

## **Planning (Scotland) Bill**

Confor welcomes the opportunity on behalf of its membership to respond to the Local Government and Communities Committee call for evidence. Confor is a members' organisation, funded by and accountable to businesses in the forest industries. Our aim is to promote the market for wood, forest products and forest services, and to help improve the industry's competitiveness.

Confor's remit covers all parts of the industry supply chain, from nurseries through to woodland owners, timber growers, contractors, harvesters, hauliers, sawmills and other processors.

### **Summary**

- Welcome that forestry is still excluded from planning system
- Concern over unintended consequences
- Argue for exemption from Infrastructure Levy for forestry

### **General comments**

Confor welcomes the fact that forestry (and agriculture) will continue to be excluded from the principle planning system. UK forestry is comprehensively covered by the requirements of the UK Forestry Standard and its associated guidelines, and any further 'control' from planning legislation is unnecessary.

But we are concerned that there could be unintended consequences should the proposed Infrastructure Levy be introduced as currently drafted.

The reason for this concern lies behind The Town and Country Planning (General Permitted Development) (Scotland) Amendment (No. 2) Order 2014 (SSI 2014 No. 300) which came into effect in December 2014. The Order amends the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 to require that, prior to the formation, or alteration, of agricultural or forestry private ways the developer or landowner must apply to the relevant planning authority for a decision on whether the prior approval of the planning authority is needed before development begins. This process is known as "*prior notification*" (PN).

Confor and the whole of the forest industry argued hard against the 2014 Order, on the basis that it was unnecessary for forest roads (private ways) and duplicates the procedures for the approval of forestry schemes by Forestry Commission Scotland. Despite the subsequent process of being able to obtain PN by aligning that with the existing FCS procedures, the sector's experience has been one of costly delays, frustration and in some cases abandonment of schemes. It has also seen the move in some cases by the local roads authority (via this new requirement for full planning permission) to demand an extremely high and expensive specification for an upgrade of a forest access, when that access is unlikely to be required for heavy traffic for some 40 years or so.

Should the Infrastructure Levy be introduced, it is possible that work such as the formation or alteration of a forestry private way would be deemed relevant "development" and subject to the levy. Any further costs on the long-term and low margin business of sustainable forest management and on the creation of new woodland, would be unacceptable to the industry, and schemes will simply be shelved. We therefore argue that forestry (and agriculture) should be exempt from the levy.

Confor is also aware that there have been suggestions that forestry and agriculture should be included in the planning system in some way, purely because of recent landslips which have affected infrastructure, like as has unfortunately happened on the A83 near Rest and be Thankful. We disagree with this. Naturally we support the concept of tree planting on appropriate slopes to control erosion and slope stability, but incorporating such a requirement into the planning system would not be a suitable way of addressing the issue.

Jamie Farquhar

National Manager for Scotland  
Confor

February 2018