

Scottish Government’s policy on control of woodland removal: implementation guidance

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Introduction and context

Scotland's forests consist of different woodland types and tree species and serve both Scotland's rural and urban communities. When managed appropriately they make a substantial contribution to the economy at both national and local levels, they provide considerable environmental benefits and help to improve people's quality of life. The Scottish Government aims to maintain and enhance Scotland's forest and woodland resources for the benefit of current and future generations. To achieve this, we need to prevent inappropriate woodland losses (Scotland's Forestry Strategy, 2019).

Woodland removal in Scotland is controlled either through provisions in the Forestry and Land Management (Scotland) Act 2018 and the Forestry (Felling)(Scotland) Regulations 2019 or - where the removal is associated with consented development under the planning system - through the implementation of [policy](#) on the control of woodland removal (2009).

The policy is relevant to all woodland removal for the purposes of conversion to another type of land use. Woodland removal can arise by direct consequence of intended development such as housing, energy projects, opencast mining and infrastructures. The policy is intended to minimise and mitigate the effects of woodland removal, stating that woodland removal should only be allowed where it would achieve significant and clearly defined additional public benefits. In appropriate cases woodland removal may be permitted on condition that compensatory planting (CP) is carried out.

Where woodland removal is proposed for development, the relevant Environmental Impact Assessment (EIA) regulations will apply- for example planning, energy or transport. Where woodland removal is proposed for the conversion to another rural land use (not development), the Forestry Environmental Impact Assessment (Scotland) 2017 regulations will apply.

This guidance applies to all proposals within a forest, partially within a forest or that will affect the forest environment, with a specific focus on energy projects (windfarms) and infrastructures (roads, rail, overhead powerlines). This guidance applies to both consenting authorities and applicants to secure a consistent implementation of Scottish Government's policy.

The third **National Planning Framework 2014** (para 4.2, page 42) reinforces that 'Woodlands and forestry are an economic resource, as well as an environmental asset'.

Scottish Planning Policy 2014 (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 CP. 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 **Climate Change Plan 2018** (page 170) recognises the policy as part of the framework that ensure adherence to internationally recognised principles of sustainable forest management.

With regards to energy development (including windfarms, overhead powerlines and ancillary structures) the **Electricity Act 1989** Schedule 4(1) requires that in formulating any relevant proposals, a licence holder or a person authorised to generate, transmit, distribute or supply electricity (a) shall have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archeological interest; and (b) shall do what he reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects.

UK Forestry Standard

Scotland's modern forestry legislation, practice and related policies are built on the principles of sustainable forest management, to ensure that international agreements and conventions are applied. The [UK Forestry Standard](#) is the Government's reference standard for sustainable forest management in the UK and the Scottish Government expects all forestry plans and operations in Scotland to comply with the standards of good forest practice.

Scottish Forestry

Scottish Forestry is an executive agency of Scottish Government and 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.

Scottish Forestry must be consulted upon applications where areas of woodland, or aspects of forest management, are involved. Consultation arrangements should be agreed between the relevant authority and the regional Scottish Forestry [Conservancy office](#). Pre-application discussions should take place at the earliest possible stage of the proposal, to ensure all parties have a shared understanding of the nature of the proposed development, information requirements and the likely timescale for determination. The Scoping Opinion included in Annex 1 provides more information.

Guiding principles of the policy

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

In line with Scottish Government's wider objective to protect and expand Scotland's woodland cover, applicants are expected to develop their proposal with minimal woodland removal. **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 CP may form part of this balance.

Determining and weighting the significance of public benefits is implicit in the development management process, which is subject to EIA regulations. The EIA Report should justify and provide evidence for the need for woodland removal and the associated mitigation measures and present a suite of options that the applicant has

considered and assessed. **The removal of large areas of woodland will not be supported and all felling proposals must be compliant with the UK Forestry Standard.**

Annex 1 gives guidance on what Scottish Forestry expects within an EIA Report to help to reach an informed decision on whether woodland removal is justified. The proposed mitigation measures must demonstrate how the potential loss of public benefits resulting from woodland removal has been minimised.

When assessing the potential public benefits of existing woodland, its future potentials, as well as its current attributes, must be considered. For example, even-aged/single-species, first rotation plantations will potentially deliver more benefits once restructured according to the UK Forestry Standard. Alternative futures for the woodland should also be considered (e.g. conversion to low management intensity, slow growing woodland) as these may enable development to proceed satisfactorily without the need for 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.

The applicant must clearly demonstrate how the proposed development and the compensation measures (including off-site CP) will deliver significant additional public benefits. Actions that the applicant intends to take (including entering into agreement with third parties) to implement the proposal must be clearly stated in the EIA Report, including the feasibility of undertaking these actions and the timescale.

The assessment of the potential public benefits associated with CP 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 Scottish Forestry will also encourage their application to development-related woodland removal.

Mitigation measures and proposed CP must be fully explained in the EIA Report and agreed with Scottish Forestry. They should not be left to post-consent agreements, but conditioned within the planning approval. Further guidance is provided at Annex 6.

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.

The UK Forestry Standard sets the criteria for the sustainable creation and management of forests and woodlands and promotes good practice. All woodland removal proposals, felling and replanting operations, CP and future management must comply with the UK Forestry Standard and should be provided as part of the EIA Report. Refer to Annex 1 for more information.

Criteria for determining the acceptability of woodland removal

The policy on control of woodland removal identifies situations where:

- there is a strong presumption **against** removal of woodland;
- woodland removal is acceptable without CP;

- woodland removal is acceptable with CP.

Woodlands with a strong presumption against removal

The policy lists the types of woodland where their intrinsic environmental value indicates a strong presumption against removal. Only in exceptional circumstances should the strong presumption against woodland removal be overridden.

Proposals to remove these types of woodland should be judged on their individual merits and such cases will require a high level of supporting evidence. **Where woodland removal is justified, the CP area must exceed the area of woodland removed to compensate for the loss of environmental value.** Further guidance is provided in Annex 2.

Woodland removal without a requirement for compensatory planting

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 tall conifer plantation to low-height, slow growing woodland), rather than removing the woodland completely. Further guidance is provided in Annex 3.

Woodland removal with a need for compensatory planting

The policy lists potential justifications for woodland removal, provided there is CP. Design approaches that 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, slow growing woodland), must be considered from the earliest stages, rather than removing the woodland completely. Further guidance is provided in Annex 4.

The purpose of any required CP is to secure, through new woodland on site (replanting) or off site (on appropriate sites elsewhere), at least the equivalent woodland-related net public benefit embodied in the woodland to be removed. Annex 5 sets out a framework to calculate the area of CP.

While decisions on woodland removal and any CP are for planning authorities or Scottish Ministers, **Scottish Forestry provides advice on the suitability of forest plans and operations and the delivery of CP requirements, according to the principles of minimal woodland removal and sustainable forest management.** Early discussion with applicants and planners will help to develop a collaborative approach that will ensure that all forestry issues are identified and mitigated at the earliest opportunity- any concerns about woodland removal should be addressed prior to submission of planning applications. It will also help ensure that the relevant tree felling conditions are attached to the consent.

Once the area and type of CP has been agreed, Scottish Forestry will seek to help developers fulfil their obligations by providing advice, including identifying potential 'CP providers'. Where CP is required as a condition of development it is not eligible for grant support or for the Woodland Carbon Code.

Woodland removal undertaken by statutory undertakers

The policy applies to all development in Scotland and statutory undertakers are expected to consider measures to minimise the need for woodland removal, including design approaches that reduce the scale of felling required and/or converting the type

of woodland to another type. The woodland removed must be compensated for either on or off-site. Decisions on woodland removal and any CP are for planning authorities or Scottish Ministers and Scottish Forestry will provide advice on the suitability of forest plans and operations relevant to the proposed development and the delivery of CP.

The felling of trees required for the maintenance of certain infrastructures, for example electricity lines may be exempt from the need for a permission. This exemption applies to the removal of single or a small group of trees that directly interfere with the powerline or wayleave and it is part of their management programme. For tree felling related to the maintenance of infrastructure and utilities or carried out by or on behalf of statutory undertakers, refer to Scottish Forestry guidance ([insert link here](#)).

Electricity operators

While electricity operators have a duty to secure the safe and secure functioning of the lines and while certain cases are exempt from the need of a permission to fell trees, the construction or upgrade of electricity lines are subject to development consent and the policy on control of woodland removal applies. Electricity operators are expected to avoid areas of woodland and forestry when they identify route corridors for new connections or upgrades and when a proposed line requires to go through forestry, consideration should be given to [forest design guidelines](#). Mitigation measures must be fully assessed in the EIA Report and both replanting and off-site CP must form part of the assessment.

Monitoring of woodland removal and CP

The principal, long-term monitoring of woodland removal is accommodated through the periodic National Forest Inventory of Great Britain (0.5 ha resolution) and recorded in the annual [forestry statistics](#). Monitoring of woodland removal is a long-term process as it can take many years for subsequent land use change to become evident. Woodland removal may take place during the forest re-designing process to meet the requirements of the UK Forestry Standard and temporary removal of tree cover can be associated with rotational felling and replanting operations. These changes of land cover are not always readily identifiable from the types of woodland removal to which the policy applies.

Scottish Forestry Scoping Opinion

Forestry and Woodlands

Scotland's forests make a substantial contribution to the economy at both national and local levels, they provide considerable environmental benefits and help to improve people's quality of life. The Scottish Government aims to maintain and enhance Scotland's forest and woodland resources for the benefit of current and future generations. To achieve this, we need to prevent inappropriate woodland losses (Scotland's Forestry Strategy, 2019).

The third [National Planning Framework](#) also recognises that Scotland's woodlands and forestry are an economic resource, as well as an environmental asset. The [Climate Change Plan](#) places emphasis on the fact that Scotland's woodlands deliver a wide range of benefits, including inward investment and jobs, climate change adaptation and mitigation, and the enhancement of the health and well-being of Scotland's communities. The Scottish forestry sector is worth almost £1 billion per year and employs over 25,000 people.

There is therefore a strong presumption in favour of protecting Scotland's woodland resources and the Scottish Government provides policy direction in the [policy on control of woodland removal](#). Woodland removal should be kept to a minimum and where woodland is felled it should be replanted. The policy 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 is explained in the policy and the applicant should take them into account when preparing the proposal. Beyond this, the applicant should refer to guidance documents issued by Forestry Commission in relation to good forestry practice and sustainable forest management.

Woodland Management and tree felling

Where woodland removal is proposed for development, the relevant Environmental Impact Assessment (EIA) regulations will apply and the EIA Report should justify and provide evidence for the need for woodland removal and the associated mitigation measures. **The first consideration for the applicant should be whether the underlying purpose of the proposal can reasonably be met without resorting to woodland removal.** Design approaches that reduce the scale of felling required to facilitate the development must be considered and integration of the development with the existing woodland structure is a key part of the consenting process.

Integration of the project into future forest design plans is a key part of the development process. **The removal of large areas of woodland will not be supported.** When a proposed development or infrastructure requires to go through forestry, consideration should be given to [forest design guidelines](#).

The EIA Report should include a stand-alone chapter on 'Woodland management and tree felling' (a forest plan) prepared by a suitably qualified professional and supported by existing records, site surveys and aerial photographs. In order to present the relevant information about the forest and to secure compliance with the UK Forestry Standard, the applicant should consider the appropriate scope/scale for such plan. In

certain cases a forest plan of the proposed development area only is not appropriate. The applicant should consider the whole ownership, or multiple ownerships, or expands the scope of the forest plan so that to present the relevant information about that forest. Details of the proposed mitigation measures must be included in the EIA Report, not left to post-consent habitat management plans (or others) to decide and implement.

The chapter should describe and recognise 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 (re-designing) proposal, according to the UK Forestry Standard, 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 chapter should describe the changes to the forest structure, the woodland composition and describe the work programme:

- the proposed areas of woodland for felling to accommodate the proposed infrastructures, including access roads, tracks, underground pipes and cables and any ancillary structures. 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;
- trees felled must be replanted on-site or compensated for (off-site planting) and these areas must be clearly identified in the plan. On-site replanting must always be considered first. The replanting operations must be appropriately described, including changes to the species composition, age class structure, timber production and traffic movements. Tree/shrub species must be suited to the site and the objectives of management;
- areas of open ground in the forest that are designed for biodiversity or landscape enhancement or for recreation opportunities should not be considered for on-site replanting (to compensate for woodland removal in other parts of the forest).

The applicant should consider the potential cumulative impact of existing and the proposed development on the forest resource in respect to the local and regional context. In particular consideration must be given to the implication of felling operations on such things as habitat connectivity, biodiversity, water management, landscape impact, impact on timber transport network and forestry policies included in the local and regional Forestry and Woodland Strategies and local development plans.

A long term forest plan should be provided as part of the EIA Report (as a technical appendix for context) to give a strategic vision to deliver environmental and social benefits through sustainable forest management and describes the major forest operations over a 20 years period.

UK Forestry Standard

The [UK Forestry Standard](#) is the Government's 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. Both felling operations and on and off-site compensatory planting must be

carried out in accordance to good forestry practice- the EIA Report must clearly state that the project will be developed and implemented in accordance with the standard. 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.

Scottish Forestry

Scottish Forestry is an executive agency of Scottish Government and 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.

Scottish Forestry 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 policy on control of woodland removal and the principles of sustainable forest management.

It is important that pre-application discussions takes place with the local Scottish Forestry [Conservancy office](#), 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 applicant should allow sufficient time in their project plan to accommodate such advice.

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 regional Forestry and Woodland Strategies.

Woodland removal without a requirement for compensatory planting

Objective	Guidance
Enhancing priority habitats and their connectivity	<ul style="list-style-type: none"> • Woodland presence within or adjacent to open ground priority habitats is not, in itself, a justification for woodland removal. 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. • There must be strong evidence that the woodland is having a significant impact on their conservation status at a National or regional level or where the public benefits of extending that habitat significantly outweigh the public benefits of retaining the woodland. • For designated open ground habitats, only where there is strong evidence that the woodland is having a significant detrimental effect on their conservation status of the open features/ species, woodland removal will be considered. SNH's Site Condition Monitoring reports can be used to assess woodland impacts but direct advice from SNH should also be sought. • 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. • The current woodland site should be capable of restoration to the desired open habitat types within a reasonable timescale and thereafter be maintained with minimum intervention. Where this is not practical it 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 (the continuous removal of tree natural regeneration indicates that the site is reverting back to woodland and has not been restored and it is not a good example of minimum intervention).
Enhancing populations of priority species	<ul style="list-style-type: none"> • The nature of the impact that the woodland has (both positive and negative) on priority species will depend on which species are present. Proposals must demonstrate significant net benefits for the conservation status of priority species if the woodland is removed. • Priority species (endnote xi of the Policy) include those species listed in the EC Habitats Directive and the EC Birds Directive, and other priority species listed under the UK BAP. • Where woodland priority species are present, consideration of the impact of woodland removal on their wider conservation status is necessary. There is a strong presumption against woodland removal where such species are present and the significance of the impact should be considered in terms of the potential loss of population and /or range and number of species. • 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.

Enhancing nationally important landscapes, historic environment and geological SSSIs	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.
Improving conservation of water resources	<p>Water quality</p> <ul style="list-style-type: none"> • There must be strong evidence that the removal of woodland (rather than a change of woodland type/management intensity) is the most effective way of addressing significant water management issues identified in River Basin Management Plans. • In most cases, compliance with the UK Forestry Standards and associated guidelines would be sufficient to safeguard water quality. <p>Water quantity</p> <ul style="list-style-type: none"> • There must be strong evidence that the woodland has a significant impact on water yield in a catchment with 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). • 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.
Improving conservation of soil resources	<ul style="list-style-type: none"> • Changes to woodland type or management intensity and compliance with the UK Forestry Standards and associated guidelines will be sufficient to safeguard soil resources. • 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 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.
Public safety	<ul style="list-style-type: none"> • A significant, proven risk to road users, where the speed and volume of traffic are relevant considerations. • An agreed need to reduce significant fire hazard to people, homes and business premises. • An identified need for emergency service access.

Woodland removal with a need for compensatory planting

Objective	Guidance
<p>Helping Scotland mitigate and adapt to climate change</p>	<p>Renewable energy</p> <ul style="list-style-type: none"> • To maximise climate change mitigation and adaptation benefits, integration of Scottish Government’s renewable energy and forestry policies should be sought. • Options that avoid or minimize the need for woodland removal should always be considered first, for example changes to the structure and management of a forest. <p>Sustainable flood management</p> <ul style="list-style-type: none"> • It is unlikely for woodland removal to be needed as appropriate types of woodland/ woodland management will normally benefit sustainable flood management. • The installation of ‘hard engineering’ solutions to alleviate existing and predicted flooding issues may require woodland removal if it affect essential infrastructure. <p>Priority habitat connectivity</p> <ul style="list-style-type: none"> • There must be strong evidence that woodland removal would assist the adapting of species or ecosystems to a changing climate. For example 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 is restricted to designated sites and priority species. • Options for converting the existing woodland into another type of woodland (or management intensity) should be considered first and the conversion to priority open ground habitat must be assessed in terms of the net benefits to habitat connectivity. <p>Reduction in net greenhouse gas emissions</p> <ul style="list-style-type: none"> • Forests and woodlands help mitigate the impact of climate change by absorbing substantial amounts of carbon: in 2016, around 12 million tonnes of CO2 was removed from the atmosphere by Scotland’s forests and woodlands. • There must be strong evidence that the woodland is having, or is likely to have, a significant detrimental impact on greenhouse gas emissions. • 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 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. • Proposals to remove woodlands of intrinsically low public benefit and replace them elsewhere with woodlands capable of significantly greater carbon sequestration potential and with at least the equivalent public benefits could be considered. • The Woodland Carbon Code provides information on carbon sequestration and emissions associated with woodland creation

	<p>projects. This includes estimates of the change to carbon stocks on the site over time as a result of tree establishment and growth. Guidance is available.</p>
<p>Enhancing sustainable economic growth or rural/community development</p>	<p>Economic development</p> <ul style="list-style-type: none"> • The Government's central purpose is to increase sustainable economic growth, including the provision of new housing or infrastructure to meet identified local or regional needs. • Route corridors for new infrastructures or upgrades should avoid areas of woodland and forestry. • Options that avoid or minimize the need for woodland removal should always be considered, for example changes to the structure and management of a forest. <p>Temporary greening strategies</p> <ul style="list-style-type: none"> • 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'). <p>Community aims</p> <ul style="list-style-type: none"> • 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 is likely to be acceptable. <p>Reduction in damage to weak but essential public roads</p> <ul style="list-style-type: none"> • 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.
<p>Scotland as a tourist destination</p>	<ul style="list-style-type: none"> • Only considered if the subsequent enhancement would be of significant direct or indirect benefit to an important existing, or proposed, tourism facility. • See also 'Economic development', above.
<p>Encouraging recreational activities & public enjoyment of the outdoor environment</p>	<ul style="list-style-type: none"> • Usually the re-design necessary to meet the requirements of the UK Forestry Standard (which could involve the development of wildlife habitats) is expected to be the most effective way of delivering public benefit enhancements of this nature. • See also 'Community aims' and 'Economic development' above.
<p>Reducing natural threats to forests or other land</p>	<ul style="list-style-type: none"> • Only rarely is woodland removal expected to be the most effective way of reducing natural threats to forests and other land. Strong evidence need to support such proposals.
<p>Increasing the social, economic or environmental quality of Scotland's woodland cover</p>	<ul style="list-style-type: none"> • Only rarely if the existing forest does not have the potential to meet the UK Forestry Standard. • Usually the re-design necessary to meet the requirements of the UK Forestry Standard is expected to be the most effective way of increasing social, economic and environmental quality of the site.

How to calculate the area of CP

CP should take place on site (replanting) and this option must be considered and fully assessed in the EIA Report. Where it is not possible to accommodate CP on site, planting can be undertaken on appropriate sites anywhere in Scotland that can deliver the equivalent woodland-related net public benefits than the woodland removed. Local forestry and woodland strategies and related guidance should be used to help identify suitable areas for tree planting. Local planning authorities may however require CP within their own area.

CP should at least 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 expressed in the UK Forestry Standard - have remained on the site through an approved restructuring long-term forest plan. **In certain cases (woodland with a strong presumption against removal) the CP area must exceed the area of woodland removed to compensate for the loss of environmental value.**

In the EIA Report the applicant should present a felling and restocking plan that articulates the restructuring of the forest in the long term if the development does not go ahead (a 'forest plan without development'). This plan must be up to date and it needs to be supported by maps and tables with felling and restocking figures.

In certain cases a forest plan of the proposed development area only is not appropriate. The applicant should consider the whole ownership, or multiple ownerships, or expands the scope of the forest plan so that to give Scottish Forestry the relevant information about that forest.

Additionally a 'forest plan with development' should be produced to illustrate and quantify the same aspects if the development was to go ahead. The two documents will support the applicant through their calculations for net woodland removal and any resulting CP which would be required if development is given consent. In making such calculations, the following principles will apply:

- According to the 'forest plan without development' the areas that, through restructuring, would not have been restocked back to woodland (for example any designed open ground and areas that do not require CP- refer to Annex 3) can be discounted from the CP area.
- These areas of open ground should not be considered for on-site replanting (to compensate for woodland removal in other parts of the forest).
- All areas of woodland that need to be removed to directly accommodate the development infrastructures (for example turbines, roads, access tracks, and ancillary structures) will always be counted toward the net area of CP required. The only exception to this will be roads whose alignment, intensity and overall footprint conform to normal forest practice.

- CP should always take place on-site or in close proximity to the site- where on-site CP is not possible, the EIA Report must justify why. Options that include conversion to low management intensity and slow growing woodland should be considered.
- Details of off-site CP should be included in a suitable CP plan to be agreed before the developer can proceed with the development and the felling of trees. This plan must flesh out all the details of the proposed planting, including its maintenance over the entire life-span of the development.
- Tree/shrub species must be suited to the site and the objectives of management. Although direct planting is always preferable, proposals for the use of natural regeneration will be considered, where establishment can be achieved within a reasonable timescale.
- CP should always be secured by stand-alone conditions that mirror what agreed in the CP plan. More information is available at Annex 6.

Overhead powerlines

- The construction or upgrade of electricity lines are subject to development consent.
- Electricity operators are expected to avoid areas of woodland and forestry when they identify route corridors for new connections or upgrades and when a proposed line requires to go through forestry, consideration should be given to [forest design guidelines](#).
- Mitigation measures must be fully assessed in the EIA Report and both on-site and off-site CP must form part of the assessment. All areas of woodland that need to be removed to directly accommodate the overhead line and associated infrastructures (pylons, access tracks, roads and ancillary structures) will always be counted toward the net area of CP required.

Planning conditions and planning agreements

Woodland removal should only be approved on the condition that a clear, concise and time-limited felling and replanting 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. Where off-site CP form part of the proposal, a suitable CP plan must be approved by Scottish Forestry.

Woodland areas proposed to be removed and compensated for should be identified and quantified in the EIA Report and must mirror what stated in the planning conditions or in the planning agreement. Where full planning permission authorises the felling of trees, both on-site (replanting) and off-site CP must be secured by a condition as part of the planning consent.

Planning conditions

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)

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).

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).

Conditions should be phased with care and should be sufficiently flexible to cope with the realities of implementation. Monetary payments should not be secured through conditions.

Planning agreements

Where CP 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 and compensation measures

The details of the proposed on-site and off-site mitigation measures must be referenced in the conditions of the planning consent. This includes the location, size and timing of the off-site CP. It is not appropriate to leave mitigation detail to post consent habitat management plans to decide and implement.

With regards to off-site CP, conditions are more appropriate where there is a straightforward situation e.g. where a known piece of land is available for CP and is controlled by the applicant. 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 applicant. If the applicant does not own the land, ensure appropriate landowner agreements and access rights are in place. The CP proposals should be assessed under the forestry EIA process and the necessary consents should be in place.

When it is not possible to identify the location of the CP and the delivery mechanism, the planning conditions can reference a suitable CP plan.

CP plan

The CP Plan must be approved by Scottish Forestry before the applicant 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. It must include:

- Who: The person(s) that survey, describe, assess, specify and deliver both the felling proposals and on-site and off-site CP proposals must have the relevant qualifications, technical abilities and have the necessary experience – e.g. a chartered forester.
- Where: The location of both the felling and on-site and off-site CP should be fully detailed, described and supported with good quality maps.
- Why: A rationale that explains why both the felling and CP 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 CP should be provided, supported by recognised survey techniques. 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 CP 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. Trees should be fully established within the period for which enforcement action can be taken.
- How: Ensure that compensatory proposals are enforceable, e.g. Section 36, 37 or legal agreement.

Monitoring of CP conditions or arrangements

An independent, qualified and technically competent professional(s) (e.g. chartered forester) with the required experience should inspect the CP scheme 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. This monitoring programme should be conditioned in the consent. The woodland will have to be maintained thereafter. This professional individual should report to the planning authority, to allow the CP condition to be managed and ultimately discharged.