

University of Stirling
19th May 2023

HOW DOES THE PLANNING PROCESS FOR TREES AND BIODIVERSITY WORK IN PRACTICE?

Steve Milne MICFor
Chartered Arboriculturist

The planning Process



The planning Process



The planning Process

- Statutory duties and powers
- Policy
- Development Management
- Enforcement
- Role of specialist Officers

Statutory Duty

Town & Country Planning (Scotland) Act 1997

Part VII. Special controls

S159A. Planning authority are to prepare a forestry and woodland strategy.—

- to identify woodlands of high nature conservation value
- set out the planning authority's policies and proposals in their area

Statutory Duty

- Town & Country Planning (Scotland) Act 1997

S159 It shall be the duty of the planning authority—

- (a) 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, and
- (b) and to make TPOs as appear to be necessary in connection with the grant of permission whether for giving effect to such conditions or otherwise

Statutory Duty

The Nature Conservation (Scotland) Act 2004

- Places a statutory duty on all public bodies in Scotland to further the conservation of biodiversity

National Planning Framework 4 Policy 6 - Forestry, woodland and trees

Policy Intent:

- To protect and expand forests, woodland and trees.

Policy Outcomes:

- Existing woodlands and trees are protected, and cover is expanded.
- Woodland and trees on development sites are sustainably managed.

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National Planning Framework 4 Policy 6 - Forestry, woodland and trees

- a) Development proposals that enhance, expand and improve woodland and tree cover will be supported.
- b) Development proposals will not be supported where they will result in:
 - i. Any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition;
 - ii. Adverse impacts on native woodlands, hedgerows and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy;

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Local Development Plans

- Need to take National policy and apply it in a local context
- Need to recognise that the majority of trees in the urban area are not individually of high importance, yet it is such trees that form the backbone of our urban forests

Demographics

Table 1: Population and land share by 3-fold Urban Rural category, 2011 & 2019

	2011	2019	% change 2011- 2019	% of 2019 population	% of land area
Remote Rural	315,945	316,166	0.1%	6%	70%
Accessible Rural	573,407	616,536	8%	11%	28%
Rest of Scotland	4,410,548	4,530,598	3%	83%	2%
Total	5,299,900	5,463,300	3%	100%	100%

Source: Mid-year small area population estimates, National Records of Scotland (Using Scottish Government Urban Rural Classification 2016)

Local Development Plans

- Development will not be permitted if likely to have a damaging impact on
 - a tree protected by a Tree Preservation Order or
 - on any other tree or woodland worthy of retention unless necessary for good arboricultural reasons. Where such permission is granted, replacement planting of appropriate species and numbers will be required to offset the loss to amenity.

Statutory Powers

- Town & Country Planning (Scotland) Act 1997
 - Section 60 - Power to make Tree Preservation Orders

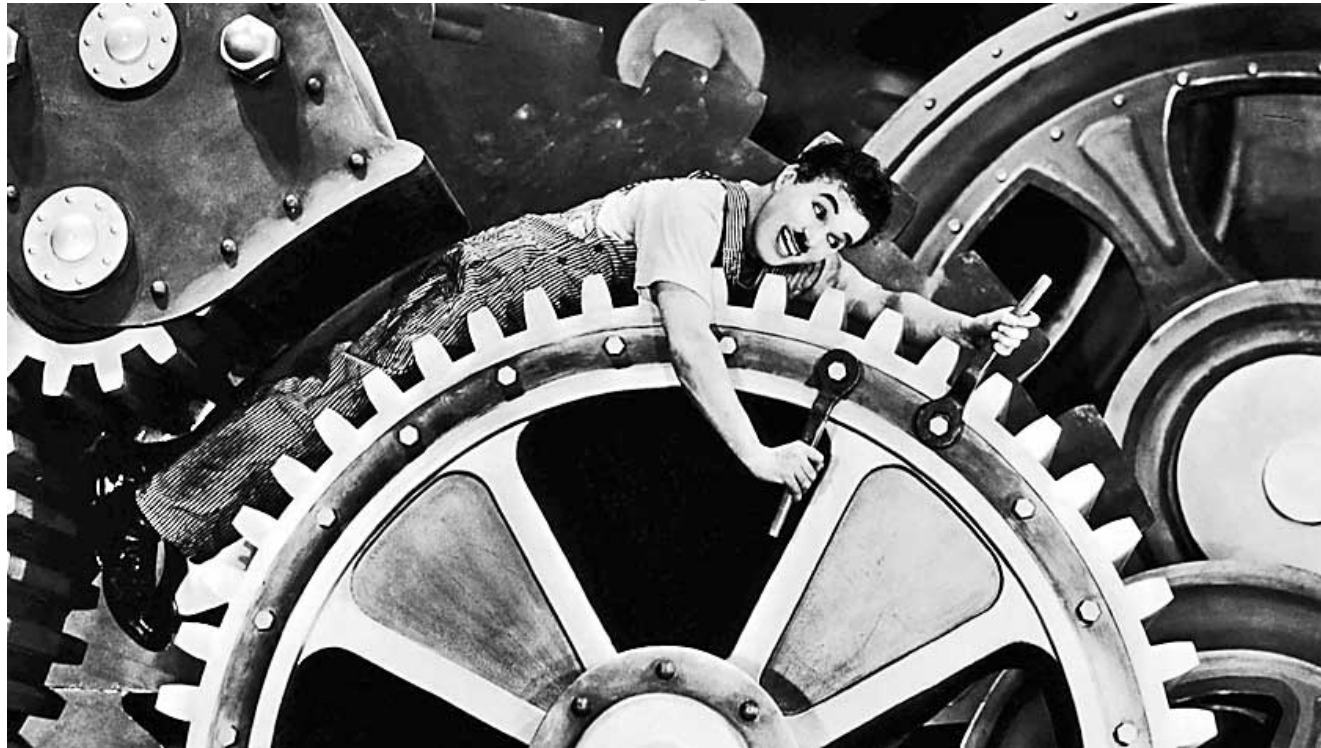
Development Management

- Pre-App advice
- Planning applications assessed
- Enforcement

Where policy and vision is put into action

Development Management

The Planning Officer



Modern Times – Charlie Chaplin

Development Management

Planning Officer is key link in the chain but cannot-

- be expected to have the expertise in trees and biodiversity to fully assess the impact of development proposals
- go through plans and information with the fine toothcomb often required.

Planning Officer however must be able to identify applications requiring detailed consideration understand the supporting information required

Role of Specialist Officers

- At a time of a climate and nature emergency surely the need for specialist Tree and Biodiversity officers is clear?
- CEC – Recent reduction in Biodiversity resource and Tree Officer resource.
- Many LA's have no Tree Officer!
- Scottish Tree Officer Group
- Specialists in Scottish Government

Development Management

Planning Officers must get the basics right –

- Realise when there are trees or habitat potential on a site....
- Make sure the required survey information is provided early
- Use conditions to secure-
 - protection of existing trees
 - planting and establishment of new trees –(management?)
 - biodiversity protection/mitigation

Development Management

- Planning needs to understand how decisions impact on the Urban Forest

So, on course to realise the objective of NPF4?

- Planning policy for protecting/planting trees needs to be more specific
 - Canopy cover targets required
 - green infrastructure
 - climate mitigation
 - wellbeing
- Tree & Biodiversity Officers needed in planning authorities
 - Requires Scottish Government intervention
 - Funding

So, on course to realise the objective of NPF4?

- Greater targeting of the urban 2% where 83% live
 - Gives biggest bang for our buck
- Where will the new trees go?
 - New development
 - residential gardens?
 - Streets?
- Offsite?

So, on course to realise the objective of NPF4?

- Do we understand that how we design our places and spaces has to change?







Thank You