



WOODLAND  
TRUST SCOTLAND

# An overview of the planning system in Scotland

Most of the threats woods and trees that Woodland Trust becomes involved with originate from a planning application. It is important to understand how the planning system works in order to be productively involved in the process.

## A quick overview of how things fit together

The Town and Country Planning Act (Scotland) 1997, amended in 2006, forms the basis of the planning system in Scotland



Planning decisions are guided by Scottish Government documents, such as the [National Planning Framework 3 \(NPF3\)](#), the [Scottish Planning Policy \(SPP\)](#), [Circulars](#) and [Planning Advice Notes \(PAN\)](#)



Local Authorities (councils) and National Park Authorities are generally responsible for deciding the outcome of planning applications in their area



Development Plans - Outline the types of development planned within a local authority area, and detail the individual policies of that local authority



Development Management - Is the process of deciding planning applications in line with relevant national and/or local policies

The existing planning system in Scotland is largely based on the Town and Country Planning (Scotland) Act 1997 and the changes introduced by the Planning etc. (Scotland) Act 2006, which is now entirely in force.

The philosophy behind the planning system is of a plan-led process, which is faster, more adaptable and compatible to sustainable development, which empowers local decision making, increases community planning and encourages stakeholder involvement.

## Scottish Planning Policies

The Scottish Government issues planning policy guidance documents to cover land use and other planning matters; these inform the policies and spatial strategies used by Local Authorities in making their own plans and when evaluating planning decisions.

The 2006 Planning Act introduced the [National Planning Framework](#) (since 2014, NPF3), a document that identifies the key issues and drivers for change in Scotland over the next 25 to 30 years. It sets out a long-term vision for development and highlights a class of important and often large scale “national” developments. Fourteen of these are outlined in the current NPF3, including a High Speed Rail link from Central Scotland to England; the development of the former Ravenscraig steel factory site in Motherwell; fibre optic broadband roll out across the country; and the continuation of the Central Scotland Green Network focusing on amenity land and active travel. Identifying these developments in NPF3 means that these developments will not be examined in the planning process in the usual way. This strategy will prevent open debate about the justification and need for this type of development at public inquiries, only details of siting, design and mitigation will be up for discussion.

Planning policies in Scotland can be found in a single reference document known as the [Scottish Planning Policy](#) (SPP), a consolidation of policy documents formerly known as National Planning Policy Guidelines (NPPGs) and Scottish Planning Policies (SPPs).

## The SPP includes:

- Concise subject planning policies, including the implications for development planning and development management
- Statutory guidance on sustainable development and planning under Section 3E of the Planning etc. (Scotland) Act 2006

Within the SPP, paragraphs 216 to 218 cover Trees and Woodland and so make sure you remind the planning officer of these in your objection!

*“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.”*

*“Where appropriate, planning authorities should seek opportunities to create new woodland and plant native trees in association with development. If a development would result in the severing or impairment of connectivity between important woodland habitats, workable mitigation measures should be identified and implemented, preferably linked to a wider green network.”*

*“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.”*

Also remember the following section paragraph 201:

*“Plans should identify woodlands of high nature conservation value and include policies for protecting them and enhancing their condition and resilience to climate change. Forestry Commission Scotland’s Native Woodland Survey of Scotland provides information and guidance. Planning authorities should consider preparing forestry and woodland strategies as supplementary guidance to inform the development of forestry and woodland in their area, including the expansion of woodland of a range of types to provide multiple benefits. Scottish Government advice on planning for forestry and woodlands is set out in The Right Tree in the Right Place.”*

## Local Planning Authorities

Local Authorities (or Councils) are usually the ‘planning authority’ for an area; there are 32 local authorities in Scotland. Their responsibilities include preparing local

development plans, deciding on most applications for planning consents and taking action against development that has been carried out without consent or in contravention of conditions.

The two National Parks in Scotland also have a role in planning. Cairngorms National Park has its own Local Plan, and the authority deals only with planning applications that raise issues of significance to the aims of the Park (approximately 12.5% of applications are “called in”). Loch Lomond and the Trossachs National Park also has a Local Plan, and deals with all of the planning applications in its area.

## Development Plans

Development Plans are the way that local authorities plan spatially for future development – they outline where/how much different types of development will be allowed within a local authority area, and detail the individual policies of that local authority on development.

Each Local Authority is currently developing a [Local Development Plan](#) (to replace the old Local Plan), these will be strongly map based and more easily accessible to the public, with a particular emphasis on engaging different groups (the public, businesses, agencies, etc.) in the preparation of the plan. Supplementary Guidance for the plan will also be included, setting out the policies of the local authority on planning issues.

In addition, four areas of the country (the more metropolitan areas) are also developing [Structure Development Plans](#). These are similar to the old Structure Plans and will set out a 20 year vision for development within the area, both in scale and location.

Where an individual planning application is affecting trees or woodland, it is useful to know what the Local Authority Policy is for their protection. It is also valuable to comment on draft plans, where there are important areas of woodland or veteran trees – so that any future development can take account of these.

## Development Management

Development Management is the process of deciding planning applications in line with relevant national and/or local policies.

There are three classes of planning applications:

- National – designated in the NPF, currently 14 projects
- Major – developments which fall into the descriptions in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 Reg 2 (1) and Schedule
- Local – all developments which are not classed as National or Major

Local Authorities and National Park Authorities are involved in all three types of development.