



**REPORT TO: PLANNING & REGULATORY SERVICES COMMITTEE ON
25 FEBRUARY 2020**

SUBJECT: COMPENSATORY PLANTING

**BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND
FINANCE)**

1. REASON FOR REPORT

- 1.1 To ask the Committee to note the responses to the consultation on compensatory planting, approve the list of suitable planting sites and note future arrangements for compensatory planting.
- 1.2 This report is submitted to Committee in terms of Section III (E) (1) of the Council's Scheme of Administration relating to exercising the statutory functions of the Council as a Planning Authority.

2. RECOMMENDATION

2.1 It is recommended that the Committee agrees:-

- (i) the proposed responses provided to the comments received to the public consultation, as set out in APPENDIX 1;**
- (ii) the list of suitable compensatory planting sites, as set out in APPENDIX 2;**
- (iii) to delegate authority to the Head of Economic Growth & Development to update the list of compensatory planting sites with suitable sites, in consultation with the Chair & Depute Chair of this Committee and relevant Ward Members;**
- (iv) the priority system for implementation of compensatory planting funds, as set out in APPENDIX 3;**
- (v) to note that an additional policy guidance note on compensatory planting will be submitted to a future meeting of this Committee; and**

(vi) to note that a training session will be arranged by Scottish Forestry for Elected Members and relevant services in respect of the Control of Woodland Removal Policy.

3. BACKGROUND

- 3.1 The Scottish Government's Control of Woodland Removal Policy (CWRP) provides policy direction for decisions on woodland removal in Scotland. Woodland removal is defined as the permanent removal of woodland for the purposes of conversion to another type of land use. The Policy states that woodland 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.
- 3.2 Policies E4 *Trees and Development*, ER2 *Development in Woodlands* and *Trees and Development Supplementary Guidance* of the Moray Local Development Plan (MLDP) 2015 give protection to trees and woodlands as they contribute to the character of an area, provide important natural habitat areas and have a recreational value.
- 3.3 Where an application is consented which involves the felling of woodland, the applicant must provide compensatory planting elsewhere on the site of the development, off site in land within their ownership or provide a commuted payment. If a commuted payment is made, the Council has a Service Level Agreement (SLA) with the Woodland Trust to deliver the compensatory planting. The payment fee includes a 20 year replacement and maintenance allowance. The Council are currently reviewing the SLA.
- 3.4 To date, £26.6k has been received in payments for compensatory planting. Whilst this report is not about Council policies, a stronger approach towards a presumption against woodland removal will be introduced as a result of new policy in the emerging MLDP 2020 (currently at Examination) and it is not anticipated that the fund from commuted payments for compensatory planting will increase largely in the future.

4. CONSULTATION

- 4.1 At its' meeting on 26 March 2019, this Committee agreed a draft list of sites suitable for compensatory planting and for it to be issued for consultation (para 11 of the minute refers).
- 4.2 Following further discussions with the Council's Consultancy Section, the flood alleviation scheme sites at River Lossie (Elgin), Chanonry Industrial Estate (Elgin) and River Findhorn & Pilmuir (Forres) were removed from the list due to the potential impact on the flood retaining embankments.
- 4.3 In conjunction with the draft Food Growing Strategy, the draft list for compensatory planting sites was issued for an 8 week period with a closing date of 29 November 2019. The consultation was advertised through press

releases, direct mailing to consultees and community groups, social media and drop-in exhibitions in Buckie, Elgin and Forres.

5. REPRESENTATIONS

5.1 In response to the public consultation, comments were received from 24 members of the public, community groups and key consultees (Scottish Natural Heritage [SNH] and Elgin Community Council). **APPENDIX 1** summarises all the representations and sets out the Council's response.

5.2 The main issues arising from consultation were:-

- Support for all sites identified;
- Calls for an increase in tree planting, by the Council, over and above the provision of compensatory planting;
- Provision of fruit-bearing trees and hedgerow;
- Concerns about woodland removal for the purposes of development; and
- Impact on habitats and ecology.

5.3 From the 24 representations, 7 additional sites were identified for consideration. Following assessment, 6 of the sites were deemed to be unsuitable for the reasons set out in **APPENDIX 1**. Robertson Road Playing Fields, Lhanbryde was assessed as being suitable and has been included on the list.

6. NEXT STEPS

6.1 An additional site in Elgin was identified and assessed as suitable by Officers at Rear of Kennedy Place. To reflect a recent planning approval, the Mill of Buckie site has been removed. The final list of suitable sites and location plans are set out in **APPENDIX 2** for approval.

6.2 Should additional sites be identified in the future and assessed by Officers as suitable, the Committee is asked to delegate authority to the Head of Economic Growth & Development to update the list of compensatory planting sites, in consultation with the Chair & Depute Chair of this Committee and relevant Ward Members.

6.3 To assist with implementation, all sites on the list have been assessed and scored. Criteria have been developed to ensure a consistent approach to scoring, looking at areas including accessibility, place quality and biodiversity enhancement. Starting with the highest scoring, sites will be pursued for implementation of compensatory planting. A copy of the site assessments, in order of priority, is set out in **APPENDIX 3**

6.4 In consultation with Scottish Forestry, additional policy guidance is being developed as part of the emerging MLDP 2020 (currently at Examination). This will provide Council services and developers with guidance on interpreting the CWRP, assessing woodland removal and the provision of

compensatory planting. A training session hosted by Scottish Forestry on the CWRP will be arranged for Elected Members and relevant Council services.

7. **SUMMARY OF IMPLICATIONS**

(a) **Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))**

The Corporate Plan prioritises the need to maintain and promote Moray's landscape and biodiversity. The 10 Year Plan identifies the need to build a better future for children and young people in Moray by providing the healthiest start in life. Providing trees as a result of compensatory planting policies improves the local natural environment and biodiversity whilst also helping to promote healthier lives.

(b) **Policy and Legal**

The Scottish Government's CWRP and Policies E4 *Trees and Development*, ER2 *Development in Woodlands* and *Trees and Development Supplementary Guidance* of the MLDP 2015 prevents the permanent removal of woodland unless the impact on the woodland is clearly outweighed by social or economic benefits of national, regional and local importance, and if a programme of proportionate compensatory planting has been agreed with the Planning Authority.

Reflecting further guidance published in February 2019 in relation to the implementation of the CWRP, Policy EP7 *Forestry, Woodlands and Trees* of the emerging MLDP 2020 (currently at Examination) promotes a presumption against woodland removal and seeks to protect the amenity, landscape, biodiversity, economic and/or recreational value of Moray's trees and woodlands.

(c) **Financial implications**

The cost of planting and maintenance is covered for a 20 year period by the compensatory planting fee. The review of the SLA will aim to extend this to cover "whole life" costs.

(d) **Risk Implications**

None.

(e) **Staffing Implications**

Work on developing potential sites suitable for compensatory planting has been carried out within the existing staff workloads of the Strategic Planning & Development team.

(f) **Property**

A number of the sites identified in **APPENDIX 2** are Council owned. Where they are privately owned, discussions will be held with landowners.

(g) **Equalities/Socio Economic Impact**

No Equality Impact Assessment is required for this report.

(h) Consultations

Depute Chief Executive (Economy, Environment and Finance), the Head of Economic Growth & Development, the Legal Services Manager, the Lands, Parks & Countryside Officer, the Equal Opportunities Officer, Paul Connor (Principal Accountant) and Lissa Rowan (Committee Services Officer) have been consulted and are in agreement with the contents of the report/comments received have been incorporated into the report.

8. CONCLUSION

- 8.1 Where an application is consented which involves the felling of woodland, the applicant must provide compensatory planting to mitigate the effects of woodland removal.**
- 8.2 Following an 8 week consultation period, the Committee is asked to approve a list of sites suitable for compensatory planting.**
- 8.3 Delegated authority is sought for the Head of Economic Growth & Development to update the list of compensatory planting sites - where appropriate - with suitable sites, in consultation with the Chair & Depute Chair of this Committee and relevant Ward Members.**
- 8.4 A policy guidance note on woodland removal and compensatory planting will be submitted to a future meeting of this Committee and a training session by Scottish Forestry will be arranged for Elected Members and relevant services in respect of the Control of Woodland Removal Policy.**
- 8.5 Policy EP7 *Forestry, Woodlands and Trees* in the emerging MLDP 2020 introduces a stronger approach towards a presumption against woodland removal and seeks to protect the amenity, landscape, biodiversity, economic and/or recreational value of Moray's trees and woodlands.**

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Background Papers:
Ref: