etc and not soils."*

I have been asked to complete the review, as I was not involved with your original correspondence.

Response to your review request:

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

S 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
gov.scot

As part of the review process, I have looked at how your correspondence was handled and have concluded that it was not handled correctly. The request should have been registered correctly and assigned to a designated Freedom of Information Officer, responding under the appropriate legislation. Please accept my apologies that this was not undertaken.

Upon reading the ten-page document you were sent I have determined that the information you sought has not been provided and it is this part which is being substituted with a new decision.

I can confirm that as part of my review I commissioned new searches, which have resulted in the information being sourced from external sources. Under the Regulation 9 (advice and assist) of the EIRs, we are not required to create new information in order to provide a response. As such, the information you have requested for each part of your request is not held by Scottish Forestry.

Please refer to Annex A below for a more detailed explanation of the exception applied.

With best regards,

Kasia Nowak

Corporate Business Manager

REASONS FOR NOT PROVIDING INFORMATION

ANNEX A

Information not held at the time of the request

The Environmental Information Regulations (EIRs) apply to recorded information that is already held at the time of the request. Scottish public authorities are not required to create new records to answer questions, even if an accountability gap exists.

Scottish Forestry did not hold the requested information when the initial request and internal review requests were received. Under Regulation 10 (4) (a) of the Environmental Information Regulations (EIRs), Scottish public authorities are not required to provide information that they do not hold at the time of the request or to generate new information.

This exception is subject to the 'public interest test.' Despite not holding this information, we have a statutory obligation to apply this test. Therefore, taking into account all the circumstances of this case, we have considered whether the public interest in disclosure outweighs the public interest in applying the exception. We recognise that disclosing information not held at the time of the request, or creating information to respond to information requests, could impose an unjustified burden on public resources.

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 exception. We have found that, on balance, the public interest lies in favour of upholding the exception.

Yours sincerely

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

S 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
gov.scot

Kasia Nowak

SFCBS : Executive Office

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

S 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
gov.scot