



# FLS Red Squirrel Licence: an interim solution (Purchasers)

## The reason for needing an interim solution

The 2025 Standing Sales Audit (December 2025) found a number of failures of compliance with the current contractual requirements and a lack of adequate monitoring and enforcing of the process.

We focus here on the purchasers' use of the FLS Red Squirrel Licence, but this will need to be integrated with the wider review process; for example, pre-commencement ecological surveys and Environmental Mitigation Plans may also be required for other species or features and where this is the case the FLS documentation will cover all constraints.

NatureScot have significant concerns<sup>1</sup> about purchasers' use of the FLS Red Squirrel Licence and have emphasised that regardless of the contractual wording (Clause 6.13), FLS and its licence holder (the Wildlife Ecologist) remain liable for any non-compliance, noting in particular that *"it is the responsibility of the licence holder to ensure that agents have the appropriate training and experience and that they understand the terms and conditions of this licence."*

NatureScot believe purchasers should apply for their own licences but they are willing to consider options such as the use of qualified consultant ecologists. Retention of the FLS Red Squirrel Licence is of paramount importance, so we must be able to provide evidence to NatureScot that we manage the process effectively.

Standing sales contracts must be conducted to robust standards, sufficient to satisfy NatureScot in relation to the FLS Red Squirrel Licence (and to meet UKWAS requirements); while working towards a longer-term solution whereby purchasers will have to obtain their own Red Squirrel licences, to minimise reputational and legal risk to our operations, and to reduce pressure on FLS staff.

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<sup>1</sup> Meeting between Wayne Fitter and Liz McLachlan (NatureScot) and Lisa Kerlake (FLS) 20/11/25

## Governance

The FLS red squirrel licence is managed by the Environment Team on behalf of FLS as the licence holder. The responsibilities of key FLS staff are identified in this section. Key FLS staff may delegate tasks to another member of their team, but they will retain responsibility as outlined here and must ensure that staff clearly understand the purpose and requirements for the task.

**The FLS Wildlife Ecologist** is the named 'licence holder'. They oversee implementation of the licence, including compiling and submitting annual licence returns to NatureScot. They liaise with Nature Scot over how the licence is implemented across FLS land, and discuss any modifications to the licence on an annual basis. They will advise on use of the licence by FLS staff to ensure that its requirements are complied with, and will provide support and advice in difficult cases.

**The Regional Environment Adviser** is the 'decision maker' identified in the licence. This means overseeing use of the licence within the region, including population assessments to determine whether the FLS licence can be used and determining which mitigation pack is appropriate.

**The Operations Manager** is responsible for ensuring that the mitigation pack is implemented either directly for Direct Production sites or indirectly via the Contract Manager for Standing Sales and Long-Term Contracts.

**The Contract Manager** is responsible for ensuring that the red squirrel licence is implemented by the purchaser, and must involve the Environment Team at key points in the process as set out in the section *Using the Red Squirrel Licence* below. They must also ensure that evidence is gathered by the purchaser and enable evidence gathering by the Environment Team if required.

### **Head of Harvesting, Marketing and Sales**

The Head of Harvesting, Marketing and Sales will support the regional management teams to ensure that legal responsibilities for the red squirrel licence are met. They are responsible for ensuring responsibilities are clear via contracts and will support robust liaison with purchasers where required regarding the operation of the licence and training needs. The marketing and sales team are responsible for ensuring that information and evidence for each contract is stored in a single place.

# Using the FLS Red Squirrel Licence with Standing Sales (including Long Term Contracts)

The following process guides working arrangements between FLS and purchasers. It also outlines the evidence that should be gathered to support the implementation of the licence.

## [1] Are red squirrels likely to be present?

If red squirrels were previously identified as present in a survey by FLS, or the coupe is in an area where they are found<sup>2</sup>, a pre-commencement ecological survey must be commissioned by the purchaser and undertaken by a competent surveyor (summary of Competence below – full details within the separate Competence document). If red squirrels are present<sup>3</sup>, the survey must also provide details on the mitigation needed to protect them, according to the requirements of the FLS Red Squirrel Licence.

**a. Sites where red squirrels are confirmed:** a request to operate under the FLS Red Squirrel Licence must be received by the Regional Environment Team, from the purchaser, in advance of the Pre-Commencement Meeting (PCM), and the decision on licensing and the mitigation pack(s) required must then be made by the Regional Environment Adviser, with support from the FLS Wildlife Ecologist if needed. The Contract Manager should provide the justification for working within the breeding season (if required) to the Regional Environment Adviser (the 'Decision Maker') at the point of the sales plan preparation process.

The purchaser must implement the correct mitigation pack or packs according to the time of year the work is undertaken, which may mean a different pack is needed if the harvesting extends for longer than anticipated. Where this is the case, the purchaser must advise, and provide an appropriate justification to, the Contract Manager, who will discuss with the Regional Environment Adviser for decision.

**b. Sites where red squirrels are not confirmed:** where there is professional survey information by a competent surveyor to evidence that red squirrels are not present then the FLS Red Squirrel Licence is not required.

**[2] Environmental Mitigation Plan and Pre-Commencement Meeting:** At least seven days in advance of the Pre-commencement Meeting (PCM) the purchaser will provide, as part of their deployment measures (contract clause 6.15), a detailed and comprehensive Environmental Mitigation Plan (EMP)<sup>4</sup> which will include proposed timing of work and all mitigation relating to

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<sup>2</sup> In the event that there is a significant variance in survey results, the decision on the need for a licence will be made by the REA, with advice from the Wildlife Ecologist if needed, taking account of the age and quality of the surveys and the methods used.

<sup>3</sup> A list of evidence that must be recorded by the surveyor is provided in *Guidance for Pre-commencement Ecological Survey Reports and Environmental Mitigation Plans*.

<sup>4</sup> A template is provided in *Guidance for Pre-commencement Ecological Survey Reports and Environmental Mitigation Plans*.

red squirrels. This, together with the survey and licence documents, will be reviewed by the Regional Environment Adviser within seven days of receipt, with reference to the FLS Wildlife Ecologist if required. **If the documents are not to a suitable standard they will be returned to the purchaser for amendment in which case the purchaser will need to reschedule the PCM. The pre-commencement ecological survey and the Environmental Mitigation Plan should be separate documents.**

Some sales may have large coupes or a range of coupes, where part of the area does not have red squirrels present. The pre-commencement survey must be used as evidence to inform whether different working practices can be used in different areas. The proposed working method must be stated in the Environmental Mitigation Plan in advance of the PCM.

The Contract Manager must invite a member of the Regional Environment Team to attend the PCM for red squirrel sites to ensure that the Forest Works Manager (FWM) is aware of their responsibilities under the FLS Red Squirrel Licence, and that the assigned mitigation package has been discussed in relation to how the site will be harvested to ensure appropriate harvesting methods are implemented. If attendance by a member of the Regional Environment Team is not possible, then the Contract Manager should advise the FWM, following discussion with the Regional Environment Team. Notes from the PCM must be made and recorded, signed by the FWM and agreed by FLS, including requirements in relation to mitigation and any agreed amendments. (see [3]).

**The REA must be notified of the commencement or re-commencement of operations on site. Any extensions or changes to operations under the FLS Red Squirrel Licence must be justified and agreed in advance with the Regional Environment Adviser and recorded in the Environmental Mitigation Register.**

### **[3] Contract Folder and Environmental Mitigation Register**

Once the EMP and use of the FLS Red Squirrel Licence are agreed, all the documentation, including notes from the PCM, will be stored in the **Contract Folder** by the Contract Manager and recorded in the **Environmental Mitigation Register** (EMR) by the Regional Environment Team.

### **[4] FLS Site Visits, Evidence and Data Collection**

The Contract Manager will carry out a site visit to audit operations at least once a month, or as agreed with FWM. Following this visit, the Contract Manager must notify their contact in the Regional Environment Team of any Red or Amber incidents relating to implementation of the FLS Red Squirrel Licence using an agreed benchmarked RAG<sup>5</sup> system for this licence. For example, amber includes failing to tape constraint zones with red squirrel dreys and mark known drey trees, or when an unknown drey tree is found requiring operations to stop until the drey tree has

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<sup>5</sup> Definition of these categories will be developed as part of the existing site diary process

been marked and operations adjusted as advised by the Environment Team member. Red includes a situation where an unidentified drey tree was felled, and the work will need to be stopped. Both amber and red events should be reported as incidents in AIRS by the Contract Manager.

The Contract Manager must ask for advice and invite an Environment Team member to attend a site visit to discuss any action required to address the issue. The Environment Team member should advise whether they need to attend or not. A FLS staff member should take site notes and date-stamped and georeferenced photographic evidence to support follow up action by FLS if required. The action taken by the FWM to address the issue must be recorded and shared with the Regional Environment Team who will log it in the EMR.

**The requirement to gather evidence and store it as required in this note is mandatory.** Records held in the Environment Mitigation Register will contribute to national data to inform the mandatory FLS Red Squirrel Licence annual return. Information retained in the contract folder may be used as evidence of implementation of the licence for UK Woodland Assurance Scheme Audits, and to provide additional evidence to NatureScot if required.

#### **[5] Purchaser and site management requirements**

The purchaser must provide evidence that required ecological mitigation has been carried out. The FWM must record the evidence in the site diary including date-stamped and geo-referenced photography of the mitigation measures in place (for example, taping of affected areas, marking of drey trees, and drey trees left *in situ*). This information must be shared with the Regional Environment Team who will log it in the EMR.

The FWM, in consultation with their appointed ecological expert, should undertake weekly checks to liaise with machinery operators as required by the licence under Mitigation Pack 4. Evidence that these checks were undertaken and any issues must be recorded. The FWM must share the information with the Contract Manager and REA in FLS.

Any change in a purchaser's personnel, for example the Forest Works Manager or external contractors, must be notified to FLS and the purchaser must ensure that all operatives are fully briefed about the requirements of the licence and will abide by its terms.

**Purchasers must meet the requirements of the FLS Red Squirrel Licence and provide evidence to FLS as identified in this note. Failure to do this will result in no further use by the purchaser of the FLS Red Squirrel Licence.**

## Competence

The pre-commencement ecological survey, including advice on mitigation to inform the EMP, must be undertaken by a competent surveyor<sup>6</sup>. Monitoring of work on site may need to be agreed at the PCM and complied with. **Please refer to the separate Competence document for details.**

The competent surveyor should also be available to provide advice to the FWM during works as needed.

**The pre-commencement ecological survey (PES) must be prepared by a competent surveyor and must contain mitigation advice to inform the Environmental Mitigation Plan (EMP). The PES and EMP should be separate documents.**

## Training and support

We must ensure that the requirements above are enforced and that robust evidence is gathered by FLS contract managers and all relevant staff including Regional Environment Teams. This will require urgent and clear communication with relevant staff and purchasers.

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<sup>6</sup> A list of suitable surveyors can be provided on request. This does not constitute any recommendation.