

31/07/2020

Dear Sir/Madam

The Woodland Trust Scotland appreciates the opportunity to comment on the Aberdeenshire Council's Proposed Local Development Plan 2020.

The Woodland Trust is the UK's leading woodland conservation charity. We have four main aims: no further loss of ancient woodland, restoring and improving woodland biodiversity, increasing new native woodland and increasing people's understanding and enjoyment of woodland. We own over 1,000 sites across the UK, covering approximately 26,000 hectares (ha). In Scotland we own and manage over 60 sites across 10,000 ha which include the 4,000 ha Glen Finglas estate and significant holdings in Glenrothes and Livingston. We combine the promotion of public access with forestry, farming and conservation of the natural and cultural heritage. The Woodland Trust has 500,000 members and supporters.

The Woodland Trust believes that trees and woodland play a crucial role in place-making given their value to health and wellbeing, recreation, air and water quality, biodiversity, flood protection, climate adaptation and resilience, and amenity value. It is crucial that trees and woodland – as part of a wider approach to strategic green infrastructure – are protected, and their enhancement and expansion planned for from the earliest stage of the planning process to maximise these benefits.

The Woodland Trust considers that any woodland included in Scottish Natural Heritage's Ancient Woodland Inventory (AWI), which is present on historical maps or which exhibits a significant number of ancient woodland indicators can be considered as ancient and long-established and is therefore worthy of further study and is likely to pose a constraint on development.

We believe that ancient woodland is amongst the most precious and biodiverse habitats in the UK and is a finite resource which should be protected. As such, the Woodland Trust aims to prevent the damage, fragmentation and loss of these irreplaceable sites from any form of disruptive development. We achieve our aims through acquiring woodland and sites for woodland regeneration, and wider advocacy of the importance of protecting ancient woodland, enhancing its biodiversity, expanding native woodland cover and increasing public enjoyment.

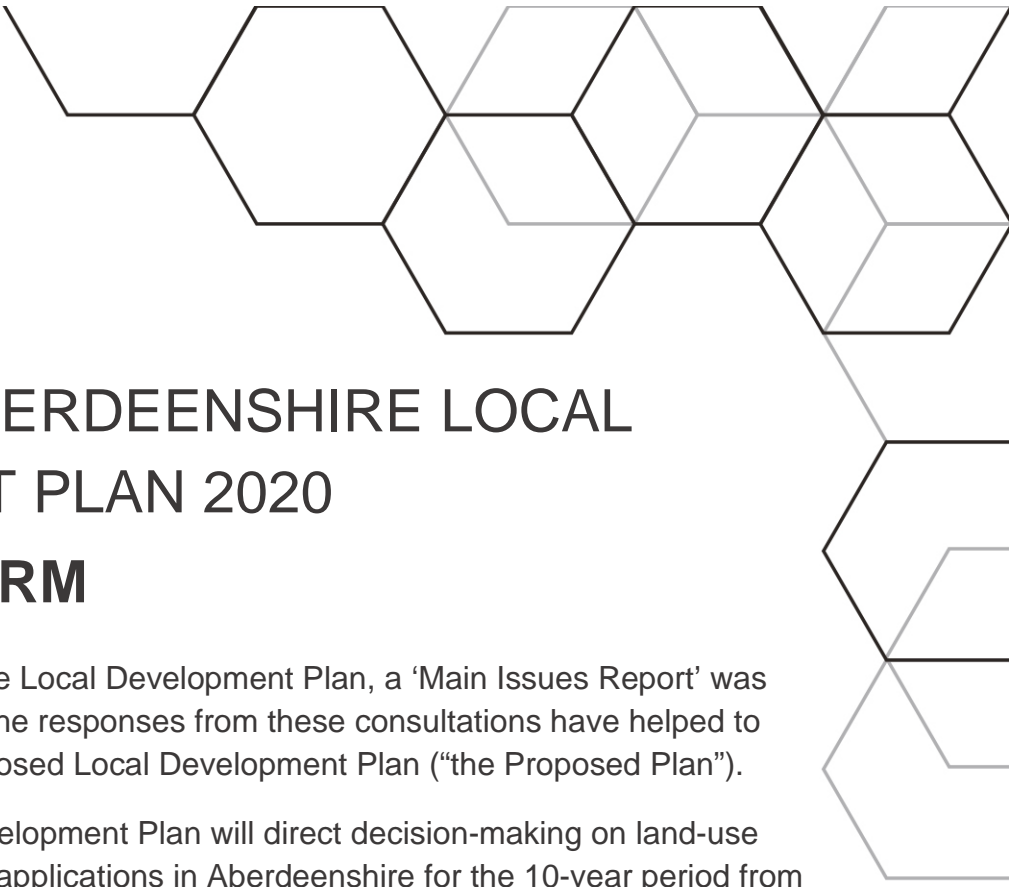
Thank you for the opportunity to comment on this planning application. We hope you find these comments of use.

We hope you find our comments to be of use to you. If you are concerned about any of the comments raised by the Woodland Trust then please do not hesitate to get in contact with us.

Yours sincerely,

Public Affairs Officer – Woodland Trust Scotland





# PROPOSED ABERDEENSHIRE LOCAL DEVELOPMENT PLAN 2020 RESPONSE FORM

As part of the production of the Local Development Plan, a ‘Main Issues Report’ was published in January 2019. The responses from these consultations have helped to inform the content of the Proposed Local Development Plan (“the Proposed Plan”).

The Aberdeenshire Local Development Plan will direct decision-making on land-use planning issues and planning applications in Aberdeenshire for the 10-year period from 2021 to 2031. The Proposed Plan was agreed by Aberdeenshire Council in March 2020 as the settled view of the Council. However, the Proposed Plan will be subjected to an independent examination and is now open for public comment.

**This is your opportunity to tell us if anything should be changed in the Proposed Plan, and why.**

When writing a response to the Proposed Plan it is important to specifically state the modification(s) that you would wish to see to the Plan.

This is the only remaining opportunity to comment on the Proposed Plan. The reasons for any requested changes will be analysed and reported to Scottish Ministers. They will then appoint a person known as a Reporter to conduct a public examination of the Proposed Plan, focusing particularly on any unresolved issues and the changes sought.

Ministers expect representations (or responses) to be concise (no more than 2000 words) and accompanied by limited supporting documents. It is important to ensure that all of the information that you wish to be considered is submitted during this consultation period as there is no further opportunity to provide information, unless specifically asked.

Please email comments to [ldp@aberdeenshire.gov.uk](mailto:ldp@aberdeenshire.gov.uk) or send this form to reach us by 31 July 2020\*.

We recommend that you keep a copy of your representation for your own records.

*\*UPDATE 16 June 2020: Consultation period was extended from 17 July 2020 for a further two-week period.*



## ACCESSIBILITY

If you need information from this document in an alternative language or in a Large Print, Easy Read, Braille or BSL, please telephone 01467 536230.

Jeigu pageidaujate šio dokumento kita kalba arba atspausdinto stambiu šriftu, supaprastinta kalba, parašyta Brailio raštu arba britų gestų kalba, prašome skambinti 01467 536230.

Dacă aveți nevoie de informații din acest document într-o altă limbă sau într-un format cu scrisul mare, ușor de citit, tipar pentru nevăzători sau în limbajul semnelor, vă rugăm să telefonați la 01467 536230.

Jeśli potrzebowali będą Państwo informacji z niniejszego dokumentu w innym języku, pisanych dużą czcionką, w wersji łatwej do czytania, w alfabecie Braille'a lub w brytyjskim języku migowym, proszę o telefoniczny kontakt na numer 01467 536230.

Ja jums nepieciešama šai dokumentā sniegtā informācija kādā citā valodā vai lielā drukā, viegli lasāmā tekstā, Braila rakstā vai BSL (britu zīmju valodā), lūdzu, zvaniem uz 01467 536230.

Aberdeenshire Local Development Plan  
Woodhill House, Westburn Road, Aberdeen, AB16 5GB

Tel: 01467 536230  
Email: [ldp@aberdeenshire.gov.uk](mailto:ldp@aberdeenshire.gov.uk)  
Web: [www.aberdeenshire.gov.uk/ldp](http://www.aberdeenshire.gov.uk/ldp)  
Follow us on Twitter @ShireLDP

If you wish to contact one of the area planning offices, please call 01467 534333 and ask for the relevant planning office or email [planning@aberdeenshire.gov.uk](mailto:planning@aberdeenshire.gov.uk).



# YOUR COMMENTS

Please provide us with your comments below. We will summarise comments and in our analysis will consider every point that is made. Once we have done this we will write back to you with Aberdeenshire Council's views on the submissions made. We will publish your name as the author of the comment, but will not make your address public.

**Modification that you wish to see** (please make specific reference to the section of the Proposed Plan you wish to see modified if possible, for example Section 9, paragraph E1.1):

The Woodland Trust Scotland would welcome the acknowledgement that the loss of even individual trees and small woods, albeit gradually, has a high impact on natural heritage and biodiversity. Incremental woodland habitat fragmentation is a common issue across Scotland. Therefore we would like to see stronger commitment to the full protection of Ancient Woodland (including semi-natural woodlands e.g. LEPOs and PAWS) through a clear statement in all local planning documents that Ancient Woodland should be protected from development.

We would like to see Aberdeenshire Council refer to use the following mapping resources and process to determine the antiquity of a woodland area: the assessment should start by looking at the Ancient Woodland Inventory (AWI), then the historic OS maps 1840-60's (at six inches to the mile) should be revisited, and then the Native Woodland Survey of Scotland (NWSS) should be looked at to assess the presence of mature trees common in the canopy. A woodland survey could also be conducted where the antiquity of woodland is uncertain. The Native Woodland Survey Scotland, as well as the Ancient Woodland Inventory can be used to identify the location, extent, type and condition of native woodlands within the planning authority area. We would like to see the Planning authority use the data available in the NWSS and AWI to prepare development plans that are based on a sound and consistent basis of knowledge of native woods. Unsuitable forms of development can then be directed away from native woods. NWSS data can help planners to understand the relative value of native woods for biodiversity and other benefits in order to guide planning decisions.

To this end, the Woodland Trust Scotland objects to the inclusion of the site allocations below as they are likely to cause damage and/or loss to areas of ancient woodland within their boundaries. For this reason, we believe the sites in the table below are unsound and should not be taken forward and therefore not included in the Local Development Plan.

Name of site	Settlement	Development description	Type of woodland affected (e.g. ASNW, PAWS, secondary) & grid reference
Menie (Balmedie) OP3	Formartine	Erection of 550 houses Development Falling Within Class 1, Class 2, Class 3, Landscaping and Supporting Infrastructure.	2b LEPO, Menie House Wood (Grid reference: NJ979203) 2.7ha
Ellon OP1	Formartine	980 homes, a new primary school and associated facilities, and 2ha employment land	Semi-natural native woodland, unknown name. (Grid reference: NJ971298), 1.12ha
Inverurie OP5	Garioch	Mix of uses including 737 homes, community facilities and a	2b LEPO, unknown name (Grid Reference: NJ770202). 7.28ha

		primary school	Native Woodland , unknown name, (Grid reference NJ773198) 1.17ha
Johnshaven R1	Kincardine & Mears	Reserved for educational uses associated with Lathallan School	2b LEPO East Walk Plantation (grid reference: NO8019167834) 17.88Ha
Stonehaven OP2	Kincardine & Mears	212 homes	2b LEPO (grid reference: NO8620487381) 10.26Ha
Aboyne OP1	Marr	Mixed uses including 175 homes and employment land	Lady Wood 1b/2b LEPO / 3 Roy (grid reference: NO5132098905) approx 104.19Ha
Aboyne OP2	Marr	181 homes	Lady Wood 1b/2b LEPO / 3 Roy (grid reference: NO5132098905) approx 104.19Ha
Banchory R3	Marr	For potential educational facilities.	2b LEPO (grid reference: NO7032996828) 75.66Ha Woodland previously threatened by the Hill of Banchory Distributor road (APP/2019/0894)
Inchmarlo OP3	Marr	Mix of uses including 85 homes, tourism, leisure and business (Hotel and Hotel Lodges)	Aulddeer/Target Woods, 2b LEPO (grid reference: NO6737997357) 488.80Ha (part of a much larger woodland complex)
Tarland R1	Marr	R1 For a cemetery extension	Muirton Wood 2b LEPO (grid reference: NJ4894504931) 32.07Ha
Tarland OP2	Marr	10 homes as part of the Continuing Care Community	Muirton Wood 2b LEPO (grid reference: NJ4894504931) 32.07Ha

**Reason for change:**



Removal of woodland is contrary to two important pieces of Scottish Government policy; the Scottish Planning Policy (SPP) and the Control of Woodland Removal Policy.

The SPP states: "216. Ancient semi-natural woodland is an irreplaceable resource and, along with other woodlands, hedgerows and individual trees, especially veteran trees of high nature conservation and landscape value, should be protected from adverse impacts resulting from development. Tree Preservation Orders can be used to protect individual trees and groups of trees considered important for amenity or their cultural or historic interest."

"218. The Scottish Government's Control of Woodland Removal Policy includes a presumption in favour of protecting 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. The criteria for determining the acceptability of woodland removal and further information on the implementation of the policy is explained in the Control of Woodland Removal Policy, and this should be taken into account when preparing development plans and determining planning applications."

The Control of Woodland Removal Policy states: "*There will be a strong presumption against removing the following types of woodland: ancient semi-natural woodland; woodlands listed as 'Plantations on Ancient Woodland Sites' (PAWS). There will also be a strong presumption against woodland removal where it would lead to fragmentation or disconnection of important forest habitat networks.*"

The Scottish Biodiversity Strategy (SBS), "It's in Your Hands" includes the following target and action: "*Target 3.3 Minimise losses of biodiversity occurring through fragmentation and loss of woodland due to development and other land uses.*"

The Scottish Forestry Strategy (SFS) states, "*There is world-wide recognition of the importance of conserving natural forests, which provide the richest and most diverse terrestrial ecological systems. Scotland's Ancient semi natural woodlands include scarce remnants of its natural forests...*"

and,

*"The remaining Ancient semi-natural woodlands have a high conservation priority".*

Key Theme 7: Biodiversity of the Scottish Forestry Strategy states "*Ensure that the protection of woodlands of high biodiversity value is a principal consideration in the development control process.*"

In addition to this the SFS Implementation Plan outline programme for 2009 highlights the need to, "*Provide guidance for planners on woodland biodiversity issues and assess the feasibility of using digitised spatial data to monitor losses of high conservation woods to development.*"

# PRIVACY NOTICE

## LOCAL DEVELOPMENT PLAN PUBLIC COMMENT

The Data Controller of the information being collected is Aberdeenshire Council.

The Data Protection Officer can be contacted at Town House, 34 Low Street, Banff, AB45 1AY.

Email: [dataprotection@aberdeenshire.gov.uk](mailto:dataprotection@aberdeenshire.gov.uk)

Your information is being collected to use for the following purposes:

- To provide public comment on the Aberdeenshire Local Development Plan. The data on the form will be used to inform Scottish Ministers and individual(s) appointed to examine the Proposed Local Development Plan 2020. It will inform the content of the Aberdeenshire Local Development Plan 2021.

### Your information is:

Being collected by Aberdeenshire Council	X
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### The Legal Basis for collecting the information is:

Personal Data	
Legal Obligations	X

Where the Legal Basis for processing is either Performance of a Contract or Legal Obligation, please note the following consequences of failure to provide the information:

It is a Statutory Obligation under Section 18 of the Town and Country (Scotland) Act 1997, as amended, for Aberdeenshire Council to prepare and publish a Proposed Local Development plan on which representations must be made to the planning authority within a prescribed period of time. Failure to provide details requested in the 'Your Details' section of this form will result in Aberdeenshire Council being unable to accept your representation.

Your information will be shared with the following recipients or categories of recipient:

Members of the public are being given this final opportunity to comment on the Proposed Aberdeenshire Local Development Plan. The reasons for any changes that the Council receives will be analysed and reported to Scottish Ministers. They will then appoint a person to conduct a public examination of the Proposed Plan, focusing particularly on the unresolved issues raised and the changes sought.

Your name and respondent identification number (provided to you by Aberdeenshire Council on receipt of your

submission) will be published alongside a copy of your completed response on the Proposed Local Development Plan website (contact details and information that is deemed commercially sensitive will not be made available to the public).

In accordance with Regulation 22 of the Town and Country (Development Planning) (Scotland) Regulations 2008 where the appointed person determines that further representations should be made or further information should be provided by any person in connection with the examination of the Proposed Plan the appointed person may by notice request that person to make such further representations or to provide such further information.

Your information will be transferred to or stored in the following countries and the following safeguards are in place:

Not applicable.

The retention period for the data is:

Aberdeenshire Council will only keep your personal data for as long as is needed. Aberdeenshire Council will retain your response and personal data for a retention period of 5 years from the date upon which it was collected. After 5 years Aberdeenshire Council will review whether it is necessary to continue to retain your information for a longer period. A redacted copy of your submission will be retained for 5 years beyond the life of the Local Development Plan 2021, possibly until 2037.

The following automated decision-making, including profiling, will be undertaken:

Not applicable.

Please note that you have the following rights:

- to withdraw consent at any time, where the Legal Basis specified above is Consent;
- to lodge a complaint with the Information Commissioner's Office (after raising the issue with the Data Protection Officer first);
- to request access to your personal data;
- to data portability, where the legal basis specified above is:
  - (i) Consent; or
  - (ii) Performance of a Contract;
- to request rectification or erasure of your personal data, as so far as the legislation permits.

