

Consultation response

## **Reviewing and Extending Permitted Development Rights (PDR) in Scotland - Consultation on Phase 1 Proposals**

Confor welcomes the opportunity on behalf of its membership to respond to the above consultation.

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.

### **General comments**

We note the movement of consideration of PDR for hill tracks (private ways) from phase 1 to phase 3 and will look forward to further discussion on this in the spring.

Otherwise our comments are restricted to the proposed changes on licensing of tree felling under the section on peatland restoration.

### **The General Approach to PDR for Peatland Restoration**

#### **Q.49 Do you agree with the general approach to PDR for peatland restoration, (i.e. wide ranging PDR given the likely oversight via Peatland Action and via the Peatland Code)?**

No –

Whilst we support peatland restoration as an important tool in the fight to allay climate change – just as we obviously support new woodland creation as an equally important tool - we are concerned that this proposal for PDR will have unintended consequences that have not been thoroughly examined.

In particular we have concern that giving carte blanche approval to peatland restoration will mean that, potentially, trees growing on or near "peat" could be felled without a Felling Permission (FP) from Scottish Forestry, thus bypassing the usual condition of a FP for the felled area to be re-stocked with trees, or of an equivalent area to be planted elsewhere as compensatory planting – in accordance with Scottish Government's policy on the Control of Woodland Removal.

Furthermore, any timber coming from trees felled under this PDR proposal would be unacceptable to the timber processing industry, as it would lack the sustainability credentials required by the UK Woodland Assurance Standard for certified timber – and similarly for any woodfuel business using such material for a system supported by the RHI.

## **Defining the Permitted Development Rights for Peatland Restoration**

**Q.50 Do you agree with the approach to PDR for peatland restoration that relies on a general understanding of what will constitute peatland?**

No –

The very admissions in paragraphs 6.13 and 6.14 highlight our concern over the lack of a definition of peat / peatland. A significant area of Scotland's forests – in both public and private ownership – is growing on some form of peat. To rely on the statement that “the intention is that PDR will rely on a general understanding of what constitutes peatland” is totally unacceptable.

This will create an unacceptable level of uncertainty for the many owners of woodlands that are currently on some form of peat. The Scottish Government has recognised that a sector like forestry and wood processing requires long-term certainty and this vague approach will undermine that. Policy should be based on clear evidence/science and Government should send clear signals to industry – this approach does neither of those.

**Q.51 Do you agree with this approach to a blanket PDR for ‘peatland restoration’?**

No – see above.

## **Conditions and restrictions on PDR for Peatland Restoration**

### **Designated Areas**

**Q.52 Do you agree that as peatland restoration projects will likely be subject to oversight from Peatland Action, or validation under the Peatland Code, there is no need for additional controls on related PDR in designated areas?**

No –

For the reasons above, and we suggest that this consultation lacks an exact definition of “designated sites”. If those are limited to sites with statutory designation, then our concern would be less, but there has been history of land being arbitrarily “designated” - “wild land” as an example. Should PDR be granted nevertheless, then some control must be inbuilt to ensure that any woodland removed within “designated” land is replaced with compensatory planting elsewhere.

The forestry sector works under a strict regulatory system for new planting and a requirement to meet detailed standards based on many years of evidence gathering and science. That robust mechanism has still enabled us to deliver Government's desire to significantly increase tree planting. If Government wish to facilitate peatland restoration that can be achieved within a robust system that ensure unintended consequences are minimised and inappropriate damage to other sectors, like forestry, are avoided.

### **Access Tracks (Private Ways)**

**Q.53 Do you think there should be PDR for new temporary access tracks (private ways) which may be necessary to carry out peatland restoration**

## **projects?**

There is no comment on whether, should PRD be given for this reason, such activity will still be subject to prior notification under The Town and Country Planning (General Permitted Development) (Scotland) Amendment (No. 2) Order 2014 (SSI 2014 No. 300). If it is not to be then we would object since in our view forest roads have inappropriately been covered under this legislation – and to which we will be objecting when the matter comes under proper scrutiny in Phase 3 – and it would be illogical for new temporary access tracks (private ways) for peatland restoration projects to be treated differently.

### **Q.54 What sort of time limits and restoration requirements do you consider should apply to any PDR for temporary access tracks (private ways) for peatland restoration projects?**

See answer to Q.53 above

### **Q.55 If possible, should any PDR for temporary access tracks (private ways) for peatland restoration only apply to projects which have been approved for funds provided by the Scottish Government, through Peatland Action or other bodies?**

See answer to Q.53 above

### **Q.59 Do you have any other views or points to make about the proposed PDR for peatland restoration?**

We wish to emphasize our response to Q.49 above – that we are extremely concerned that this proposal for PDR will have unintended consequences that have not been thoroughly thought through.

We fear that the proposals constitute a threat to Scottish Forestry's authority on how and when and under what conditions woodland might be removed in the name of peatland restoration – the science of the competing climate change / carbon credentials of which is still the subject of contested academic debate. And that it will create real uncertainty in a sector – forestry – which is delivering for Government on locking up carbon, creating new wildlife habitats and supporting an increasing number of well-paid jobs in rural areas.

We strongly request that Scottish Government carries out further discussion with Confor before any decision is taken on granting PDR for general peatland restoration.

Confor

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