

## Archibald B (Brian)

---

**From:** Cowe, Ian <Ian.Cowe@forestry.gsi.gov.uk>  
**Sent:** 27 April 2016 17:21  
**To:** Pallant S (Simon); Archibald B (Brian)  
**Cc:** Development Plans Mailbox; Shields M (Melissa); Nina Turner; abrownrigg@aberdeencity.gov.uk; ldp@aberdeencity.gov.uk  
**Subject:** LDP-100-2: Aberdeen LDP Request 6 Issue 11 - FCS Response  
**Attachments:** Appendix I Native Woodland Survey of Scotland.pdf; LDP-100-2 - Aberdeen LDP Request 6 Issue 11 - FCS Response.pdf; Appendix II OP109 - MapA.pdf; Scottish Government Policy on Control of Woodland Removal.pdf; Guidance to FCS staff on implementing the Scottish Government's policy on control of woodland removal.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Brian/Simon

### LDP-100-2

Please find enclosed FCS' response to Request 6 Issue 11 relating to the Aberdeen City LDP.

If you have any questions, please don't hesitate to get in touch immediately.

Regards

Ian

Ian Cowe - Development Officer  
Forestry Commission Scotland – Grampian Conservancy  
Portsoy Road  
Huntly  
AB54 4SJ

Tel: 0300 067 6169  
Mobile: 07973 534979  
VoIP: 6169

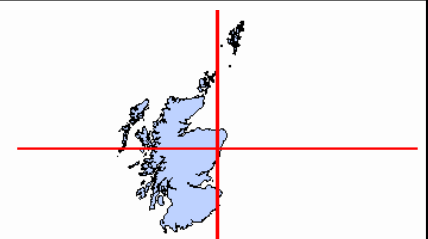
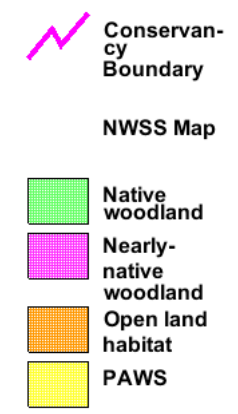
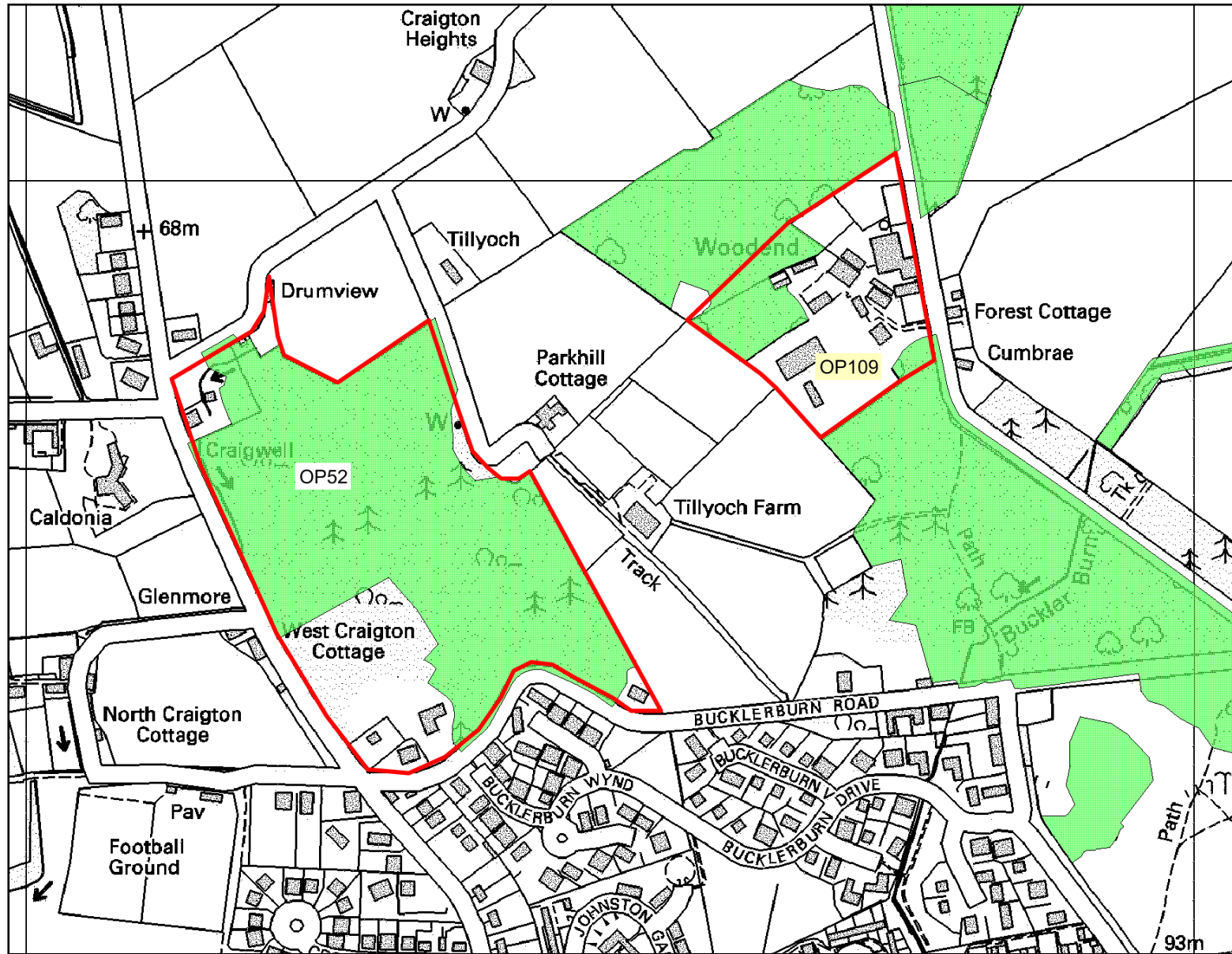
Forestry Commission Scotland is the Scottish Government's forestry advisor and regulator  
[www.forestry.gov.uk/scotland](http://www.forestry.gov.uk/scotland) [www.facebook.com/forestrycommissionscotland](https://www.facebook.com/forestrycommissionscotland) [www.twitter.com/fcscotlandnews](https://www.twitter.com/fcscotlandnews)

\*\*\*\*\*


This email has been received from an external party and

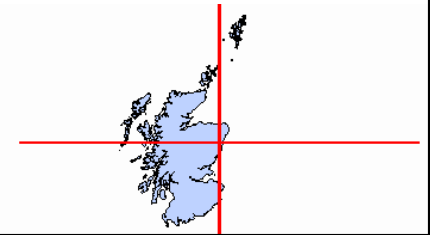
has been swept for the presence of computer viruses.

\*\*\*\*\*





 Conservancy Boundary



# Guidance to Forestry Commission Scotland staff on implementing the Scottish Government's Policy on Control of Woodland Removal

MARCH 2015

Page

Introduction	2
Guiding Principles	3
Criteria for determining the acceptability of woodland removal <ul style="list-style-type: none"> <li>• Woodlands with a strong presumption against removal</li> <li>• Woodland removal without a requirement for compensatory planting</li> <li>• Woodland removal with a need for compensatory planting</li> </ul>	4
Delivery <ul style="list-style-type: none"> <li>• Securing compensatory planting</li> <li>• Enforcement</li> <li>• Monitoring</li> </ul>	5
Annexes  Additional guidance on:  Annex 1: FCS Scoping Opinion Annex 2: Environmental Statement Annex 3: Woodlands with a strong presumption against removal Annex 4: Woodland removal without a requirement for compensatory planting Annex 5: Woodland removal with a need for compensatory planting Annex 6: Calculating the area of CP Annex 7: Planning conditions and planning agreements	8

## Introduction

The Scottish Government's policy on control of woodland removal ('the Policy')<sup>1</sup> provides policy direction for decisions on woodland removal in Scotland. It is relevant to all woodland removal for the purposes of conversion to another type of land use.

The third *National Planning Framework*<sup>2</sup> [para 4.2, page 42] reinforces that 'Woodlands and forestry are an economic resource, as well as an environmental asset'.

Although Forestry Commission Scotland (FCS) does not regulate tree felling associated with developments that have planning permission, *Scottish Planning Policy*<sup>3</sup> [para 218, page 49] states that 'Removal should only be permitted where it would achieve significant and clearly defined additional public benefits. Where woodland is removed in association with development, developers will generally be expected to provide compensatory planting. The criteria for determining the acceptability of woodland removal and further information on the implementation of the policy is explained in the Control of Woodland Removal Policy, and this should be taken into account when preparing development plans and determining planning applications.'

**The aim of this guidance is to help FCS staff facilitate implementation of the Policy, in relation to both the regulation of felling by FCS through felling licences and Environmental Impact Assessment (EIA) and the provision of advice to other authorities, including local planning authorities and the SG Energy Consent and Deployment Unit.**

Where a developer intends to construct a project within a forest, partially within a forest, or that will affect the forest environment, it is important that pre-application discussions between prospective applicants, relevant key agencies (FCS with regards to development in woodland and forests) and planning authorities takes place, at the earliest possible stage of the project, to ensure all parties have a shared understanding of the nature of the proposed development, information requirements and the likely timescale for determination.

FCS works as part of Scottish Government to protect and expand Scotland's forests and woodlands and so has an interest in major developments that have the potential to impact on local forests and woodlands and/or the forestry sector.

For all proposed wind farm developments over 50MW, the SG Energy Consents and Deployment Unit will consult FCS at the Scoping Report stage. Their scoping advice to developers helps to inform the content of the Environmental Statement. To secure a consistent approach across Scotland, FCS has developed a scoping opinion standard response (refer to Annex 1).

---

<sup>1</sup> <http://scotland.forestry.gov.uk/supporting/strategy-policy-guidance/woodland-expansion/control-of-woodland-removal>

<sup>2</sup> <http://www.scotland.gov.uk/Topics/Built-Environment/planning/National-Planning-Framework>

<sup>3</sup> <http://www.scotland.gov.uk/Topics/Built-Environment/planning/Policy>

## Guiding principles

The Policy has five guiding principles:

### **1. There is a strong presumption in favour of protecting Scotland's woodland resources.**

Thus, the first consideration for all woodland removal decisions should be whether the underlying purpose of the proposals can reasonably be met without resorting to woodland removal – for example by changes to forest design, woodland type or management intensity .

### **2. Woodland removal should be allowed only where it would achieve significant and clearly defined additional public benefits. In appropriate cases a proposal for compensatory planting may form part of this balance.**

Determining and weighting the significance of public benefits is implicit in the development management process. Environmental Statements (ES) should justify and provide evidence for the need for woodland removal. Annex 1 gives guidance on what FCS would expect within an ES to help reach an informed decision on whether the woodland removal associated with development is justified. The details of the proposed mitigation contained in the ES will enable comparison with the potential loss of public benefits resulting from woodland removal.

### **3. Approval for woodland removal should be conditional on the undertaking of actions to ensure full delivery of the defined additional public benefits.**

When assessing the potential public benefits of existing woodland, consideration should be given to its potential future development, as well as its current attributes. For example, in even-aged/single- species, first rotation plantations this will normally require a forward look to their post-restructuring potential. Alternative futures for the woodland should also be considered (e.g. conversion to low management intensity native woodland) as these may enable proposals to proceed satisfactorily without the need for woodland removal.

The assessment of the potential public benefits associated with compensatory planting should recognise that it may take many years to match those associated with the woodland being removed. For example, the creation of woodland micro-climates, or the provision of woodland-related ecosystem services such as water quality improvements, may take decades to establish fully.

### **4. Planning conditions and agreements are used to mitigate the environmental impacts arising from development and FCS will also encourage their application to development-related woodland removal.**

The applicant should provide enough detailed information for a comparison to be made between the environmental value of any woodland they propose to remove and their mitigation proposals. Further guidance on this is provided at Annex 1.

### **5. Where felling is permitted but woodland removal is not supported, conditions conducive to woodland regeneration should be maintained through adherence to good forestry practice as defined in the UK Forestry Standard<sup>4</sup>.**

Tree/shrub species must be suited to the site and the objectives of management. The likely future climate is also an important consideration.

A long term forest plan should be provided, setting out the objectives, the actions required to

---

<sup>4</sup> <http://www.forestry.gov.uk/ukfs>

achieve these objectives within a specified time-period, the monitoring process (with key milestones) and contingency plans for remedial work.

## Criteria for determining the acceptability of woodland removal

The Policy identifies situations where:

- there is a strong presumption **against** removal of woodland;
- woodland removal is acceptable without compensatory planting (CP);
- woodland removal is acceptable with CP.

### ***Woodlands with a strong presumption against removal***

Page 7 of the Policy lists the types of woodland where their intrinsic environmental value indicates a strong presumption against removal. Proposals to remove these types of woodland should be judged on their individual merits. **However, only in exceptional circumstances should the strong presumption against woodland removal be overridden.**

All such cases will require a high level of supporting evidence and CP should be regarded as mandatory. Further guidance is provided in Annex 2.

### ***Woodland removal without a requirement for compensatory planting***

Page 6 of the Policy lists those circumstances where the removal of woodland would be appropriate without a requirement for CP.

In some cases the aims of those wishing to remove woodland can be achieved by converting the type of woodland to another type (such as from conifer plantation to native/shrub woodland), rather than removing the woodland completely. To further the policy's strong presumption in favour of protecting Scotland's woodland resources, this option should be considered as part of the decision-making process. Further guidance is provided in Annex 3.

### ***Woodland removal with a need for compensatory planting***

Page 7 of the Policy lists potential justifications for woodland removal, provided there is CP. However, design approaches which reduce the scale of felling required and/or converting the type of woodland to another type (such as from tall conifer plantation to low-height native/scrub woodland), must be considered from the earliest stages, rather than removing the woodland completely. **To further the policy's strong presumption in favour of protecting Scotland's woodland resources, options that avoid or reduce the need for CP should always be fully considered as part of the decision-making process. CP should be seen as the final option once all other solutions have been exhausted.**

Annex 4 provides further guidance on circumstances where woodland removal with CP may be justified, and potential measures aimed at minimising woodland removal.

Where decisions on woodland removal and any CP are for the local planning authority or Scottish Ministers (in the case of applications considered by the SG Energy Consent and Deployment Unit), FCS should be proactive in offering help and advice on the delivery of CP requirements. FCS will also help planners and developers to forge appropriate relationships with potential 'CP providers'.

The purpose of any CP that is required should be to secure, through new woodland on appropriate sites elsewhere, at least the equivalent woodland-related net public benefit embodied in the woodland to be removed. The details of the proposed mitigation scheme must

be referenced in the conditions of the planning consent (refer to Annex 6) as it is not appropriate to leave mitigation detail to post consent habitat management plans to decide and implement.

The first edition of this guidance (published in 2010) stated that ‘a reduction in area may be acceptable if it can be justified in terms of public benefit’; in practice, however, negotiations about this have proved difficult. **In future therefore FCS will normally expect the area of CP to equal the net area removed.** Annex 5 sets out a framework for calculating the area of CP.

Other considerations relating to CP are as follows:

<b>Location of CP</b>	To achieve the highest net public benefit, CP can, subject to the relevant conditions/agreements/approvals, be undertaken on appropriate sites anywhere in Scotland. However, local planning authorities may require CP within their own area.  Local Forestry and Woodland Strategies and related guidance should be used to help identify suitable areas for tree planting.
<b>Standards and methods</b>	CP must be carried out in accordance with good forestry practice as defined in the UK Forestry Standard.  Although direct planting will normally be preferable, proposals for the use of natural regeneration should be considered where this is silviculturally feasible and capable of enforcement.
<b>Timing of CP</b>	CP should be completed before, or as soon as possible after, woodland removal. The relevant time-scale should be specified as part of the approval but would not normally be more than five years after the woodland is removed or two years after the development is completed. Subsequent establishment should be completed within the period for which enforcement action can be taken.
<b>Grant aid for CP</b>	Where CP is required as a condition of development it is not eligible for SRDP support.

## Delivery

### ***Working with planners/SG Energy and Development Consents Unit***

It will be important for Conservators to develop good working relationships with local authority planners and (where necessary for larger schemes) with the SG Energy Consent and Deployment Unit, so that there is timely discussion of proposals. Early discussion with developers and planners will help to develop a collaborative approach that will ensure that all forestry issues are identified and mitigated at the earliest opportunity. It will also help ensure that the relevant tree felling conditions are attached to the consent.

Ideally, any concerns about woodland removal should be addressed prior to submission of planning applications. However, where Conservators have unresolved concerns about applications they should write formally to the relevant authority explaining that the proposals "do not comply with the Scottish Government's policy on the control of woodland removal" and that further discussion is needed to address this."

With regards to windfarm development, trees cleared for turbine bases, access roads and any other wind farm related infrastructure (infrastructure felling) should be considered as part



of a planning application (under The Electricity Act 1989<sup>5</sup> or the Town and Country Planning Act 1997<sup>6</sup>) and the felling should be consented with CP requirements. CP will be secured by a condition to any consent issued and will require replanting (either on site, or off site) in line with the forestry proposed to be removed in the ES.

Tree felling in vicinity of the turbines, the purpose of which is to avoid turbulence that can be created by the forest canopy and that can affect the performance and efficiency of the turbines, should be considered felling for forest management purposes and will be the subject of a Long Term Forest Plan which must be submitted to, considered and consented by Forestry Commission Scotland under the Forestry Act 1967<sup>7</sup> as part of a conditional felling licence.

### **Securing CP**

Once the area and type of CP has been agreed, FCS will seek to help developers fulfil their obligations by providing advice.

FCS may advise the planning authority for an independent, qualified and technically competent professional(s) (e.g. chartered forester) with the required experience, to be identified within the planning consent. Such professional(s) should be tasked with inspecting the compensatory planting at regular intervals (year 1, 5 and 10) to ensure that the trees are planted correctly, maintained to the required standard and ultimately established into woodland. The woodland will have to be maintained thereafter. This professional individual should report to the planning authority, to allow the compensatory planting condition to be managed and ultimately discharged.

**The details of the proposed mitigation should be provided to FCS and the planning authority before any development takes place. This should be referenced in the conditions of the planning consent.** More information is available in Annex 6.

Simply making payments in lieu of planting would not in itself fulfil CP obligations. Some mechanism must be employed to ensure that the trees are planted, such as an agreement with a third party woodland creation provider. The following routes to achieving CP may be relevant:

- Developer buys land and plants it.
- Developer leases land and plants it.
- Developer works with forestry agent, woodland company, local environmental project or other bona fide body to identify opportunities on private land which the developer can fund (instead of the private owner receiving grant monies).
- Local Authority offers land on which they would like new woodland creation (developer pays, as above).
- Developer enters into an agreement with another developer to provide wooded green space in new housing developments. This would need to be over and above any requirement for green space that is already included in the housing development's planning conditions.

Forest Enterprise Scotland (FES) plants on the National Forest Estate (NFE) and uses the developer's payment for this to fund new acquisitions. However, while it may be possible to accommodate small areas of CP on the NFE in this way, it will be for the developers themselves

---

<sup>5</sup> <http://www.legislation.gov.uk/ukpga/1989/29/contents>

<sup>6</sup> <http://www.legislation.gov.uk/ukpga/1990/8/contents>

<sup>7</sup> <http://www.legislation.gov.uk/ukpga/1967/10>

to ensure that CP obligations are fulfilled. FES will adopt an exemplar in following this guidance on the NFE.

### **Enforcement**

It will be for FCS to enforce CP conditions relating to felling licences.

Where CP is required in relation to development with planning permission, FCS has no statutory role but should be proactive in offering expertise on the implementation of the Policy. The development management process is a complex area.

Annex 6 outlines the potential role of planning conditions and planning agreements, and gives examples of planning conditions relating to CP.

### **Monitoring of woodland removal and CP**

Monitoring of woodland removal will be a long-term process as it can take many years for subsequent land use change to become evident. It is also recognised that woodland removal to meet the requirements of the UK Forestry Standard, or temporary removal of tree cover associated with rotational felling/replanting, will not always be readily distinguishable from the types of woodland removal to which the Policy applies.

The principal, long-term monitoring of woodland removal will therefore be accommodated through the periodic National Forest Inventory of Great Britain (0.5 ha resolution).

As FCS, local planning authorities and the SG Energy Consents and Deployment Unit all have responsibility for approving woodland removal in different circumstances, the collation of information on approvals is difficult. However a provisional assessment of woodland loss over the period 2001-11 is as follows:

Total area (ha) 2001-11	Unconditional felling approved for habitat restoration	Woodland area lost within windfarm and other renewable energy infrastructure projects	Unconditional felling approved for other reasons (e.g. housing, forest roads)
Private Sector	2190	7433	824
National Forest Estate	5164	1243	2384
Total	7354	8676	3208

Thus, the average woodland loss over this period, which largely pre-dated the Policy is estimated at 1,920ha per year. CP, which will not count towards the Government's annual targets for woodland creation, will be recorded separately in a standard centralised spreadsheet, monitored and managed by FCS National Office.

### **FC Scotland**

## Forestry Commission Scotland

### Generic Scoping Opinion – March 2015

#### Forestry and Woodlands

Scotland's woodlands and forestry are an economic resource, as well as an environmental asset, as stated in the third National Planning Framework (para 4.23, page 48, published at <http://www.scotland.gov.uk/Resource/0045/00453683.pdf>).

There is a strong presumption in favour of protecting Scotland's woodland resources. For this reason the Scottish Government published a policy on control of woodland removal in 2009 <http://www.forestry.gov.uk/forestry/infd-7hyhwe> (refer Scottish Planning Policy paragraph 218). The policy aims protect the existing forest resource in Scotland and supports woodland removal only where it would achieve significant and clearly defined additional public benefits. In some cases, including those associated with development, a proposal for compensatory planting may form part of this balance.

The criteria for determining the acceptability of woodland removal and further information on the implementation of the policy is explained in the policy on control of woodland removal. These should be taken into account when preparing the development plans for a wind farm proposal. Beyond this, applicants should refer to guidance documents issued by Forestry Commission in relation to good forestry practice, sustainable forest management and associated environmental issues.

#### Woodland Management and tree felling

The first consideration for the developer should be whether the underlying purpose of the proposals can reasonably be met without resorting to woodland removal. Design approaches which reduce the scale of felling required to facilitate the development should be considered and integration of the development with the existing woodland structure is a key part of the consenting process.

Where a developer intends to construct a windfarm within a forest, partially within a forest, or that will affect the forest environment, it is important that pre-application discussions takes place with Forestry Commission Scotland (FCS), the planning authority and other relevant key agencies, at the earliest possible stage of the project, to ensure all parties have a shared understanding of the nature of the proposed development, information requirements and the likely timescale for determination. This collaborative approach will ensure that all forestry issues are identified and mitigated at the earliest opportunity.

The developer should consider the potential cumulative impact of the proposed development in respect to the local and regional context. This should include consideration of potential cumulative impact of proposed woodland removal, when considering existing development in the surrounding woodland. In particular consideration needs to be given to the implication of felling operations on such things as habitat connectivity, landscape impact, impact on timber transport network and forestry policies included in the local and regional Forestry and Woodland Strategies and local development plans.

The Environmental Statement should include a stand-alone chapter on 'Woodland management and tree felling' that describes and recognises the social, economic and environmental values of the forest and the woodland habitat and take into account the fact that, once mature, the forest would have been managed into a subsequent rotation, often through a restructuring proposal that would have increased the diversity of tree species and the landscape design of the forest. The chapter should describe the baseline conditions of the forest, including its ownership. This will include information on species composition, age class structure, yield class and other relevant crop information. The baseline should be prepared from existing records, site surveys and aerial photographs.

The chapter should clearly indicate proposed areas of woodland for felling to accommodate new turbines, access roads and other infrastructure. Details of the area to be cleared around those

structures should also be provided, along with evidence to support the proposed scale and phasing of felling. The chapter should describe the changes to the forest structure, the woodland composition and describe the work programme. The felling plan should clearly identify which areas are to be felled and when.

Trees cleared for turbine bases, access roads and any other wind farm related infrastructure must be replaced by replanted on-site or on an alternative site (compensatory planting). The restocking plan should show which areas are to be replanted and when during the life of the windfarm. The plan should clearly identify and describe the restocking operations including changes to the species composition, age class structure, timber production and traffic movements.

Integration of the windfarm into future forest design plans is a key part of the development process. Applicants are therefore advised to prepare a Long Term Forest Plan, alongside their Environmental Statement, that provides a strategic vision to deliver environmental benefits through sustainable forest management and describes the major forest operations over a 20 years period. Such a plan should be presented to the planning authority, as a technical appendix as part of the Environmental Statement, for context.

FCS is the main forestry consultee and should be consulted throughout the development of the proposal to ensure that proposed changes to the woodland are appropriate and address the requirements of the policy on control of woodland removal.

It should be made clear that both felling operations and compensatory planting (if relevant) must be carried out in accordance to good forestry practice as defined in the UK Forestry Standard (UKFS). The UKFS, supported by a series of guidelines, is the reference standard for sustainable forest management in the UK and provides a basis for regulation and monitoring. The Scottish Government expects all forestry plans and operations in Scotland to comply with the standards. FCS therefore expect for Environmental Statement developed for wind farms (and other projects that impact on forests) to clearly state that the project will be developed and implemented in accordance with the UKFS and associated guidelines. A key component of this is to ensure that even-age woodlands are progressively restructured in a sustainable manner: felling coupes should be phased to meet adjacency requirements and their size should be of a scale which is appropriate in the context of the surrounding woodland environment.

Details of the proposed mitigation should not be left to post-consent Habitat Management Plans (or others) to decide and implement. The specifics of the proposed mitigation should be included in a Compensatory Planting Plan, appropriately described in the Environmental Statement, as they are vital in understanding the development in full.

### **Forestry Commission Scotland**

FCS works as part of Scottish Government to protect and expand Scotland's forests and woodlands and so has an interest in major developments that have the potential to impact on local forests and woodlands and/or the forestry sector.

Relevant discussion on forestry matters should take place prior to the submission of an Environmental Statement and developers and their consultants should allow sufficient time in their project plan to accommodate such advice. Developers should consult the local FCS Conservancy office that can be accessed at: <http://www.forestry.gov.uk/website/forestry.nsf/byunique/infd-8see6d>

## Woodlands with a strong presumption against removal

A particularly **strong presumption against woodland removal** should be applied to the following:

- Sites designated for their woodland features (habitats) or woodland-related species under EU or national designations.
- Other nationally designated sites (for example National Scenic Areas and National Parks) where woodland is a significant contributory feature of the designation.
- Woodland types listed in the EC Habitats Directive.
- UK BAP priority woodland types in areas mainly composed of ancient, semi-natural woodland (ASNW), ancient woodlands planted with native species, long-established woodlands of plantation origin (LEPO) with significant biodiversity interest, or well-established semi-natural priority woodland types. The Native Woodland Survey of Scotland gives data on ecological condition and this can help to define the nature conservation value of native and ancient woodlands.
- Woodlands covered by TPOs (in the case of individual woodland trees covered by TPOs, judgement will be required on the potential impact of removing woodland adjacent to those trees).

**Slightly more flexibility** can be applied to the following:

- Other areas of priority native woodland habitats, of lower biodiversity value, including semi-natural woods established within the last 25 years or so, and recently planted native woods.
- Non-native Plantations on Ancient Woodland Sites (PAWS) with very few remnant ancient woodland features.
- Other woodlands supporting EU or UK priority species reliant on woodland. These should be assessed in terms of the conservation significance of the possible losses and gains in terms of number of species and the proportions of populations and/or range affected from converting to open habitat. (N.B. for European Protected Species there are licensing requirements under the Habitats Regulations 1994).
- Areas mapped as forming parts of key forest habitat networks in a regional Forestry and Woodland Strategy.

## Woodland removal without a requirement for compensatory planting

Objective	Further guidance
<p><b><i>Enhancing priority habitats and their connectivity</i></b></p>	<ul style="list-style-type: none"> <li>• <b>Woodland presence within or adjacent to open ground priority habitats is not, in itself, a justification for woodland removal.</b> It is the nature and degree of the woodland's impact on the priority habitat(s) or dependent priority species (and the benefit that would be gained by woodland removal) that will inform the need or otherwise for removal.</li> <li>• Priority habitats are those listed in the EC Habitats Directive Annex 1 and the UK Biodiversity Action Plan (UKBAP). These include priority woodland habitats: Lowland Mixed Deciduous Woodland, Upland Mixed Ashwood, Upland Oakwood, Upland Birchwood, Native Pine Woodland, Wet Woodland and Wood Pasture and Parkland.</li> <li>• For <u>designated</u> open ground habitats, SNH's Site Condition Monitoring reports can be used to assess woodland impacts but direct advice from SNH should also be sought.</li> <li>• For undesignated areas of UK priority open ground habitats, consideration should include the effects of woodland removal on the quality, size and coherence (such as de-fragmentation and habitat mosaic benefits) of the open habitat area, particularly in relation to the specific requirements of, and evidence of impact on, priority species.</li> <li>• Consideration can be given to woodland removal proposals adjacent to the boundary of open ground priority habitats if there is <b>strong evidence that the woodland is having a significant impact on their conservation status or where the public benefits of extending that habitat significantly outweigh the public benefits of retaining the woodland.</b></li> <li>• The current woodland site should be capable of restoration to the desired habitat types <b>within a reasonable timescale</b> – or where this is not practical (due to time being an essential factor in the restoration process), should at least be capable of being set on course for the desired habitat type to be evident within 15-20 years without further management intervention.</li> </ul>
<p><b><i>Enhancing populations of priority species</i></b></p>	<ul style="list-style-type: none"> <li>• The nature of woodland impacts (positive and negative) on priority species will depend on which species are present. The principle is that <b>proposals would need to demonstrate a significant net benefit for those species.</b> The net benefits to priority species should be assessed in terms of the significance of woodland removal to their conservation status.</li> <li>• Priority species are defined in endnote xi of the Policy and include those species listed in the EC Habitats Directive and the EC Birds Directive, and other priority species listed under the UK BAP.</li> <li>• Where woodland priority species are present, consideration of the impact of woodland removal on their wider conservation status will be necessary. The strong presumption against woodland removal where such species are present (see page 7 of the Policy) should</li> </ul>

	<p>apply where losses would be of conservation significance to one or more of those priority species. This should be considered in terms of the potential loss of population and /or range and number of species.</p> <ul style="list-style-type: none"> <li>• Exceptionally, woodland removal may be justified if the gains from that removal will provide a clear and significantly greater net benefit to open ground priority species compared to the woodland priority species that would be lost.</li> </ul>
<p><b><i>Enhancing nationally important landscapes, historic environment and geological SSSIs</i></b></p>	<ul style="list-style-type: none"> <li>• The main consideration is whether woodland (in its current or future condition) is, or is likely to become, significantly detrimental to such designated sites. This should include appearance/condition, context, understanding and interpretation.</li> </ul>
<p><b><i>Improving conservation of water resources</i></b></p>	<p><b><i>Water quality</i></b></p> <ul style="list-style-type: none"> <li>• The main consideration is whether, based on good evidence, removal of woodland (rather than a change of woodland type/management intensity) would be the most effective way of addressing significant water management issues identified in River Basin Management Plans.</li> <li>• <b>In most cases, adherence to the UKFS Forests &amp; Water Guidelines, and adherence to pollution regulations would be all that is needed to safeguard water quality.</b></li> </ul> <p><b><i>Water quantity</i></b></p> <ul style="list-style-type: none"> <li>• The main consideration is whether a catchment has a high water demand (high regional population or significant demand for regionally important irrigation) in an area of inherently low rainfall (generally only in the east of Scotland) <u>and</u> where there is strong evidence to suggest that woodland will have a significant impact on water yield.</li> <li>• Woodland removal to address the above must not have a significant impact on water quality or to current/predicted downstream flooding risk to people or key infrastructure.</li> </ul>
<p><b><i>Improving conservation of soil resources</i></b></p>	<ul style="list-style-type: none"> <li>• <b>Woodland removal will rarely be justified for the purposes of soil conservation as changes to woodland type or management intensity, coupled with adherence to the UKFS Forests &amp; Soils Guidelines, will usually be expected to suffice.</b></li> <li>• Currently, the main consideration is whether woodland can be shown to be having, or is likely to have, a significant detrimental impact on greenhouse gas emissions, or slope stability.</li> <li>• Scottish Government policy is to deliver renewable energy without environmental harm and to deliver biodiversity objectives, including the conservation of designated wildlife sites and important habitats such as peatlands. This Technical Note <a href="http://www.scotland.gov.uk/Resource/Doc/917/0121469.pdf">http://www.scotland.gov.uk/Resource/Doc/917/0121469.pdf</a> provides a methodology to explore potential carbon emission savings and losses associated with a wind farm development in forestry or on peatland. Case-specific advice can be sought from Forest Research.</li> <li>• Woodland removal to aid slope stability will require evidence to show that woodland-induced instability is causing, or is predicted to cause, significant negative impacts on transport networks, communities or</li> </ul>

	<p>water quality, and that changes to the woodland type or management intensity, particularly in conjunction with a reduction in grazing pressure, would be unlikely to suffice.</p>
<p><b>Public safety</b></p>	<p>Justifications could include:</p> <ul style="list-style-type: none"> <li>• A significant, proven risk to road users. The speed and volume of traffic are relevant considerations.</li> <li>• An agreed need to reduce significant fire hazard to people, homes and business premises.</li> <li>• An identified need for emergency service access.</li> <li>• The safe functioning of existing infrastructure such as electricity supplies and oil/gas/water pipelines. Note that this justification would not apply to planned programmes of wayleave widening to enhance the longer-term resilience of the network.</li> </ul>



## Woodland removal with a need for compensatory planting

Objective	Further guidance
<p><b>Helping Scotland mitigate and adapt to climate change</b></p>	<p><b>Renewable energy</b></p> <ul style="list-style-type: none"> <li>• To maximise climate change mitigation and adaptation benefits, integration of the Government’s renewable energy and forestry policies should be sought.</li> <li>• Options that avoid or minimize the need for woodland removal should always be considered: the use of low-height woodland, (e.g. some types of native woodland and shrubs or short rotation forestry), or increased hub-height (subject, of course, to other technical and environmental considerations) might enable proposals to proceed without the need for woodland removal.</li> <li>• Scottish Government policy is to deliver renewable energy without environmental harm and to deliver biodiversity objectives, including the conservation of designated wildlife sites and important habitats such as peatlands. This Technical Note <a href="http://www.scotland.gov.uk/Resource/Doc/917/0121469.pdf">http://www.scotland.gov.uk/Resource/Doc/917/0121469.pdf</a> provides a methodology to explore potential carbon emission savings and losses associated with a wind farm development in forestry or on peatland. Case-specific advice can be sought from Forest Research.</li> </ul> <p><b>Sustainable flood management</b></p> <ul style="list-style-type: none"> <li>• The intention is to support the Flood Risk Management (Scotland) Act 2009.</li> <li>• Appropriate types of woodland/ woodland management will normally benefit sustainable flood management. It is unlikely that woodland removal would be essential for ‘soft engineering’ associated with sustainable flood management but it might be justified for ‘hard engineering’ solutions to existing and predicted flooding issues likely to affect communities or essential infrastructure.</li> </ul> <p><b>Priority habitat connectivity</b></p> <ul style="list-style-type: none"> <li>• Proposals that assist the adaptation and resilience of species or ecosystems to climate change, but which do not fully satisfy the criteria for woodland removal without compensatory planting, should be considered only if woodland removal makes a significant net contribution to Scotland’s biodiversity objectives. This could include measures that would significantly increase the resilience of priority open ground ecosystems (e.g. by increasing their size and/or quality) or significantly enhance the movement of important species to new areas (e.g. where woodland removal would clearly aid the connectivity and/or quality of suitable habitats). This should be judged mainly in relation to designated sites and priority species but other well justified proposals can also be considered.</li> <li>• Options for converting the existing woodland into another type of woodland (or management intensity) should be reviewed so that the <u>comparative</u> advantage of conversion to priority open ground habitat can be assessed in terms of the net benefits to habitat connectivity.</li> </ul> <p><b>Reduction in net greenhouse gas emissions</b></p> <ul style="list-style-type: none"> <li>• Consideration can be given to proposals to remove woodlands of</li> </ul>

	<p>intrinsically low public benefit and replace them elsewhere with a woodland capable of significantly greater carbon sequestration potential (and with at least the equivalent other public benefits of the existing woodland).</p> <ul style="list-style-type: none"> <li>The Woodland Carbon Code and associated guidance provides information on carbon sequestration and emissions associated with woodland creation projects. This includes estimates of the change to carbon stocks on the site over time as a result of tree establishment and growth. The net benefit of any project, can then be estimated by comparison with the baseline land use scenario. The guidance and an example calculation spreadsheet are available at: <a href="http://www.forestry.gov.uk/forestry/infd-8jue9t">http://www.forestry.gov.uk/forestry/infd-8jue9t</a>.</li> </ul>
<p><b><i>Enhancing sustainable economic growth or rural/community development</i></b></p>	<p><b>Economic development</b></p> <ul style="list-style-type: none"> <li>The Government's central purpose is to increase sustainable economic growth. Proposals that would significantly support that aim are likely to be acceptable unless there is a strong presumption against removal. Examples could include the provision of new housing or infrastructure to meet identified local or regional needs.</li> </ul> <p><b>Temporary greening strategies</b></p> <ul style="list-style-type: none"> <li>Where woodland has formed part of agreed temporary greening strategies subsequent woodland removal, consistent with those aims, would be acceptable. Temporary greening means the agreed creation of 'temporary woodland' to improve the local environment and hence attract inward investment (together with other public benefits) on the understanding that some or all of the woodland may need to be removed in later years to enable that investment (e.g. new housing or factory units) to proceed. Such measures can encourage potential developers to improve environmental conditions without that improvement subsequently jeopardising later planning applications (i.e. it avoids 'planning blight').</li> </ul> <p><b>Community aims</b></p> <ul style="list-style-type: none"> <li>Where a proposal meets the needs of a democratically formed community aim (e.g. supporting or providing significant local facilities) and is judged to be in the net public interest, woodland removal with compensatory planting is likely to be acceptable.</li> </ul> <p><b>Reduction in damage to weak but essential public roads</b></p> <ul style="list-style-type: none"> <li>Woodland removal with compensatory planting can be considered where it would prevent significantly expensive, unavoidable and repeated damage to weak but essential public roads. Significant 'through routes', and the presence of schools, essential infrastructure and significant community facilities would point towards a road being essential.</li> </ul>
<p><b><i>Scotland as a tourist destination</i></b></p>	<ul style="list-style-type: none"> <li>Proposals should be considered where the subsequent enhancement would be of significant direct or indirect benefit to an important existing, or proposed, tourism facility.</li> <li>See also '<b>Economic development</b>', above.</li> </ul>
<p><b><i>Encouraging recreational</i></b></p>	<ul style="list-style-type: none"> <li>Only rarely is woodland removal, over and above re-design necessary to meet the requirements of the UK Forestry Standard (which could involve,</li> </ul>

<p><b>activities &amp; public enjoyment of the outdoor environment</b></p>	<p>for example, the creation of 10-20% permanent open space to encourage the development of wildlife habitats), expected to be the most effective way of delivering public benefit enhancements of this nature.</p> <ul style="list-style-type: none"> <li>• See also '<b>Community aims</b>' above.</li> <li>• See also '<b>Economic development</b>' above.</li> </ul>
<p><b>Reducing natural threats to forests or other land</b></p>	<ul style="list-style-type: none"> <li>• Only rarely is woodland removal expected to be the most effective way of reducing natural threats to forests and other land. Proposals would need to be particularly well justified.</li> </ul>
<p><b>Increasing the social, economic or environmental quality of Scotland's woodland cover</b></p>	<ul style="list-style-type: none"> <li>• Where the existing forest does not currently meet the UK Forestry Standard, has low potential to do so and the land can be restored to the desired future condition, woodland removal is likely to be acceptable, particularly if the compensatory planting will have significantly greater public benefits.</li> <li>• Where the current woodland meets the UK Forestry Standard but otherwise has low public benefits and the land can be restored to the desired future condition, a proposal for woodland removal should be considered if the compensatory planting would have significantly greater public benefits than the existing woodland.</li> </ul>

## A framework to calculate the area of CP

The default position is that compensatory planting should be of an equivalent woodland area, on appropriate site types and with at least the equivalent woodland-related net public benefits, as the woodland that is removed.

Compensation should equal the net area of woodland that would - in the absence of the proposal for woodland removal and in accordance with the principles of sustainable forest management and the UK Forestry Standard - have been expected to remain on the site through an approved restructuring long-term forest plan.

As part of the Environmental Statement the developer is encouraged to present a baseline plan - a felling and restocking plan- that articulates the restructuring of that forest in the long term if the windfarm did not go ahead (a 'without windfarm Forest Plan'). This baseline plan needs to be supported by maps and tables with felling and restocking figures.

Additionally a commensurate document should be produced (a 'with windfarm Forest Plan') which clearly illustrates and quantifies the same aspects if the development was to go ahead.

The two documents will support the developer through their calculations for net woodland removal and any resultant compensatory planting which would be required if development is given consent. In making such calculations, the following principles will apply:

- According to the baseline plan ('without windfarm Forest Plan') the areas which, through restructuring, would not have been restocked back to woodland (refer to the Policy) can be discounted from the compensatory planting area.
- All areas of woodland that need to be removed to directly accommodate the development infrastructures (for example turbines, roads and ancillary structures) will always be counted toward the net area of compensatory planting required. The only exception to this will be roads whose alignment, intensity and overall footprint conform to normal forest practice.
- All other removal calculations should be on a net loss basis, taking into account the respective plans and supporting figures contained within.
- Whilst compensatory planting can potentially take place both off and on site, it will be preferable, where UKFS compliant, for such planting to take place on site or in close proximity to the site. Such proposals are much easier to assess and consider in the context of the development itself and may well serve to mitigate other impacts of the development.

Compensatory planting should be secured via a stand-alone condition and the details (map, specification, timescale and monitoring) should be included in the Environmental Statement. The details of this should be included in a suitable Compensatory Planting Plan to be agreed before the developer can proceed with the development and the felling of trees. Such plan must flesh out all the details of the proposed planting, including its maintenance over the entire life-span of the development. More information is available at Annex 6.

## Planning conditions and planning agreements

**The approving authority should only approve woodland removal on the condition that a clear, concise and time-limited plan is in place.** This plan should include the means by which the transition of the land to its desired future state will be delivered and how the process will be monitored to ensure the objectives of the proposed land use change are achieved. The relevant information can be included in a Long Term Forest Plan, a Restoration Plan or a Habitat Management Plan- whichever is most appropriate. The level of detail in such plan and monitoring procedures should be proportionate to the significance of the proposals.

**Woodland areas proposed to be removed and compensated, that has been identified and quantified in the Environmental Statement, must mirror what stated in the planning conditions or in the planning agreement.** Where full planning permission authorises the felling of trees on a development site (infrastructure felling), both on-site restocking and off-site compensatory planting must be secured by a condition as part of the planning consent.

**Planning conditions** can be imposed through:

- the local authority- under the Town and Country Planning Act 1997); or
- the Scottish Government’s Energy Consents and Deployment Unit- through a deemed planning issued by the Scottish Ministers (a Section 36 or 37 Consent under the Electricity Act 1989)

Conditions should be phrased positively (i.e. requiring the developer to do ‘x’) or suspensively (i.e. preventing the development until the developer has done ‘y’). Positive conditions can only be applied on land for which the applicant has control. Suspensive conditions are not subject to the same restriction and where meeting the terms of a suspensive condition requires the co-operation or consent of a third party it becomes known as a ‘Grampian condition’ (after a Court case in 1984).

As a matter of policy, planning conditions should only be imposed where they are:

- Necessary (i.e. permission would be refused without it);
- Relevant to planning (i.e. not controlled by another consent regime);
- Relevant to the development to be permitted (i.e. a direct consequence of the development in question);
- Enforceable (i.e. compliance can be monitored);
- Precise (i.e. what, by whom, by when?); and
- Reasonable in all other respects (e.g. deliverable, land in developers control, doesn’t require another consent).

**Section 36 or 37 consents** relate to applications for electricity generating stations in excess of 50 MW and overhead power lines, which are made to the Scottish Ministers. As ‘deemed planning’ cannot be varied except by the Minister and so great care is required to design a condition which is sufficiently flexible to cope with the realities of implementation. If, for example a S36 or S37 consent requires 100 ha compensatory planting, it would not be possible (without Ministerial agreement) subsequently to agree that only 80 ha would be sufficient given the nature of the planting to be undertaken.

For examples of the wording expressed in planning conditions contact [maida.ballarini@forestry.gsi.gov.uk](mailto:maida.ballarini@forestry.gsi.gov.uk)

**Planning agreements-** where compensatory planting cannot be secured by a condition, two forms of planning agreement are available:

- Section 75 agreements under the Town and Country Planning {Scotland} Act 1997
- Section 69 agreements under the Local Government {Scotland} Act 1973

Unlike conditions, planning agreements can include monetary payments to the planning authority. It will be for local authorities to determine which form of agreement is best suited to their needs.

In a similar way to Conditions, planning agreements must be:

- Necessary (i.e. permission would be refused without it, requires ongoing commitment);
- Serve a planning purpose (i.e. based on the development plan and any supplementary guidance);
- Relevant to the development (i.e. required as a direct consequence of the development);
- Fair and reasonable in scale and kind (i.e. related to the scale of woodland loss; and
- Reasonable (note that planning agreements can relate to land other than that covered by the permission).

### **Details of proposed mitigation**

The details of the proposed mitigation scheme must be referenced in the conditions of the planning consent. It is not appropriate to leave mitigation detail to post consent habitat management plans to decide and implement.

**They are more likely to be appropriate where there is a straightforward situation e.g. where a known piece of land is available for CP and is controlled by the developer.** In any more complex situation, conditions are unlikely to be suitable since enforcement action can only be taken on the owner of the land and not on the developer. Monetary payments should not be secured through conditions.

When it is not possible to identify the location of the CP and the delivery mechanism, the planning conditions can reference a suitable Compensatory Planting Plan (see below). **The key aspect is that the CP Plan has to be agreed before the developer can proceed with the development and the felling of trees.** The CP plan must flesh out all the details of the proposed planting, including its maintenance over the entire life-span of the development.

### **Compensatory Planting Plan**

The details of the CP proposal, e.g. who, where, why, what, when and how the compensation will be delivered, must be properly described in the CP plan and approved by the Conservancy.

**Who:** The person who is to survey, describe, assess, specify and deliver both the felling proposals and compensatory planting proposals must possess the relevant qualifications, technical abilities and have the necessary experience – e.g. a chartered forester.

**Where:** The location of both the felling and compensatory planting proposals should be fully detailed, described and supported with good quality maps. If peat depth is a relevant consideration, a full assessment should be undertaken using recognised survey techniques and details of this provided in the application.

If the developer does not own the land, ensure appropriate landowner agreements and access rights are in place that allow compensatory tree planting. **The CP proposals (if required) must be assessed through the normal forestry EIA process and the necessary consents should be in place.**

**Why:** A rationale that explains why both the felling and compensatory planting proposals are

necessary and designed the way they are, should be provided. This should include the assessment of impact and proposed mitigation.

**What:** A full description and specification for both felling and compensatory planting should be provided. The harvesting system should be described. A full silvicultural proposal for compensatory planting, supported with maps should be provided. This should include: ground preparation, drainage, planting technique, stocking density, species, maintenance and a protection plan.

**When:** The timings for both felling and compensatory planting should be detailed. All CP should be completed within five years after the woodland is removed or within two years of the development being completed. Ensure that a maintenance plan with appropriate timescales is provided- this information should be included in the CP plan. Subsequent establishment should be completed within the period for which enforcement action can be taken.

**How:** Ensure that compensatory proposals are enforceable, e.g. Section 36 or legal agreement.

**Grampian Conservancy**

Portsoy Road  
Huntly  
Aberdeenshire  
AB54 4SJ

The Scottish Government  
Planning and Environmental Appeals Division  
4 The Courtyard  
Callendar Business Park  
Falkirk  
FK1 1XR

Tel 0300 067 6210  
Grampian.cons@forestry.gsi.gov.uk

Conservator  
James Nott

27<sup>th</sup> April 2016

LDP-100-2

Dear Sir/Madam

**PROPOSED ABERDEEN LOCAL DEVELOPMENT PLAN  
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT PLANNING) (SCOTLAND) REGULATIONS  
2008  
NOTICE: FURTHER INFORMATION REQUEST 06 - ISSUE 11 – ALLOCATED SITES AND GENERAL  
AREA STRATEGY - DEESIDE**

Please find enclosed FCS' response to the above request for additional information in regard to the proposed Aberdeen Local Development Plan.

**In respect of site OP52:**

**a. Whether residential development on this site would be possible without any removal of ancient semi-natural woodland from the site and, if so, the number of houses that could be accommodated.**

The woodland at OP52 is not ancient semi-natural woodland, it is ancient woodland of Long Established Plantation Origin (LEPO). It is native woodland of UK Priority Habitat type, Upland Birchwood, and has been woodland for more than 140 years.

LEPO woodland with significant biodiversity interest and (separately) UK Priority Woodland types both hold the same status as Ancient Semi-Natural Woodland in the [Scottish Government's Policy on the Control of Woodland Removal](#), as having a strong presumption against removal.

Further detail on the policy above can be found in;  
[Guidance to FCS on Implementing Scottish Government's Policy on Control of Woodland Removal](#)

**In response to the question above I have assumed the question to refer to all types of ancient woodland, not just ancient semi-natural woodland.**

Yes, broadly speaking, residential development on this site would be possible without the removal of ancient woodland as not all of OP52 is covered by woodland. Development outwith the woodland area in this OP site could occur without the removal of ancient woodland, but access to this area would require the removal of a small area of woodland along the site boundary, if minimised, this would be appropriate.

The map of Appendix I shows the Native Woodland Survey of Scotland (NWSS) entry for woodland cover at OP52. The NWSS accurately depicts the current woodland extent at OP52.



The whole OP site appears in the Ancient Woodland Inventory, with all current woodland in this OP site residing on an ancient woodland site.

The white area of OP52 is not woodland and development in this area would not require the removal of ancient woodland.

Using the current proposed plan OP area/housing ratio, 8 houses could be sited in this area.

**b. Whether road access to the development could be achieved without removal of any of the boundary trees beside Malcolm Road.**

No, road access cannot be achieved without the removal of boundary trees. The boundary trees extend along the entire length of the OP site that runs parallel to Malcolm Road and along the length of each other side of the OP site except where houses already exist.

However, at the northern end of the site these trees are younger birch, not the mature Scots Pine that screen the area of the OP site that is not woodland in close proximity to Malcolm Road, I expect it is these mature Scots Pine trees that are referred to as the boundary trees to remain and it would be possible to access the OP site and retain these trees.

**d. Assuming the principle of development is accepted, the changes that are required to the text on page 85 to reflect the need to retain ancient semi-natural woodland, any consequent reduction in house numbers or change in access arrangements, and clarification of the need for a planning brief or a masterplan.**

The inclusion of this OP site is contrary to the proposed plan policy NE5 which presumes against development that will result in the loss of, or damage to, trees and woodlands that contribute to nature conservation, landscape character, local amenity or climate change adaptation and mitigation and does not conform to the Scottish Government's Policy on the Control of Woodland Removal, I cannot recommend it's inclusion in the plan.

However, in response to question d:

"Opportunity for **8** houses. **Mature Scots Pine** boundary trees to be retained. **Access to the development site will be through ancient woodland, the access route must minimise woodland removal.** Site (or part of) is at risk of flooding. Developers will be required to provide a Flood Risk Assessment (FRA) in support of any development proposals for this site."

Note: FCS defers the assessment for the requirement for a Flood Risk Assessment (FRA) associated to this development to other agencies, the need for a FRA has not been considered; the original text relating to this issue has been included.

**In respect of site OP109:**

**e. While the text on page 86 of the proposed plan states that ancient woodland on the south of the site is to be protected, please indicate whether there is ancient woodland on any other parts of the site.**

Yes, there is ancient woodland within the development site; this woodland is also of UK Priority Habitat type, Upland Birchwood.

Woodlands with these characteristics are perceived to have a strong presumption against removal under the Scottish Government's Policy on the Control of Woodland Removal and its inclusion in the OP site is contrary to the proposed plan policy NE5 which presumes against development that will result in the loss of, or damage to, trees and woodlands that contribute to nature conservation, landscape character, local amenity or climate change adaptation and mitigation.

I recommend that 0.6ha of woodland identified with a blue boundary on the map in Appendix II (OP109 – Map A) be removed from the OP site so that it may confirm to the stated proposed plan policy.

**f. Whether residential development on this site would be possible without any removal of ancient semi-natural woodland from the site and, if so, the number of houses that could be accommodated;**

The woodland at OP109 is not ancient semi-natural woodland, it is Ancient Woodland of Long Established Plantation Origin (LEPO). It is native woodland of UK Priority Habitat type and has been woodland for more than 140 years.

LEPO woodland with significant biodiversity interest and (separately) UK Priority Woodland types both hold the same status as Ancient Semi-Natural Woodland in the [Scottish Government's Policy on the Control of Woodland Removal](#), as having a strong presumption against removal.

[Guidance to FCS on Implementing Scottish Government's Policy on Control of Woodland Removal](#)

**In response to the question above I have assumed the question to refer to all types of ancient woodland, not just ancient semi-natural woodland.**

Yes – all ground outwith the woodland area (identified with a blue boundary on the map in Appendix II: OP109 – Map A) may be developed without impact on ancient woodland.

Please note that the woodland extent indicated on the NWSS map of Appendix I over estimates the woodland area at OP109. The woodland area recommended for removal from the OP, denoted by the blue boundary of the map in Appendix II, has been drafted following site inspection.

Using the proposed plan OP area/housing ratio, and reducing the OP area by 0.6ha, gives an opportunity for 14 houses.

**i. Assuming the principle of development is accepted, any changes that are required to the text on page 86 to reflect the need to retain additional ancient semi-natural woodland, any consequent reduction in house numbers, and clarification of the need for a drainage impact assessment.**

To most effectively protect the woodland it would be preferable that it be removed from the OP site, however in response to the request I recommend:

“Opportunity for **14** houses. Drainage Impact Assessment required to consider protection of potential wet habitats/woodlands adjacent to the site and the potential requirement for a buffer to prevent any increase in drainage of wet habitats/woodlands. **Woodland on the development site and** Ancient Woodland on the south of the site is to be protected.”

Note: FCS defers the assessment for the requirement for a Drainage Impact Assess (DIA) associated to this development to other agencies, the need for a drainage impact assessment has not been considered; the original text relating to this issue has been included.

Yours sincerely



Ian Cowe  
Development Officer  
Forestry Commission Scotland – Grampian Conservancy

# The Scottish Government's Policy on Control of Woodland Removal





## Purpose

To provide policy direction for decisions on woodland removal<sup>i</sup> in Scotland.

The Scottish Government will apply the policy to decisions within its areas of competence.

## Definition of woodland removal

In this paper 'woodland removal' is defined as the permanent removal of woodland<sup>ii</sup> for the purposes of conversion to another type of land use.

Woodland removal can be at a local, regional or national level, deliberate or accidental, and can take place quickly or over time scales measured in decades. It does not include the removal of trees associated with the internal re-design of woodlands to meet the UK Forestry Standard.

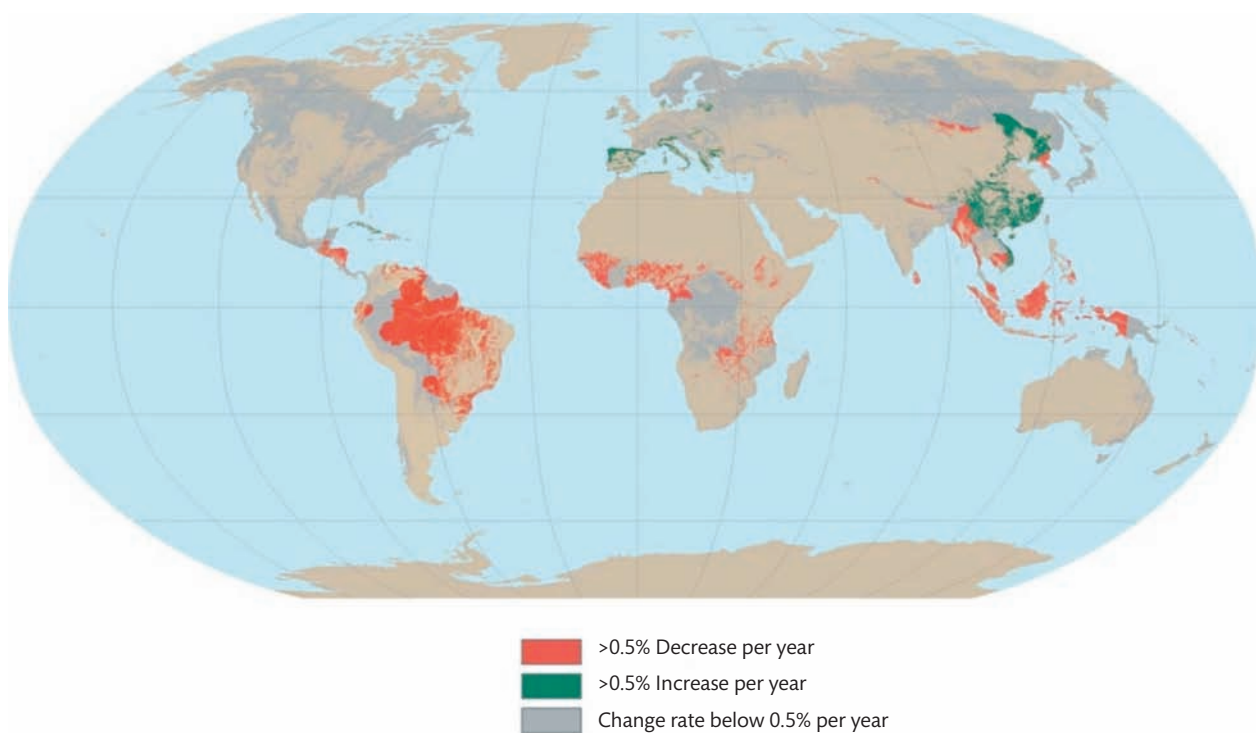


# Control of Woodland Removal

## Background

Globally, forest cover has reduced from 50% to 30% of the world's land area over the last century and now stands at about 4 billion hectares. Net annual forest loss between 2000-2005 has been 7.3Mha compared to 8.8Mha annually between 1990-2000. Deforestation now comprises 18% of the world's greenhouse gas emissions (compared to 25% from electricity and heat generation, 14% from transport and 13% from agriculture).

### Countries and forests with high rates of net forest area change 2000-2005



In Scotland, extensive deforestation has occurred since prehistoric times, mainly for agriculture. By 1900 only 5% of our land cover was woodland, of which less than a third comprised ancient, semi-natural woodland. Reforestation during the 20th century increased the resource to 17% of land area (1.3Mha) by 2005. About one third of this comprises native species. Since 1990 there has been significant woodland removal associated with landscape design, restoration of priority habitats, wind farms, and other types of development. The National Forest Inventory of Great Britain<sup>iii</sup> will enable the national scale of change to be assessed. More specifically the Native Woodland Survey of Scotland<sup>iv</sup> will give a firm baseline for native and ancient woodland, and will also estimate recent losses.

# Current policy and regulatory context

At world, EU, UK and Scottish levels there is a strong presumption against deforestation (see endnote i), with climate change considerations being a significant driver for that stance.

The Forestry Act 1967 (as amended) is the basis for the regulation of felling through the felling licence system. Other statutory powers apply to sites designated for their special interest<sup>v</sup> and to development<sup>vi</sup>. Woodland removal (under the title of 'Deforestation') comes within the scope of the Environmental Impact Assessment (Forestry) (Scotland) Regulations 1999. Woodland removal resulting from lack of active management or overgrazing is managed primarily through advice and incentives rather than regulatory powers. Annex A gives further details of the policy and regulatory context.

No changes to existing legislation are anticipated as a consequence of this Scottish Government policy on woodland removal.

## Woodland removal in Scotland

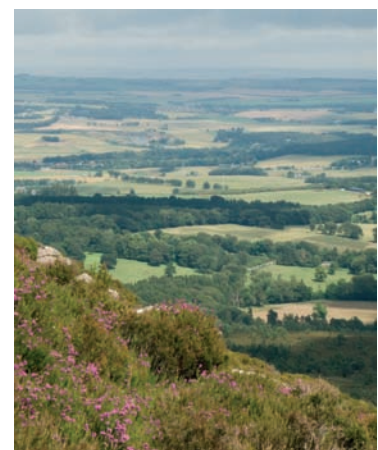
Woodland removal has arisen in many forms, arranged in the chart at Annex B by scale and intent. This paper focuses on major and intentional woodland removal where there is a deliberate and relatively immediate change in land use. More gradual forms of woodland removal such as those arising from overgrazing are also of relevance but will be addressed through other mechanisms such as the Scotland Rural Development Programme.

The temporary removal of tree cover associated with clearfelling and restocking, and the removal of trees associated with the internal re-design of woodlands to meet the UK Forestry Standard, are not considered as woodland removal in this statement of policy.



## Principal aims of this policy statement

- To provide a strategic framework for appropriate woodland removal.
- To support the maintenance and expansion of forest cover in Scotland<sup>vii</sup>.
- To contribute towards achieving an appropriate balance between forested and non-forested land in Scotland.
- To support climate change mitigation and adaptation in Scotland.
- To provide a sound basis for Scotland's participation in the global debate and actions on deforestation.
- To develop a clear understanding of the nature and extent of future woodland removal in Scotland.



# Control of Woodland Removal

## Guiding Principles

- There is a strong presumption in favour of protecting Scotland's woodland resources.
- Woodland removal should be allowed only where it would achieve significant and clearly defined additional public benefits<sup>viii</sup>. In appropriate cases a proposal for compensatory planting<sup>ix</sup> may form part of this balance.
- Approval for woodland removal should be conditional on the undertaking of actions to ensure full delivery of the defined additional public benefits.
- Planning conditions and agreements are used to mitigate the environmental impacts arising from development and Forestry Commission Scotland will also encourage their application to development-related woodland removal.
- Where felling is permitted but woodland removal is not supported, conditions conducive to woodland regeneration<sup>x</sup> should be maintained through adherence to good forestry practice as defined in the UK Forestry Standard.



## Criteria for determining the acceptability of woodland removal

Woodland removal, without a requirement for compensatory planting, is most likely to be appropriate where it would contribute significantly to:

- enhancing priority habitats and their connectivity;
- enhancing populations of priority<sup>xi</sup> species;
- enhancing nationally important landscapes, designated historic environments<sup>xii</sup> and geological Sites of Special Scientific Interest (SSSI);
- improving conservation of water or soil resources; or
- public safety.





Woodland removal, with compensatory planting, is most likely to be appropriate where it would contribute significantly to:

- helping Scotland mitigate and adapt to climate change;
- enhancing sustainable economic growth or rural/community development;
- supporting Scotland as a tourist destination;
- encouraging recreational activities and public enjoyment of the outdoor environment;
- reducing natural threats to forests or other land; or
- increasing the social, economic or environmental quality of Scotland's woodland cover.



There will be a strong presumption against removing the following types of woodland: ancient semi-natural woodland; woodland integral to the value of designated or special sites (Special Areas of Conservation {SACs}; Special Protection Areas {SPAs}; Sites of Special Scientific Interest {SSSIs}; Ramsar sites; National Nature Reserves {NNRs}; areas supporting priority habitats and species listed in the UK Biodiversity Action Plan; Scheduled Monuments; National Scenic Areas; and woodlands listed within the Inventory of Gardens and Designed Landscapes); woodlands critical to water catchment management or erosion control; or woodlands listed as 'Plantations on Ancient Woodland Sites' (PAWS). There will also be a strong presumption against woodland removal where it would lead to fragmentation or disconnection of important forest habitat networks.



General guidance on meeting these criteria is outlined in Annex C, and further detailed guidance will be developed, with stakeholder involvement, during 2009.



Approval for woodland removal should be conditional on achieving significant net public benefit, this taking account of the current and future benefits/disbenefits of the existing woodland. Where possible this should include a broad assessment of the impact on carbon and relevant greenhouse gases. Specific site operations will generally be required to achieve the subsequent public benefits and should be clearly defined as part of the approval process.

A woodland owner's financial considerations alone will not be regarded as sufficient reason to permit woodland removal without compensatory planting. They may, however, justify a change in the type of woodland and the intensity of management. Further guidance on these, and other forms of 'uneconomic woodlands' is outlined in Annex D.

# Control of Woodland Removal

## Managing the process

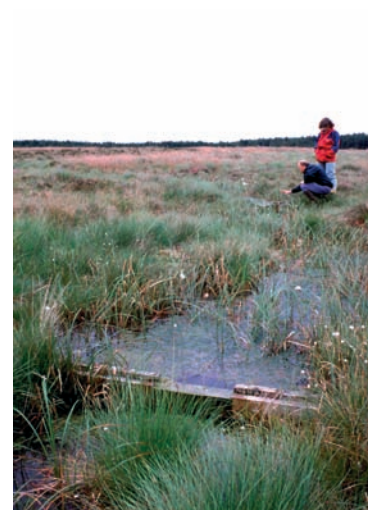
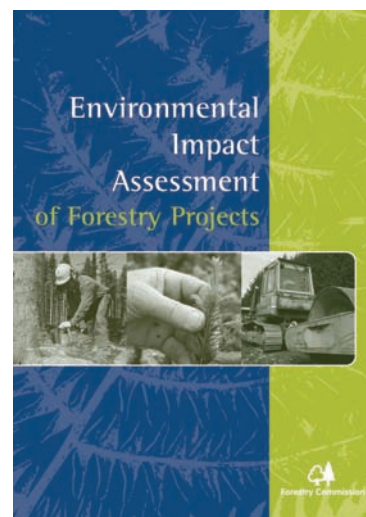
The implementation of this policy will be based on the use of the minimum regulation required to achieve clearly defined public benefits. Other than for woodland removal associated with development, the 'The Environmental Impact Assessment (Forestry) (Scotland) Regulations 1999' (as amended) will be used to assess woodland removal proposals likely to have a significant environmental impact. Any significant environmental impacts of woodland removal associated with development would be incorporated within assessments made under 'The Environmental Impact Assessment (Scotland) Regulations 1999' or, in the case of Section 36 & 37 consents, under the Electricity Act 1989, the 'Electricity Works (Environmental Impact Assessment)(Scotland) Regulations 2000'.

For woodland removal permitted under the Forestry Act 1967, legal enforcement of the actions required to implement a change in land use will normally be based on felling licence conditions<sup>xiii</sup>. For woodland removal associated with development, the relevant planning authorities (or Scottish Ministers in the case of deemed planning permission for applications made under the Electricity Act 1989) have the power to enforce any requirements relating to the planning permission. Other legal mechanisms can also apply on Natura sites and land covered by Management Agreements or their equivalent.

For woodland removal authorised by Forestry Commission Scotland, and where achievement of the desired future condition will take a number of years and/or involve reliance on natural processes, an annual<sup>xiv</sup> expert<sup>xv</sup> review process should be used to monitor progress. In significant cases this will be aided by a transition plan and formal monitoring procedure. Appropriate grant incentives can be used to promote delivery of the clearly defined public benefits.

The specific location, nature and timing of any compensatory planting must be agreed prior to felling licence approval. For compensatory planting stipulated as a requirement of planning permission, specification of that planting will be determined by the relevant planning authority or, in the case of deemed planning permission for applications made under the Electricity Act 1989, Scottish Ministers.

If compensatory planting is required as a condition of development it is unlikely to be eligible for support through the Scotland Rural Development Programme (SRDP). In other circumstances it will be at the discretion of Forestry Commission Scotland, as the policy lead on the forestry content of the SRDP, whether such planting should be considered eligible to bid for grant aid.



---

## Appeals procedures

Forestry Commission Scotland has an established procedure for dealing with complaints and appeals relating to its decisions or activities. This is available at: [www.forestry.gov.uk/scotlandcomplaintsappeals](http://www.forestry.gov.uk/scotlandcomplaintsappeals)

Appeals relating to planning consents are dealt with under the procedures set out in the Town and Country Planning (Scotland) Act 1997.

## Certification

Conversion of forest land to non-forest land is one of the verification factors assessed when certifying against the UK Woodland Assurance Standard (UKWAS). Owners of certified woodland, or those seeking to gain certification, will need to consider the impact of woodland removal on their ability to satisfy UKWAS criteria.

## Carbon offsetting

The main suppliers of forestry based voluntary carbon offsets are unlikely to accept compensatory planting areas as part of their schemes for the sale of carbon credits.

## The national forest estate

On the national forest estate, Forest Enterprise Scotland will adopt an exemplar role in considering and addressing woodland removal and appropriate aftercare. Potential sites for significant woodland removal will be identified in Forest District Strategic Plans.

## Equality Impact Assessment

This draft policy has been screened and the conclusion was that it does not require a full Equality Impact Assessment.

## Strategic Environmental Assessment (SEA)

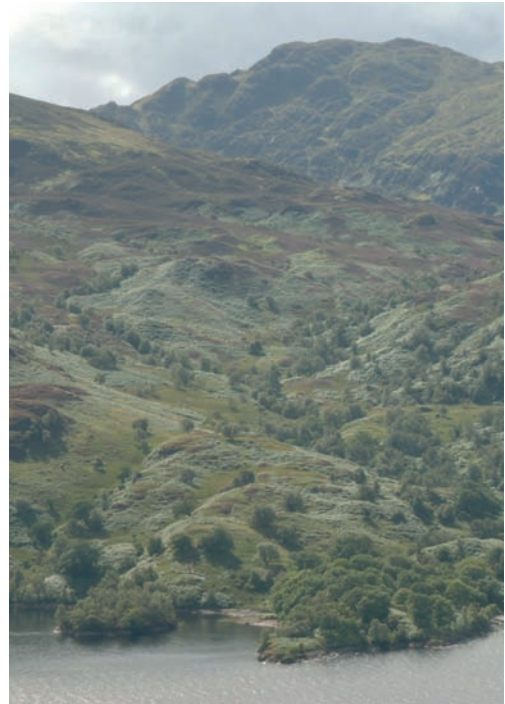
Any significant environmental impacts resulting from implementation of this policy are likely to be local rather than national in extent and will come within the scope of the relevant Environmental Impact Assessment procedures (see Annex A - 'Regulation'). At a broader level, woodland removal was included in the scope of SEAs prepared for the Scottish Forestry Strategy and Forest Enterprise's Framework Strategic Plan 2008-2013. SEAs prepared for the Scotland Rural Development Programme and the National Planning Framework also covered strategic issues arising from land use change.

# Control of Woodland Removal

## Policy consequences

The principal aims of this policy statement are set out on page 5. The primary consequences will be:

- minimising the inappropriate loss of woodland cover in Scotland;
- enabling appropriate woodland removal to proceed but with no net loss of woodland-related public benefits other than in the special circumstances outlined on pages 6 and 7 ('Criteria for determining the acceptability of woodland removal'); and
- facilitating achievement of the Scottish Government's woodland expansion ambition in a way that integrates with other policy drivers (such as increasing sustainable economic growth, tackling climate change, rural/community development, renewable energy, and biodiversity objectives).



## Monitoring

A methodology to monitor year-on-year rates of intentional woodland removal will be developed during 2009. The periodic National Forest Inventory of Great Britain will be used to monitor overall woodland cover and the longer-term trends of woodland loss that may arise through a lack of active management.

## Review

This policy will be reviewed after not more than 5 years.

# Policy and Regulatory Context

## Policy

- Building on the 1992 Earth Summit at Rio, the Helsinki Guidelines (1993) ([www.mcpfe.org/conferences/helsinki](http://www.mcpfe.org/conferences/helsinki)) leading to the 1998 Pan European Criteria (PEC) for sustainable forest management, contain a general presumption that “...forest land, particularly land considered natural or semi-natural, will remain dedicated to that use.”
- The commitments agreed at Helsinki were elaborated and endorsed at the 3rd and 4th Ministerial Conferences in Lisbon (1998) and Vienna (2003) and are also referred to in the introduction to the Rural Development Regulation.
- At the seventh session of the United Nations Forum on Forests, the international community agreed a non-legally binding instrument that included four global objectives on forests. Global objective No.1 states: “Reverse the loss of forest cover world wide through sustainable forest management, including protection, restoration, afforestation and reforestation, and increase efforts to prevent forest degradation.”
- At the United Nations Climate Change Conference in Bali (2007) a ‘Decision on Deforestation’ acknowledged that deforestation contributes to greenhouse gas emissions and that there was an urgent need to reduce emissions from this source. Although aimed at developing countries the decision also signalled a clear need for developed countries to lead by example.
- The UK Government’s broad forestry policy is to promote sustainability through the sustainable management of existing woods and forests, and a steady expansion of tree cover to increase the many diverse benefits that forests provide.
- An expansion of woodland area is one of the 40 UK Indicators of Sustainable Forestry ([www.forestry.gov.uk/sfindicators](http://www.forestry.gov.uk/sfindicators)).
- The UK Forestry Standard ([www.forestry.gov.uk/publications](http://www.forestry.gov.uk/publications)) sets out the UK’s approach to sustainable forest management and is compatible with both the Helsinki Guidelines and the PEC.
- The UK Woodland Assurance Standard (2nd Edition) ([www.ukwas.org.uk](http://www.ukwas.org.uk)) requires the maintenance of the long-term productive potential of woodland, although it recognises that there are circumstances where this need not apply. It also requires that woodland of national importance (e.g. SAC, SPA, SSSI, Ramsar, ancient semi-natural woodland {ASNW}, PAWS, UK Biodiversity Action Plan {UK BAP}) shall not be converted to non-forested land unless it meets certain criteria that would make it of greater environmental value.
- The Scottish Forestry Strategy ([www.forestry.gov.uk/sfs](http://www.forestry.gov.uk/sfs)) has an aspiration to increase forest cover from 17.1% to around 25% of Scotland’s land area by the second half of this century.

# Annex A

---

- The UK Biodiversity Action Plan (UK BAP) and associated Local BAPs, contain targets and aspirations for the restoration of open ground habitats, many of which would require selective woodland removal.
- National Planning Policy Guideline NPPG14 “Natural Heritage”, which is currently under review, makes reference to environmental degradation as a result of progressive deforestation and asks planning authorities to “protect trees, groups of trees and areas of woodland where they have natural heritage value or contribute to the character or amenity of a particular area.” It also recommends: “Where development involves the loss of trees, permission should normally be conditional on a replanting scheme”. NPPG 14 also recommends that local authorities should ensure that Indicative Forestry Strategies should seek to “...protect woodland and other areas of natural heritage value...”.
- In Scotland’s Climate Change Programme, forests and woodlands are recognised as carbon sinks, and the role of wood and timber products has also been recognised as a way of substituting for energy intensive building materials and fossil fuels. The Programme sets targets for annual carbon savings from the forestry sector.
- Scottish Ministers have set a target of generating 50% of Scotland’s electricity from renewable sources by 2020 (with an interim target of 31% by 2011). Scottish Planning Policy SPP 6, ‘Renewable Energy’, sets out how the planning system should manage the process of encouraging, approving and implementing renewable energy proposals when preparing development plans and determining planning applications.
- The Scottish Government is committed to securing an 80% reduction in emissions by 2050 and to reducing emissions in the period to 2011. Both commitments are made in the Government Economic Strategy and the former target is likely to become a statutory requirement through the provisions of the Scottish Climate Change Bill.
- The UK Climate Change Act sets a target of at least an 80% reduction in greenhouse gas emissions by 2050, with an interim target of at least a 26% reduction in CO<sup>2</sup> emissions by 2020 against a 1990 baseline.
- The UK Climate Change Act and the Scottish Climate Change Bill both propose carbon budgets that will set the direction to achieve the above emissions reductions.

---

## Regulation

- The Forestry Act 1967 (as amended) makes no reference to woodland removal although it charges the Commissioners with the “...general duty of promoting the interests of forestry, the development of a afforestation and the production and supply of timber and other forest products...”. In doing so they must endeavour to achieve a reasonable balance between the above and “...the conservation and enhancement of natural beauty and the conservation of flora, fauna and geological or physiographical features of special interest”.
- The Commissioners’ general duty “...includes that of promoting the establishment and maintenance of adequate reserves of growing trees”. Carbon management is now a relevant consideration in discharging that duty.
- In general terms, permission to fell trees in Scotland is usually conditional on those trees being replaced. The Forestry Act 1967 (as amended and incorporating changes made by the Nature Conservation {Scotland} Act 2004) requires the Forestry Commission to grant unconditional felling licences except where this would be against the “...interests of good forestry or agriculture or of the amenities of the district; for the purpose of complying with their duty of promoting the establishment and maintenance of adequate reserves of growing trees; or for the purpose of conserving or enhancing the flora, fauna, or geological or physiographical features, or the natural beauty or amenity, of any land.” In such cases the Forestry Commission can require that land (or other land) to be appropriately restocked and maintained for a period not exceeding 10 years.
- The Wildlife and Countryside Act (Amendment) 1995 requires the Forestry Commissioners to: “...endeavour to achieve a reasonable balance between: the development of afforestation; the management of forests and the production of timber, and the conservation and enhancement of natural beauty and conservation of flora, fauna and geographical or physiographical features of special interest”.
- The Nature Conservation (Scotland) Act 2004 states that: “It is the duty of every public body and office-holder, in exercising any functions, to further the conservation of biodiversity so far as is consistent with the proper exercise of those functions.” It also enables the Forestry Commission to impose conditions for the “purpose of conserving or enhancing the flora, fauna or geological or geographical features, or the natural beauty or amenity of any land.”
- The EC Habitats Directive (1992) requires certain habitats and species to be protected by means of a network of sites (SACs and SPAs) known as Natura 2000. There is a statutory need to prevent deterioration of these sites and to take measures to maintain or restore relevant natural habitats and wild species at a favourable conservation status. In some cases this might require woodland removal. (NB the 2007 amendments to protect breeding sites/resting places and prevent significant disturbance to European Protected Species).

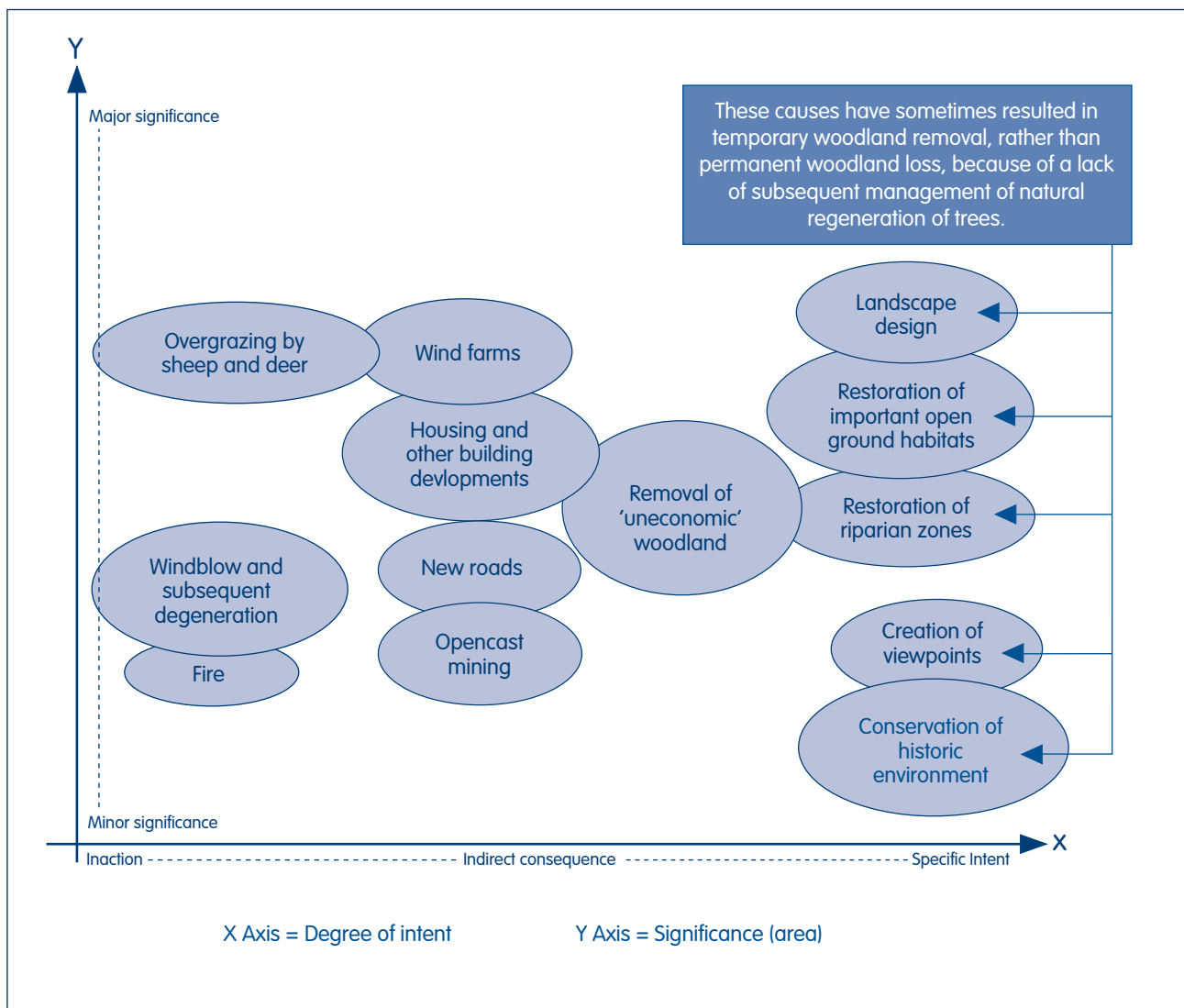
# Annex A

---

- Other than woodland removal associated with development, deforestation (woodland removal) comes within the scope of the Environmental Impact Assessment (Forestry) (Scotland) Regulations 1999 (as amended). This contains thresholds above which a formal opinion must be sought from Forestry Commission Scotland to see if a consent (which would require an EIA) is required before work can begin. Further advice can be found at: [www.forestry.gov.uk/eia-scotland](http://www.forestry.gov.uk/eia-scotland)
- Any significant environmental impacts of woodland removal associated with development will be assessed in accordance with the requirements of 'The Environmental Impact Assessment (Scotland) Regulations 1999' or, in the case of Section 36 & 37 consents under the Electricity Act 1989, the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000.
- The Town & Country Planning (Scotland) Act 1997 places a duty on planning authorities "to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation or planting of trees".
- Schedule 9 of the Electricity Act 1989 places on the developer a duty to "have regard to the desirability of preserving the natural beauty of the countryside, of conserving flora, fauna and geological and physiological features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest". In addition, decision-makers are required to give consideration to Scottish Planning Policy 6 on Renewable Energy, other relevant Scottish Planning Policies, the relevant planning authority's Development Plans and any relevant supplementary guidance.



## Characterisation of the principal, recent (1990-2008) causes of woodland removal



## Broad guidance on meeting the acceptability criteria for woodland removal

Criteria	Potential indicators of acceptability
The change in land use, without compensatory planting, would contribute significantly to:	
Enhancing priority habitats and their connectivity	<ul style="list-style-type: none"> <li>• Within the boundaries of priority<sup>xvi</sup> habitats.</li> <li>• Contributes to the functional connectivity of priority and associated habitats without adverse impact on priority woodland habitats or connectivity.</li> <li>• Availability of 'seed banks' from previous land use and adjacent land use.</li> </ul>
Enhancing populations of priority species	<ul style="list-style-type: none"> <li>• Woodland is detrimental to nationally significant concentrations of Biodiversity Action Plan species.</li> </ul>
Enhancing nationally important landscapes and historic environments	<ul style="list-style-type: none"> <li>• Current landscape character<sup>xvii</sup> in National Parks and National Scenic Areas compromised significantly by the woodland.</li> <li>• Condition or context of Scheduled Monuments, Listed Buildings, Conservation Areas and Gardens &amp; Designed Landscapes compromised significantly by woodland.</li> </ul>
Improving conservation of soil and water resources	<ul style="list-style-type: none"> <li>• Agreed as a measure to address Significant Water Management Issues identified in River Basin Management Plans more effectively than woodland.</li> <li>• Significantly reduces water loss from woodland in area of high water demand and low water supply but without impacting on flooding.</li> <li>• Restoration of peat bogs where the removal of woodland would prevent the significant net release of greenhouse gases.</li> </ul>
Public safety	<ul style="list-style-type: none"> <li>• Significant risk to road users e.g. critically poor road visibility caused by trees/ shrubs.</li> <li>• Established need to reduce fire hazard to people and property e.g. by provision of low-sward fire traces.</li> </ul>



Criteria	Potential indicators of acceptability
The change in land use along with compensatory planting would contribute significantly to:	
Helping Scotland mitigate or adapt to climate change	<ul style="list-style-type: none"> <li>• Facilitates appropriate development of renewable energy projects.</li> <li>• Enables sustainable flood management projects to proceed.</li> <li>• Enables priority habitat connectivity.</li> <li>• Significantly reduces net greenhouse gas emissions.</li> <li>• Maintains long term wood supply for industry.</li> </ul>
Sustainable economic growth and rural/community development	<ul style="list-style-type: none"> <li>• Enables appropriate economic development to proceed in areas of low income/high unemployment.</li> <li>• Enables appropriate development to proceed as part of agreed, 'temporary greening' strategies in urban areas.</li> <li>• Where a democratically formed community aim is judged to be in the wider public interest.</li> <li>• Significant reduction in damage to weak but essential public roads.</li> </ul>
Scotland as a tourist destination	<ul style="list-style-type: none"> <li>• Significant existing tourism facilities enhanced by woodland removal.</li> <li>• Facilitates creation of new, significant and appropriate tourism facilities.</li> <li>• Significant landscape enhancement.</li> </ul>
Increasing the quality of Scotland's woodland cover	<ul style="list-style-type: none"> <li>• Existing woodland does not meet, and has low potential to meet, the requirements of the UK Forestry Standard, with correspondingly low potential for providing social, economic and environmental benefits.</li> <li>• Proposed compensatory planting offers real potential for increased delivery of public benefits in Scotland.</li> <li>• The land can be readily restored to the desired future condition.</li> </ul>



## Dealing with 'uneconomic' woodlands

- Owners' rights and objectives must be respected.
- Apart from statutory requirements, private owners will not be expected to provide public benefits at their sole expense.
- Where an owner feels that the net costs of managing existing woodlands are no longer affordable, alternative courses of action should be explored, for example:
  - assessing the realistic potential for adding value to products/services from that woodland or reducing costs;
  - determining the minimum conditions required to maintain future woodland status. This could include a change in woodland type, reduced intensity of management, or a longer time-scale for achieving the desired outcomes;
  - the availability of public funding to secure desirable public benefits (e.g. carbon conservation<sup>xviii</sup>, timber production, environmental services etc);
  - the feasibility and desirability of compensatory planting; or
  - the sale or lease of the woodland.
- A woodland owner's financial considerations alone will not be regarded as sufficient reason to permit deforestation, but they may indicate the need to change the type of woodland and/or the intensity of management.
- A reduction in the area of woodland (as distinct from the type of woodland) will not be authorised unless there are clear, significant public benefits from doing so.



- i A distinction has been made between woodland removal and 'deforestation'. The latter has a global connotation and implies a net loss of woodland cover at a national level rather than the locality-specific removal of woodland. With Scotland's reforestation ambition of 9,000 ha – 10,000 ha each year, and an aim to increase woodland cover from 17% to 25% of its land area, deforestation, at a national level, is not anticipated.
- ii There is no legal definition of 'woodland'. In this paper the definition of woodland will follow that of the UK Forestry Standard and the National Inventory of Woodlands and Trees combined:

"The part of woods and forests where the ecological condition is, or will be, strongly influenced by the tree canopy. This embraces land under stands of trees with a canopy cover of at least 20%, or having the potential to achieve this, including integral open space, and including felled areas that are awaiting restocking. The minimum area is 0.1 ha." There is no minimum height so the definition includes woodland scrub, short rotation coppice and short rotation forestry but not areas of gorse, Rhododendron etc outside woodland.
- iii The National Forest Inventory of Great Britain is expected to be completed within ten years, with interim maps for Scotland available within two years.
- iv The Native Woodland Survey of Scotland commenced in November 2006 as a five-year project to determine the location, extent and condition of native woodlands in Scotland.
- v Natura 2000 (Special Protection Areas {SPAs} and Special Areas of Conservation {SACs}), Ramsar sites, National Nature Reserves {NNRs}, Sites of Special Scientific Interest {SSSIs}, and Scheduled Monuments.
- vi In this paper 'development' is as defined in the Town and Country Planning (Scotland) Act 1997 and includes consents carrying deemed planning permission under Sections 36 & 37 of the Electricity Act 1989.
- vii See Scottish Forestry Strategy 2006: [www.forestry.gov.uk/sfs](http://www.forestry.gov.uk/sfs)
- viii Public benefits include social, economic and environmental benefits, the latter including carbon considerations. Further guidance on defining and assessing the significance of these public benefits will be developed with stakeholders during 2009.
- ix As a default, 'compensatory planting' (or compensatory natural regeneration) implies an equivalent woodland area, on appropriate site types and with at least the equivalent woodland-related net public benefits, and must take place in Scotland. Further detailed guidance on compensatory planting will be developed with key stakeholders during 2009 and will include aspects of scale, location and timing.
- x As a minimum default this will require the initial exclusion of browsing and the control of invasive exotic weeds (e.g. Rhododendron ponticum, Japanese knotweed, Himalayan balsam).
- xi Includes species listed in the Habitats and Birds Directives, SNH's Species Action Framework and the Scottish Biodiversity Action Plan list.
- xii See 'Scottish Historic Environment Policy 1: Scotland's Historic Environment' and Forestry Commission Scotland's policy statement 'Scotland's Woodlands and the Historic Environment'.
- xiii Amendments to the Forestry Act (following the Nature Conservation {Scotland} Act 2004) gave Forestry Commission Scotland the power to set conditions for felling licences 'for the purpose of conserving or enhancing the flora, fauna, or geological or geographical features, or the natural beauty or amenity of any land'.
- xiv Or longer period if appropriate and agreed by Forestry Commission Scotland and the relevant experts.
- xv The required expertise will depend on individual circumstances and might usefully be drawn, either directly or indirectly, from Regional Forestry Forums.
- xvi Habitats listed in the UK Biodiversity Action Plan, Natura sites, Ramsar sites, SSSIs, NNRs
- xvii SNH Landscape Character Assessments
- xviii Carbon conservation and sequestration, above those associated with the definition of woodland (see note i above) will be regarded as a public benefit.

Forestry Commission Scotland serves as the forestry directorate of the Scottish Government and is responsible to Scottish Ministers.

## Contact

Forestry Commission Scotland  
National Office  
Silvan House  
231 Corstorphine Road  
Edinburgh  
EH12 7AT

Tel: 0131 334 0303  
Fax: 0131 316 6152  
E-mail: [fcscotland@forestry.gsi.gov.uk](mailto:fcscotland@forestry.gsi.gov.uk)  
Web: [www.forestry.gov.uk/scotland](http://www.forestry.gov.uk/scotland)

If you need this publication in an alternative format, for example, in large print or in another language, please contact:

The Diversity Team  
Forestry Commission  
Silvan House  
231 Corstorphine Road  
Edinburgh  
EH12 7AT

Tel: 0131 314 6575  
E-mail: [diversity@forestry.gsi.gov.uk](mailto:diversity@forestry.gsi.gov.uk)

Published by - Forestry Commission Scotland - February 2009  
ISBN - 978 0 85538 781 5  
© Crown Copyright 2009