

Issue 53	Principle of Development in Woodland	
Development plan reference:	Policy 53 (Para 20.26, Page 98)	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number)		
Scottish Natural Heritage (SNH) (118), Jones Lang LaSalle for Scottish and Southern Energy Plc and its Group Companies (SSE) (268), Highlands & Islands Green Party (533), Cawdor Estates for the Trustees of Cawdor Scottish Discretionary Trust (535)		
Provision of the development plan to which the issue relates:		
Council's summary of the representation(s):		
<p><u>General Comment</u> Consider that this policy is not reflected in the area sections. (533)</p> <p><u>Policy</u> They feel Policy 53 could be counterproductive and act against the encouragement of tree planting which is an implied objective of the Highland wide Local Development Plan (HwLDP). By being overly prescriptive, and proposing effectively a preservationist approach, they feel that developers will be actively discouraged from advance planting of trees in fear that these may provide an argument prohibiting development in the future. They feel that the long term sustainability of tree cover is therefore potentially prejudiced and therefore they object to Policy 53. They support trees being removed to facilitate development in sensible locations with compensatory planting in appropriate places. Trees are living organisms and a preservationist approach is therefore not only inappropriate but, ultimately, impossible and ignores the continual evolution of landscapes. (535)</p> <p>Considers that amendment is required to the last sentence of this policy. (118)</p> <p><u>Designated woodland</u> They consider the policy to be inappropriate, in that it seeks to provide the same level of protection to designated woodland as well as woodland that may have been planted for commercial reasons. They believe that the policy should recognise that woodland that has been planted for commercial reasons will at some point in time be felled and it is inappropriate that there should be a presumption against development. (268)</p> <p><u>Habitat Regulations Appraisal</u> As part of the Habitats Regulations Appraisal of the plan the last sentence of the policy could be strengthened. (118)</p>		
Modifications sought by those submitting representations:		
<p><u>General Comment</u> Unclear what modification is required. (533)</p> <p><u>Policy</u> Strongly advocate as an alternative that the Highland Council adopt a more</p>		

pragmatic approach which seeks the objective of long term sustainability of tree cover within locales. This may mean trees being removed to facilitate development in sensible locations with compensatory planting in appropriate places. They object to Policy 53 as it needs to be less prescriptive in order that tree planting, is encouraged and not pro-actively restricted. (535)

Policy should support felling of commercial forest for development purposes (assumed). (268)

Minor wording changes

Reword last sentence of the policy to, "In all cases, the Council will not support, unless exceptional circumstances are demonstrated, development where it affects..." (118)

Habitats Regulations Appraisal

As part of Habitats Regulations Appraisal strengthen the last sentence. (118)

Summary of responses (including reasons) by Planning Authority:

General Comment

This is a general policy which will be applied when assessing all development proposals. There are no perceived conflicts between any of the allocations or developer requirements and this policies proper implementation.

Policy

At world, EU and Scottish levels there is a strong presumption against deforestation with climate change considerations being a significant driver. This [Scottish Government policy on Control of Woodland Removal](#) is consistent with [National Planning Framework for Scotland 2](#) (NPF2) and provides a strategic context to consider woodland removal. The Council wishes to supports the new Scottish Government policy on control of woodland removal and make the link between the HwLDP and this policy clear. It is the Scottish Government who decides the strategic context however the Council is supportive of its stance. It is important that we have a strong policy presumption against woodland removal where it does not offer clear and significant public benefit, and where appropriate obtains compensatory planting.

Designated woodland

With regards to the point about offering the same level of protection to designated and non designated woodland The Council disagrees with this analysis. The last line of the policy is, "In all cases there will be a stronger presumption against development where it affects inventoried woodland, designated woodland or other important features (as defined in [Trees, Woodland And Development Supplementary Guidance](#))."

Minor wording change

With regards to the suggested rewording of the last sentence the Council feels that the current wording is appropriate and with the link to Scottish Government Control of Woodland Removal Policy and our Trees, Woodland and Development Supplementary Guidance it is sufficient. However if the reporter is minded to accept this wording then the Council is not concerned.

Habitats Regulations Appraisal

Separate discussions are ongoing with regard to completion of a Habitats Regulation Appraisal.

Any further plan changes commended by the council

Add hyperlink to Scottish Government Control of Woodland Removal Policy.

Reporter's conclusions:

Reporter's recommendations: