

**John Morris**

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**Subject:** FW: PLANNING APPLICATION CONSULTATION BY EMAIL FALKIRK COUNCIL - P/21/0046/FUL

From: Sasha Laing  
Sent: 18 March 2021 10:35  
To: Brent Vivian  
Subject: RE: PLANNING APPLICATION CONSULTATION BY EMAIL FALKIRK COUNCIL - P/21/0046/FUL

Good Morning Brent,

Thank you for acknowledging Scottish Forestry's consultation response to Planning Application P/210046/FUL dated 12th March 2021 and have noted our concerns raised on the current proposal.

In response to your question I would refer back to our response that notes that "The Planning (Scotland) Act 2019 also places a responsibility on Local Authorities to identify how it will protect, enhance and improve the resilience of its woodlands and should take cognisance of this when making planning decisions that could reduce or detrimentally effect their woodland extent."

Our interpretation of this point is that a Local Authority when considering any planning application for approval, should ensure that the submission accurately reflects the development location and discloses all legal obligations on the land identified. That proposals should not be considered for approval when the Local Authority is knowingly aware that the submitted proposal;

- Fails to disclose that the development area is classed as woodland on the National Forest Inventory and the Native Woodland Survey for Scotland,
- Fails to disclose that the land owner has knowingly entered into a legal binding agreement under the Forestry and Land Management (Scotland) Act 2018, to keep it as woodland for the terms of their legal agreement,
- In carrying out felling under FPA 6718 then subsequently applying for planning permission without full disclosure to the Planning Authority implies their intent to not comply with their legal restock responsibilities.
- Fails to comply with the Scottish Governments Control of Woodland Removal Policy
- Fails to comply with Falkirk's own Local Development Plan 2, Supplementary Guidance SG 10 on Trees and Development published November 2020, disregarding all-inclusive legislative or local policy direction,
- Has not been screened by the Local Authority for impacts affecting the environment under Schedule 2 Development within the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, on receipt of environmental information gained by "(c)any representations made by any consultation body, or other public body, consulted in respect of the development"

We are not objecting to the development simply stating that all due process should be carried out by the relevant Local Authority prior to granting planning permission. To do so knowing unequivocally that the application is inaccurate, misleading and due process has not been adhered to could be interpreted as acting against the Planning Act (Scotland) 2019.

Kind Regards

Sasha

Sasha Laing MIC For  
Planning & Regulations Manager  
Scottish Forestry  
Central Scotland Conservancy | Bothwell House | Caird Park | Hamilton | ML3 0QA

Website: forestry.gov.scot  
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Scottish Forestry is the Scottish Government agency responsible for forestry policy, support and regulation

-----Original Message-----

From: Brent VivianSent: 12 March 2021 14:51

To: Laing S (Sasha)

Subject: RE: PLANNING APPLICATION CONSULTATION BY EMAIL FALKIRK COUNCIL - P/21/0046/FUL

Hi Sasha

Thank you for your response to our consultation request.

Can I just get some clarity on your point 5 referring to the Forestry (EIA) (Scotland) Regulations 2017. If the planning authority were to grant planning permission, I take It the applicant would at some point need to request an EIA screening opinion from Scottish Forestry under the Forestry Regs and receive any necessary consent from Scottish Forestry for deforestation prior to, in effect, being able to implement the planning permission. In other words the grant of planning permission would not necessarily mean the development could go ahead pending the outcome of other regulatory procedures.

I look forward to hearing from you.

Regards

Brent Vivian

Senior Planning Officer | Development Management | Development Services | Falkirk Council | Abbotsford House,  
Davids Loan, Falkirk, FK2 7YZ

-----Original Message-----

From: Sasha Laing

Sent: 12 March 2021 11:10

To: Brent Vivian

Subject: FW: PLANNING APPLICATION CONSULTATION BY EMAIL FALKIRK COUNCIL - P/21/0046/FUL

Good Morning Brent,

Apologies for this arriving a little later than the date mentioned but a few investigations and a site visit were needed before we were able to offer a response. Please see attached Scottish Forestry's response to the Consultation Request. If there is anything you would like to discuss further, for example the existing Felling Permission, then please do not hesitate to contact us.

Kind Regards

Sasha

Sasha Laing MIC For

Planning & Regulations Manager

Scottish Forestry

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