Tree and Woodland Strategy

APPENDIX D: Policies

Policies

POLICY 1 Retention of woodland, trees and hedges

Existing woodland, trees and hedges should be retained except where it is not feasible to do so.

Woodland retention and compensatory woodland creation is required in line with the Scottish Government's Control of Woodland Removal Policy.

Where consent is given for removal of trees and / or hedges compensatory planting with native species will be expected except where circumstances do not allow.

Consideration should be given to replacing the function of the woodland being removed such as recreation, canopy, biodiversity connectivity, and flood prevention.

The expectation is that replacement planting should be provided on the site. Where it can be shown that this is not possible sites should be sought in the following order of preference: (1) East Lothian, (2) sites with active travel, biodiversity and / or visual links to East Lothian, (3) Scotland.

Where the carbon sequestration value of new woodland, tree or hedgerow planting does not completely equal that lost the loss of carbon storage should be compensated in other ways.

In addition, where trees are felled, the timber shall be retained as a carbon store, where possible, such as by use in wood products.

POLICY 2 Change of Use of woodland to garden ground

Change of use of woodland to garden ground will not normally be supported. Where permission for change of use to garden ground is granted for land that contains tree(s) the Council will seek to protect these by a planning condition or Tree Preservation Order.

POLICY 3 Woodland creation

Tree planting and woodland creation should comply with the Spatial Guidance Section of this Strategy and the UK Forestry Standard.

Land managers creating new woodland should seek to reduce carbon impacts associated with its creation by using methods of tree planting to reduce soil disturbance or by allowing natural regeneration.

Woodland should be designed to achieve multi-functional benefits.

POLICY 4 Reducing climate forcing emissions from tree planting and forestry operations

Forestry operations should aim to reduce climate forcing emissions including from fossil fuel use and soil disturbance.

Use of materials in tree and forestry operations and treatment of waste arisings should follow the waste hierarchy (Scottish Government, 2010) of prevent, reuse, recycle, recover, dispose.

The use of single use plastics should be avoided.

POLICY 5 Wood Products

The Council supports:

• The use and retention of timber and wood products in preference to less sustainable materials where possible.

• The use of Scottish wood and wood products.

• The use of wood products that are from recycled material and/or that can be re-used or recycled after use.

POLICY 6 Water Management and Slope Stability

Use of woodland and trees to improve water quality, reduce flood risk and improve slope stability is encouraged. Planting of new trees and woodland must avoid increasing flood risk.

POLICY 7 Sustainable Woodland Management

Woodlands should be designed and managed so that they are diverse, resilient and sustainable in line with the UK Forestry Standard.

Continuous cover silviculture is encouraged.

Woodland creation and management proposals must design out as far as practicable any potential increase, and consider the potential to decrease, risk of wildfire and spread of pests and disease.

POLICY 8 Protecting the Biodiversity Value of East Lothian's Woodland

Activities that lead to the removal of ancient woodland or damage ancient woodland sites are not supported.

It will not be appropriate to remove woodland of high nature conservation value to replace it with a timber crop.

Appropriate management of native woodland including ancient woodland, orchards, wood pasture and parkland, including habitat enhancement for key native species is encouraged.

POLICY 9 Seed and Tree Stock Sourcing

When planning new or managing existing woodland, source material should be obtained in the following ways, in order of preference:

i. Natural regeneration from seed stock within the soil

ii. Trees grown in the UK from:

- Seeds or cuttings sourced from nearby woodland

- Seeds or cuttings from trees in Zones 203 – 204

iii. Trees grown in the UK from seeds or cuttings from elsewhere

POLICY 10 Addressing fragmentation

Woodland and hedgerow creation that improves native woodland connectivity is encouraged, in particular where it:

- supports the CSGN woodland habitat network;
- is within the riparian area or connects river catchments;
- creates coastal mosaic; or
- supports species migration for climate change as shown on the 'Native Woodland Expansion Opportunities' map.

Where woodland removal severs existing woodland connections, mitigation should include replacement of any functional connectivity that it provided. Mitigation could include a woodland or hedgerow connecting across or around the site to the remaining woodland.

Land managers and developers are encouraged to work together to form woodland connections.

Avoidance of the potential for introduction or spread of disease or Invasive Non-Native Species (INNS) should be considered at project level.

POLICY 11 Invasive Species

Management of Invasive Species in line with National Policies is supported.

POLICY 12 Deer management

Land managers are encouraged to work together and with NatureScot to maintain deer numbers at a level that allows for native woodland and shrub regeneration.

Where deer fencing is used it should:
- minimise landscape and biodiversity impact; and
- be removed once trees are sufficiently well established.

Compensatory deer culls should be carried out when erecting a new fence as fencing alone will not maintain or control deer numbers.

POLICY 13 Protection of European Sites

Proposals that are likely to have a significant effect on a European Site must undergo assessment under The Conservation (Natural Habitats, &c.) Regulations 1994 ('Habitats Regulations'). Sufficient information must be provided to allow the relevant authority to carry out this assessment, or failing which, provide sufficient funding to enable the authority to obtain this information. Where an adverse effect on the integrity of such a site is found, the proposal can only go ahead where:

a) there are imperative reasons of over-riding public interest and there are no alternative solutions; and

b) compensatory measures are provided to ensure that the overall coherence of the European Site network is protected.

POLICY 14 Protection of the natural environment

Woodland management, expansion, creation, removal or restructuring should:

• enhance and not harm the interest of designated sites including Sites of Special Scientific Interests, Geological Conservation Review sites, Local Biodiversity or Geodiversity Sites, Local Nature Reserves;

• avoid harm to protected species including through location of proposals and timing of works; and

• respect the CSGN wetland, grassland and heathland habitat networks and East Lothian priority habitats.

POLICY 15 Peatland

In areas of existing peat or land suitable for peatland creation or restoration, this is supported over woodland creation.

POLICY 16 Design for all

Managers and designers of new and existing woodland intended to encourage public access should:

• maximise provision for access by active and sustainable transport modes to and through woodland; and

• include provision for all levels of ability through location, access points and design.

POLICY 17 Hutting

Proposals for huts within woodland should:

• follow Reforesting Scotland guidance "New Hutting developments";

• provide a management plan for the woodland;

• provide vehicular access and parking by a public road and not within the woodland; and

• consider using local businesses for materials and skills.

Hutting proposals within SSSIs, Ancient Woodlands of semi-natural origin will not be supported

POLICY 18 Community collaboration

Proposals for tree planting in and around urban areas should be taken forward in a collaborative approach and seek consensus from all sectors of the community including children. Equality impact assessment is recommended to identify issues.

POLICY 19 Management of Council Trees

Unless there are exceptional overriding reasons such as safety, trees owned or managed by the Council will not be cut back or felled, at the expense of the Council, as a result of the following:

• Being perceived as too large or overgrown

• Shade (unless oppressive)

• Loss of a view

• Dropping aphid honeydew/sap

• Dropping leaves or other seasonal debris

• Interfering with TV reception

• Affecting the efficient working of solar panels

• Touching overhead telecommunication wires

• Overhanging branches

POLICY 20 Productive woodland

Creation of woodlands for production of wood is generally supported in line with the Strategy mapping. Management and registration of these with UKWAS is supported. However:

• Plantation on ancient semi-natural woodland sites (PAWS) should be restored to native woodland

• New productive woodland should not be solely softwood

• Restructuring of softwood woodland to improve landscape and biodiversity value is encouraged

• Improving the recreational value of commercial woodland is encouraged

POLICY 21 Woodland creation within farmland

Woodland creation in farmland should aim to complement and improve agricultural production. Loss of agricultural production capacity may be acceptable where woodland creation is shown to improve water quality through reducing diffuse pollution and / or reduce flooding including surface water runoff to roads and rivers.

POLICY 22 Notable trees

The Strategy supports the retention of Notable Trees: trees protected by tree preservation orders; historic and commemorative trees; ancient, veteran and champion trees; and trees with spiritual or cultural value.

POLICY 23 Plaques and Memorial Trees

Plaques in association with memorial trees are not supported in the countryside nor natural areas within towns.

POLICY 24 Scheduled Monuments and Archaeological sites

Where planting, felling or restructuring might affect any Scheduled Monument or archaeological site (of known or suspected archaeological interest), a professional archaeological assessment and, if necessary, a field evaluation should be undertaken.

The Council will not normally support proposals that would harm a Scheduled Monument, site of regional or local archaeological interest, or its setting. In exceptional circumstances, the Council may accept archaeological advice that the significance of the remains is not sufficient to justify physical preservation in situ when weighed against the benefits of the proposal. In such cases, the Council will seek mitigation measures such as:

• excavation, recording and analysis of the archaeological remains in advance of the commencement of the project

• reporting of results along with any subsequent post-excavation work undertaken, and if warranted, publication

POLICY 25 Protection of the historic environment

Woodland creation, management, expansion or tree planting, removal or restructuring should aim to enhance and not harm the historic environment including Scheduled Monuments, Battlefields, Gardens and Designed Landscapes (either Inventory or Local), Listed Buildings or Conservation Areas, and where relevant their settings.

POLICY 26 Protection and Enhancement of Landscape

Woodland expansion or tree planting, management, removal or restructuring should enhance and not harm landscapes and landscape character.

The landscape interest of Special Landscape Areas, the coastal area, Green Belt and Countryside Around Town areas should be taken into account in woodland creation proposals.

For forestry proposals that require Environmental Impact Assessment, applicants are encouraged to provide a Design Statement explaining the landscape change.

POLICY 26 Protection and Enhancement of Landscape