



**REPORT TO: PLANNING & REGULATORY SERVICES COMMITTEE ON
26 MARCH 2019**

SUBJECT: COMPENSATORY PLANTING

**BY: CORPORATE DIRECTOR (ECONOMIC DEVELOPMENT,
PLANNING & INFRASTRUCTURE)**

1. REASON FOR REPORT

- 1.1 To ask the Committee to agree a draft list of sites suitable for compensatory planting and to carry out public consultation on the list and to identify any additional planting sites.
- 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) to consider and note the draft list of sites suitable for compensatory planting, as set out in APPENDIX 1;**
- (ii) that public consultation is carried out on the draft list of sites and to identify additional planting sites;**
- (iii) that reports will be submitted to future meetings of this Committee to approve a finalised list of suitable sites for compensatory planting and a priority system for implementation; and**
- (iv) that a policy guidance note on the implementation of the compensatory planting policy is produced.**

3. BACKGROUND

- 3.1 The Scottish Government's Control of Woodland Removal Policy 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 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. Woodland removal will only be supported where it can be demonstrated that 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.
- 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 and are exploring how Greenfingers could play an active part in delivering the compensatory woodland planting.
- 3.4 To date, £17.6k has been received in payments for compensatory planting. In Buckie, a developer contribution of £20k has been received for the development of a community woodland and sites are currently being investigated. A draft list of possible sites suitable for compensatory planting has been developed based on the Open Space Strategy and recent bids from Moray Council's Estates Section.

4. PROPOSALS

- 4.1 There is an opportunity to significantly enhance existing spaces in Moray's towns and villages through a programme of woodland planting. This would bring amenity and biodiversity value to these areas, supporting the principles of the Open Space Strategy.
- 4.2 **APPENDIX 1** sets out a draft list of sites that have been assessed as suitable for compensatory planting. Public consultation will be held, as detailed in Section 5 below, on the draft list of sites and to identify additional sites and a report will be submitted to a future meeting of this Committee to agree on a final list of sites.
- 4.3 Once a list of sites has been approved, a set of criteria will be developed and the sites will be prioritised for implementation before being reported back to this Committee for approval.

- 4.4 If agreed by Committee, a policy guidance note on the implementation of the compensatory policy will be developed by officers.

5. ENGAGEMENT

- 5.1 Internal consultees from Consultancy, Estates and Lands & Parks have been consulted and provided suggestions on potential sites which have been incorporated in the list of sites in **APPENDIX 1**.
- 5.2 Whilst the principle of planting is established, discussions are ongoing regarding some of the proposed sites such as Forres Railway Station and the flood alleviation scheme sites at River Lossie (Elgin), Chanonry Industrial Estate (Elgin) and River Findhorn & Pilmuir (Forres).
- 5.3 Suggestions for additional planting sites, as well as comments on the draft list, will be sought from Community Councils and Associations, as well as local amenity and access groups. Press releases, internet and social media will be used to raise awareness of the consultation.

6. 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 Control of Woodland Removal Policy 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.

(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 Development Plans team.

(f) Property

A number of the sites identified in **APPENDIX 1** 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

The Corporate Director (Economic Development Planning & Infrastructure), the Head of Development Services, the Legal Services Manager, the Estates Manager, the Lands & Parks Officer, the Equal Opportunities Officer, the Acting Employment Support Service Manager & Training Services Coordinator, Paul Connor (Principal Accountant) and Lissa Rowan (Committee Services Officer) have been consulted and comments received have been incorporated into the report.

7. CONCLUSION

- 7.1 Where an application is consented which involves the felling of woodland, the applicant must provide compensatory planting to mitigate the effects of woodland removal.**
- 7.2 A SLA currently exists with the Woodland Trust aimed at delivering compensatory woodland planting, funding is available to carry out planting projects and the SLA is being reviewed.**
- 7.3 Committee is asked to agree a draft list of sites suitable for compensatory planting, as set out in Appendix 1, and carry out public consultation on the draft list and to identify additional planting sites.**

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Background Papers:

Ref: