

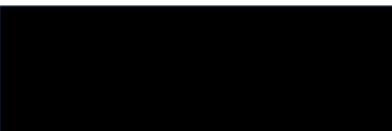


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Chief Executive Dave Signorini



Our ref: Fol/19/02646

16 January 2020

Dear 

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

Thank you for your request dated 26 November and received on the 5 December and the clarification dated 19 December 2019 under the Environmental Information (Scotland) Regulations 2004 (EIRs).

### Your request

You asked for:

- a) the number of trees felled for all onshore wind farm development in Scotland to date.
- b) the area of felled trees, in hectares, for all onshore wind farm development in Scotland to date.

With the dates clarified to be 1 January 1995 and 31 December 2019. 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.

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



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Riaghaltas na h-Alba  
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## Response to your request

I enclose some of the information you requested.

Specifically data covering renewable developments on Scotland's national forests and lands, which is managed on behalf of Scottish Ministers by Forestry and Land Scotland.

The area of felled trees in hectares, from 2000 (the date when the first scheme was developed, is 6,994 hectares. Based on the average number of trees per hectare, of 2000, this gives an estimated total of 13.9M.

While our aim is to provide information whenever possible, in this instance the Scottish Government does not have some of the information you have requested. Namely data on renewable developments on privately owned woodlands. Therefore we are refusing your request under the exception at regulation 10(4)(a) of the EIRs. The reasons why that exception applies are explained in the Annex to this letter.

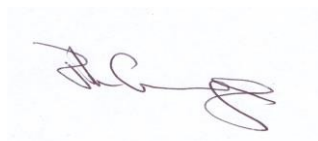
## Your right to request a review

If you are unhappy with this response to your EIRs request, you may ask us to carry out an internal review of the response, by writing to Dave Signorini, Chief Executive of Scottish Forestry at [Scottish.Forestry@forestry.gov.scot](mailto:Scottish.Forestry@forestry.gov.scot) or by post at Scottish Forestry, Silvan House, 231 Corstorphine Road, Edinburgh, EH12 7AT.

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



John Cummings  
Secretariat & Governance Officer

## **REASONS FOR NOT PROVIDING INFORMATION**

### The Scottish Government does not have the information

Under the terms of the exception at regulation 10(4)(a) of the EIRs (information not held), the Scottish Government is not required to provide information which it does not have. The Scottish Government does not hold the data you have requested relating to privately owned woodlands.

Planning authorities control woodland removal associated with windfarm developments by way of planning conditions, including associated replanting obligations. Where windfarm developments will impact on woodland, Scottish Forestry (an agency of the Scottish Government) provides advice to the relevant planning authority, in line with the Scottish Government's Control of Woodland Removal Policy. Scottish Forestry does not consistently hold data on the final consented felled area for individual schemes (or summary statistics on tree-felling associated with wind farm developments).

This exception 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 exception. We have found that, on balance, the public interest lies in favour of upholding the exception. While we recognise that there may be some public interest in information about the area of woodland removed for windfarms clearly we cannot provide information which we do not hold.