

Forest of Birse Community Pinewoods- Statement of Significance.

The Forest of Birse Community Pinewoods is a site of significant regional and national conservation interest, that have been managed for nature conservation by Birse Community Trust since 1999, primarily focusing on the regeneration of Native Pinewood. This statement details the conservation designations, protected species and species and habitats of conservation significance within the site.

1. Site Description

The Community Pinewoods extend to 528ha, predominantly on the north side of the Water of Feugh between the farmland at Balloch in the west and the Burn of Finlets in the east, but also including a small area south of the Feugh. The land is mainly rolling hill slopes with gradients that are gentle to moderate. Elevation ranges from 170m at the junction of the Finlets Burn with the Water of Feugh up to 380 metres at the summit of Auldenachie Hill. The Burn of Bogturk drains an elevated basin of wet land in the centre of the area (the Bogturk bowl) and divides the site between the West Bogturk and Allachrowan pinewoods in the west and the Finlets pinewoods in the east. The Allachrowan Burn drains the western part of the site and the Stripe and the Burn of Finlets drain the eastern part of the site. All these burns flow into the Feugh.

2. Protected Areas and Site Designations

Conservation designations that cover parts or all of the Community Pinewoods include part of one statutory protected area (Special Area of Conservation) designated under the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) and several non-statutory designations which nonetheless must be considered by public bodies in the course of carrying out their functions, as they have a duty to further the conservation of biodiversity under the Nature Conservation (Scotland) Act 2004.

2.1. River Dee Special Area of Conservation (SAC)

The River Dee SAC is designated for its internationally important populations of two species listed under Annex II of the EU Habitats Directive: **Atlantic Salmon**, **Otter** and **Freshwater Pearl Mussel**.

Approximately 5.87ha of the Community pinewoods lies within the River Dee SAC including the whole length of the Water of Feugh and its banks, as well as the Burn of Bogturk upstream to the public road. Both **Atlantic Salmon** and **Otter** have been recorded and are thought to regularly occur within this part of the protected area, but a survey commissioned by BCT in 2003 found no evidence of Freshwater Pearl Mussel.

2.2. Forest of Birse Local Nature Conservation Site (LNCS)

The Community Pinewoods make up more than 25% of the area of the Forest of Birse LNCS, which was designated for its remnants of native Caledonian pinewood, large areas of self-seeded and plantation woodland, moorland and grassland, riparian woodland along the Feugh and its importance for pine woodland birds.

Local Nature Conservation Sites identify locally important natural heritage and complement and support the statutory protected areas sites like SACs and Sites of Special Scientific Interest. Policy E1 of the Aberdeenshire Local Development Plan identifies Local Nature Conservation Sites as part of the family of areas given protection from development except where public benefits clearly outweigh the nature conservation value of the site. The Aberdeenshire LNCSs were developed through consultation with expert stakeholders. A broadly similar area to the current LNCS was considered as a potential Site of Special Scientific Interest in 1990.

2.3. Caledonian Pinewood Inventory

The Caledonian Pinewood Inventory was developed during the 1990s to identify the remaining genuinely native ancient pinewoods of Scotland. The inventory categorises areas as core pinewood areas, regeneration zones (up to 200m from the core pinewood areas where the prospect of regeneration is high) and buffer zones (up to 500m from the regeneration zone, where non-local Scots Pine should not be planted).

108ha (20%) of the Commonly pinewoods are within the core Caledonian pinewood area at Finlets, forming part of a larger area that extends east into the Glenferrick pinewood on Finzean estate. 288ha (55%) of the Commonly pinewoods are included within the pinewood inventory buffer zone, covering the eastern part of the site. However, native pinewood has continued to regenerate throughout and beyond this buffer zone since it was originally designated, and pinewood has also regenerated widely over the western half of the site. Although the western part is believed to have largely regenerated from planted Scots Pine near the Forest of Birse kirk, the original planting stock is believed to have been of local native origin and thus this area can also be considered native pinewood, and merges imperceptibly with the Caledonian Pinewood site.

A survey commissioned by BCT in 2022 found that there is now 331 hectares of native pinewood (>20% canopy cover) within the Commonly Pinewoods, a 41% increase since a previous survey in 2009. There is also an additional 23 hectares of scattered regeneration¹.

2.4. Clachnaben and Forest of Birse Special Landscape Area

Special Landscape Areas are designated by Aberdeenshire Council to identify landscapes worthy of additional protection within the Aberdeenshire Local Plan area. These were designated following a comparative evaluation of the whole landscape using Scottish Natural Heritage and Historic Scotland guidance and in accordance with national planning policy.

The Commonly Pinewoods lie entirely within the Clachnaben and Forest of Birse Special landscape Area, which is designated as one of the wildest parts of Aberdeenshire outside the National Park. The pinewoods are specifically mentioned in the site designation statement:

"The pine forest on the northern slopes of the Birse valley have the largest remnants of natural pine woodland found in Aberdeenshire."

"Forest of Birse includes a range of habitat types, including the community-owned Commonly Pinewoods, is an important habitat for bird life."

The area is noted as being vulnerable to scattered and incremental development and key management recommendations include:

- ensuring that any developments are located and designed to limit their wider visibility and protect open skylines and rugged summits.
- Development must respect the strong, rolling relief and sense of wildness of the upland landscape.
- Avoidance of development which erodes or interrupts the seamless relationship of this area to the Cairngorms.

¹ <https://www.birsecommunitytrust.org.uk/wp-content/uploads/2023/01/North-Hill-Pinewood-Survey-2022.pdf>

3. Protected Species

3.1. European Protected Species

European Protected Species are protected by the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended). They may not be deliberately or recklessly killed, injured or taken, and may not be disturbed while in a place of shelter. Their breeding and resting places may not be deliberately or recklessly damaged, destroyed or obstructed.

Records held by the North-East Scotland Biological Records Centre (NESBReC) indicate that two European Protected Species are known to occur within the Commonty Pinewoods Area:

- **Otter** occurs regularly along the Feugh and in a report written for BCT, Dr Hans Kruuk noted that radio-tracking studies had shown that they can make long overland journeys, including between the Feugh and the Cattie Burn to the north.
- **Common Pipistrelle** bat has been recorded in the Commonty Pinewoods. Soprano Pipistrelle, Brown Long-eared Bat and Daubenton's Bat have been recorded a short distance downstream from the pinewoods so further study may reveal that these species also occur.

Wildcats have also been recorded in the pinewoods in the recent past but their current status is unknown.

3.2. Schedule 5 Animals

Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) lists animal species that are protected, including species for which it is an offence to intentionally or recklessly disturb, damage, destroy or obstruct any structure or place used by that species for shelter or protection. Three such Schedule 5 have been recorded within the Commonty Pinewoods:

- **Pine Marten.** Evidence of Pine Martens in the form of droppings can be found throughout the area, and the species has been recorded on camera traps near the Bogturk Burn bridge, while an active Pine marten den has been recorded in a tree in the western half of the Commonty Pinewoods²
- **Red Squirrel.** There have been several records of this species throughout the Commonty Pinewood area.
- **Mountain Hare.** Has been recorded in the pinewood area in the past, but current status is unknown.

Three species of reptile listed on Schedule 5 also occur in the Commonty Pinewoods, but while these are protected from killing and injuring, their places of shelter do not have the same protection as the other species.

- **Adder**
- **Viviparous Lizard**
- **Slow-worm**

3.3. Badgers

Badgers and their setts are protected in a similar way to Schedule 5 mammals, but through separate legislation, the Protection of Badgers Act 1992. There is a known badger sett in the West Bogturk pinewoods and other known setts a short distance to the east of the pinewoods.

3.4. Schedule 1 Birds

Schedule 1 of the Wildlife & Countryside Act 1981 (as amended) lists specially protected bird species. It is an offence to intentionally or recklessly disturb any wild bird included in Schedule 1

² <https://www.birsecommunitytrust.org.uk/wp-content/uploads/2021/05/The-Forest-of-Birse-Native-Pinewoods-Biodiversity-and-Importance-of-the-Habitat.pdf>

while it is building a nest or is in, on or near a nest containing eggs or young; or to disturb the dependent young of such a bird.

Schedule 1 species that are known to regularly occur within the Commonty Pinewoods are:

- **Capercaillie.** This species has been regularly recorded in the Finlets area in recent years, including lekking (displaying) males. It is an offence to disturb lekking Capercaillie. Female Capercaillie have been recorded more widely over the rest of the Commonty Pinewoods including West Bogturk and it is possible that they nest in some of these areas (a nest was found at Lamahip, just north of the Commonty Pinewoods in the early 2000s). A hybrid Black Grouse x Capercaillie was present at the Black Grouse lek in the Bogturk bowl in 2021 and 2022.
- **Crossbills (all species).** Common Crossbills are certainly regularly present in the Commonty Pinewoods and are likely to often nest there. Scottish and Parrot Crossbills have been recorded nearby and may also be present, but identification of the different species is very difficult.
- **Golden Eagle.** This species regularly nests just outside the Commonty Pinewoods area and is therefore regularly seen flying over and hunting within the area.
- **White-tailed Eagle.** This species is not yet known to nest locally but wandering individuals (mostly young birds and including satellite-tagged birds) regularly visit the Commonty Pinewoods.
- **Goshawk.** This species has nested in the West Bogturk part of the pinewoods in recent years and occurs regularly.
- **Hen Harrier.** Less common than it has been in the past, but still occurs throughout the year. Has nested in the Commonty Pinewoods in the past, and more recently just outside the pinewoods to the south of the Feugh
- **Red Kite.** Not yet known to nest in the pinewoods, but nests nearby and regularly hunts in the area.
- **Merlin.** There have been regular nest sites within more open parts of the Commonty Pinewoods.

Other Schedule 1 species that have been recorded occasionally within the Commonty Pinewoods but which are not thought to have shown any evidence of, or potential for nesting are Osprey, Peregrine and Marsh Harrier.

3.5. Schedule 1A Birds

Schedule 1A of the Wildlife & Countryside Act 1981 (as amended) lists four species of raptor (which are also on Schedule 1). It is an offence to intentionally or recklessly harass any of these species. In practice this means that it is an offence to disturb these species when they are roosting at any time of year, and not just at the nest. All four species occur within the Commonty Pinewoods and all have potential to roost here.

- **Golden Eagle** is likely to regularly roost in trees within the Commonty Pinewoods
- **White-tailed Eagle** are known to occasionally roost in the Commonty Pinewoods and have been seen using trees for this purpose on the West Bogturk hilltop. This species can form communal winter roosts where it is common, although there is no evidence of this happening in this area yet.
- **Hen Harrier** has a long-established winter roost within the Commonty Pinewoods, using deep heather in the Bogturk area. Variable numbers of birds use this area.
- **Red Kite** can also form communal winter roosts in woodland. There is no evidence of a roost in the Commonty Pinewoods yet, but small roosts of several birds have been found a short distance to the east, in Feughside.

3.6. Red-listed Birds of Conservation Concern

Birds of Conservation Concern is a non-statutory designation, but one which forms the basis for prioritising conservation action and which is a key designation that should be considered by public bodies when carrying out their functions as part of their biodiversity duty under the Nature Conservation (Scotland) Act 2004. The red list of species of highest conservation importance is defined by objective measurements of population change at a national level and is updated approximately every six years³.

Thirteen red-listed birds of conservation concern have been recorded in the Commonly Pinewoods, with most breeding within the site:

- **Capercaillie.** Status described in Section 3.4.
- **Black Grouse.** There is a long-established lek site of this species on old grass field systems within the Bogturk bowl. Numbers fluctuate from year to year, with up to 6 males regularly present, but 19 were present in 2011 during a local population peak. Occasional males display elsewhere, including on the top of Corybeg and on the top of the West Bogturk hill.
- **Cuckoo.** Several territories are present in spring and early summer.
- **Curlew.** Occasional display and possible breeding in the Bogturk bowl.
- **Woodcock.** Several territories with regular roding (display flights) during the spring.
- **Hen Harrier.** Status described in Section 3.4.
- **Merlin.** Status described in Section 3.4.
- **Grasshopper Warbler.** Infrequent, but has been recorded singing in rushy areas close to the Feugh in some years.
- **Mistle Thrush.** Common breeding bird.
- **Starling.** Mainly seen on the fringes of the site, close to farmland at Balloch and Forest of Birse kirk.
- **Whinchat.** Regular breeding species in open parts of the site, particularly where bracken is present.
- **Tree Pipit.** Common summer visitor singing from treetops throughout the area.
- **Linnet** Mainly seen on the fringes of the site, close to farmland at Balloch and where gorse scrub is present.

Statement prepared by

Dr Paul Chapman CEnv MCIEEM

March 2023

³ Stanbury, A., Eaton, M., Aebischer, N., Balmer, D., Brown, A., Douse, A., Lindley, P., McCulloch, N., Noble, D., and Win I. 2021. The status of our bird populations: the fifth Birds of Conservation Concern in the United Kingdom, Channel Islands and Isle of Man and second IUCN Red List assessment of extinction risk for Great Britain. *British Birds* 114: 723-747