

TimberTransportForum

delivering solutions for a growing UK harvest

A Submission by the Timber Transport Forum
to
Consultation on the
General Permitted Development
Amendment Order 2012
March 2012

The Timber Transport Forum is a voluntary partnership “working with community representatives and the forest industry to promote a vibrant and sustainable timber transport sector and to secure social and environmental benefits.” Members comprise representatives from eleven regional timber transport groups from across Scotland, N. England and Wales, as well as the Convention of Scottish Local Authorities, the forest industry associations (Confederation of Forest Industries, UK Forest Products Association and Forestry Contracting Association), Scottish Forest & Timber Technologies, Forestry Commission England, Scotland, & Wales, Wales Forest Business Partnership, Rail Freight Group, Road Haulage Association and the Society for Chief Officers of Transportation in Scotland.

More details can be found at www.timbertransportforum.org.uk

Summary of the Forum's response

The Timber Transport Forum believes that:

- There is no compelling evidence of damage by forest roads.
- The removal of Permitted Development Rights from forest roads would create an unnecessary and disproportionate burden on the forest industry and on the planning authorities without providing any additional public benefit.
- Existing measures including the EIA (Forestry) (Scotland) Regulations already provide appropriate and sufficient controls to cover the creation, improvement and maintenance of forest roads.
- Permitted development rights for forestry tracks should be retained together with the mechanism in Article 3 of the GDPO removing the requirement for a planning application where an EIA is required.
- The proposed definition of 'maintenance' would be wholly unworkable within a working forest environment. Forest plans provide a suitable mechanism to take account of both forest road construction and maintenance operations.

1. Introduction

1.1. The Timber Transport Forum works through a network of Regional Timber Transport Groups made up of forest owners and managers, local authority road engineers, local councillors, timber processors and timber hauliers. The groups develop and share best practice and provide a voluntary framework to manage timber transport with a view to promoting sustainability and improving efficiency.

1.2. The Timber Transport Forum welcomes the opportunity to respond to the Scottish Government consultation on the General Permitted Development Amendment Order.

1.3. The first section of the consultation document refers to the Scottish Government's central purpose of 'increasing sustainable economic growth' and states that the government is seeking an 'effective, efficient and **proportionate** planning system which is focused on outcomes [that] will deliver benefits to the wider economy'. It further adds that 'Requiring planning applications, where the planning system can add little, or no value, imposes unnecessary costs and delays to development.'

- 1.4. The Forum's response focuses on the proposal for the removal of permitted development rights for private ways in class 22 (forestry) and class 27 (maintenance) which we believe are wholly **disproportionate** to the impacts of these activities, will only stifle the delivery of benefits to the wider economy, add no value and indeed impose unnecessary costs and delays to development.
- 1.5. The proposal appears to give substantial weight to the views of recreational interests and very little weight to the interests of the many people and businesses working in sustainable land management in rural Scotland.

2. Forest Roads for Timber Haulage

- 2.1. Productive forestry covers 17% of Scotland and currently produces around 7.5 million tonnes of logs each year. The Forum is concerned with the process of moving logs from Scottish forests to timber processors. This involves 1000 lorry loads per day and the harvest is set to increase over the coming decade.
- 2.2. Over 95% of timber is transported by road and nearly all transport relies on forest roads and the minor public road network on immediately leaving the forest. In most cases, large lorries (now 44 tonne HGVs) are the only practical and cost effective means of initial transport.
- 2.3. The continuing increase in timber harvest is the outcome of many new, often private sector forests, planted in the latter half of the 20th century and now maturing and coming on stream. When planting forests, access tracks are kept to a minimum and it is only when the trees are of harvestable size that forest roads are constructed or earlier access tracks are upgraded to take large lorries. Well constructed roads are vital for the safe and efficient movement of timber and these roads enable the harvesting, replanting, restructuring and ongoing management of Scotland's forests with multiple benefits for the economy, for amenity, for recreation and biodiversity. There are around 9300km of forest road on the public forest estate, which represents one third of Scottish forests.
- 2.4. As part of an agreed network of timber haul routes, the Forum encourages the development of forest roads where these would reduce the exposure of fragile parts of the minor public road network to heavy traffic and bring lorries out onto suitable public roads. Local authorities are key partners in this. The Scottish Government currently provides a Strategic Timber Transport Fund of £3m/year supporting strategic infrastructure improvement on forest and public roads. Forest roads designed to deliver the outcomes of approved forest plans can benefit from

grant support from the Scottish Rural Development Programme although there is limited funding available for infrastructure through this mechanism.

3. Existing Control of Forest Roads

- 3.1. The benefits and impacts of forestry, including the impacts of timber transport, are being taken into account at a strategic planning level through the local authority-led indicative forest strategies (often now simply called Forest (and Woodland) Strategies). Where these are in place, they form part of the local authority development plan.
- 3.2. New exits of forest roads onto a classified road require planning permission and roads authority consent is required for all works adjacent to public roads.
- 3.3. In most cases forest operations are grant aided through a process that requires an approved [forest plan](#) which in turn applies the sustainability criteria of the [UK Forestry Standard](#). Guidelines 25-29 of the standard, cover the design and use of forest roads.
- 3.4. In Scotland, all forestry operations including the construction and maintenance of water-bound roads and tracks must meet relevant General Binding Rules of the Water Environment (Controlled activities) (Scotland) Regulations 2005 and any divergence from this must be licensed or registered with SEPA (Scottish Environment Protection Agency).
- 3.5. The [UK Woodland Assurance Standard](#) against which nearly 85% of the UK's harvested timber is certified, has specific requirements for forest roads:

For new roads, all necessary consents shall be obtained

Roads and timber extraction tracks and associated drainage shall be designed, created, used and maintained in a manner that minimises their environmental impact

- 3.6. **In addition**, 'The formation, alteration or maintenance of private ways on land used or to be used for the purposes of forestry' (including roads leading to a forest) and 'forest quarry works' to 'obtain material for forest roads' are both covered by the [Environmental Impact Assessment \(Forestry\) \(Scotland\) Regulations 1999](#) whereby such operations over land above a threshold of 1 hectare are restricted, and the Forestry Commission must be asked to determine whether an EIA is required. If an EIA is required, the project requires the consent of the Forestry Commissioners or

Scottish Ministers. In sensitive areas, all such projects must be determined – i.e. there is no threshold. Sensitive areas are: a National Nature Reserve or Site of Special Scientific Interest; National Parks; a World Heritage Site; Scheduled Ancient Monuments; National Scenic Areas; a site designated as a Special Area of Conservation (SAC) or identified as a candidate Special Area of Conservation; a site classified or proposed as a Special Protection Area.

3.7. In National Scenic Areas, forest roads and quarries that do not form part of an approved afforestation scheme may be subject to planning controls.

4. Lack of compelling evidence

4.1. The consultation document suggests there is ‘compelling evidence’ of the damage caused by some tracks. The Forum would argue that despite the scale of forest roading, there is **no** compelling evidence of damage by forest roads. The existing Forestry Commission process for screening and approving forest roads clearly works and ensures that the forest roads are justified by and designed to service the wider social, environmental and economic outputs delivered by the forest plan. The removal of Permitted Development Rights would offer no additional public benefit.

5. Costs

5.1. The consultation document recognises that removing permitted development rights would increase costs on the forestry sector. The productive forestry sector creates rural jobs and provides an economic return from relatively marginal land over long time periods. This can only be achieved by keeping costs low. The profitability of the sector is further constrained by the global processed timber market whereby the Scottish timber supply chain is only financially viable where it can undercut imported timber. Increasing costs can therefore have a significant impact on the viability of the sector.

5.2. Requiring further bureaucracy on top of the already substantial regulation governing forest operations will create an additional disincentive for rural development. At the same time, requiring planning permission for forest roads would place an unnecessary and additional burden on an already over-stretched local authority planning system with limited understanding of the forestry sector and, no doubt, other priorities.

6. Maintenance

6.1. The consultation document and draft amendment order suggest that the

maintenance of an existing track, contained within the existing track boundaries, would continue to be permitted development. However, widening of any part of the route or any 'material change' would not be permitted and would require planning consent.

6.2. Such a definition of maintenance would be wholly impractical for forest harvesting. Forest roads are of a waterbound construction – i.e. not tarmaced – and, when harvesting is taking place, are regularly re-graded to maintain a driveable surface. Forest roads are designed, and constructed to enable frequent HGV traffic and serve a busy working environment in variable terrain. As harvesting operations move through a forest, there is often a requirement to construct or alter loading areas at the side of forest roads, create safe accesses from the road for harvesters and forwarders into the stands of trees, alter and reconstruct ditches to control runoff, or add passing places or lorry turning facilities to ensure the safety of hauliers and others using the forest road.

6.3. While the proposed definition of maintenance is impractical, the current approach whereby Forestry Commission Scotland approve felling licenses and forest plans, is sufficiently robust and flexible as to take account of road maintenance likely to arise from timber operations.

7. Recommendation

7.1. The Forum urges the Scottish Government to exempt forestry tracks from requiring planning permission. The forest plan and forestry EIA processes already provide for appropriate scrutiny and assessment of forest roads. Similarly the forest planning process can take account of likely road maintenance requirements that arise from forestry operations.

Roland Stiven

On behalf of the Timber Transport Forum, June 2012

Consultation on The Town and Country Planning (Scotland) General Permitted Development Amendment Order 2012



RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

1. Name/Organisation

Organisation Name

Timber Transport Forum

Title Mr ☒ Ms ☐ Mrs ☐ Miss ☐ Dr ☐ Please tick as appropriate

Surname

Stiven

Forename

Roland

2. Postal Address

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3. Permissions - I am responding as...

Individual

☐

/ Group/Organisation

Please tick as appropriate

☒

- (a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate ☐ Yes ☐ No

- (b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes

Yes, make my response, name and address all available ☐

or

Yes, make my response available, but not my name and address ☐

or

Yes, make my response and name available, but not my address ☐

- (c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate ☒ Yes ☐ No

- (d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate

☒ Yes

☐ No

CONSULTATION QUESTIONS

Q1. Are there any costs or benefits not identified in the draft BRIA?

Comments The BRIA makes a strong and clear case for the retention of PDR in the case of forest roads. It recognises that removal of PDR would increase the cost to the planning authorities and to the forest industries. Given the existing control measures over forest roads, the proposals offer no further public benefit.

Q2. Do you have any information or can you suggest sources of relevant information on the costs and/or benefits detailed in the BRIA?

Comments The Forum has found no evidence that the removal of PDR for forest roads would provide any benefits.

Q3. We would appreciate your assessment of the potential equalities impact our proposals may have on different sectors of the population. A partial EQIA is attached to this consultation at Annex 3 for your comment and feedback.

Comments

Part 1. Amendments to existing classes of permitted development.

Q4. Should we retain class 26? If class 26 should be retained are there any changes to the controls that would strike a better balance?

Yes ☐ No ☐

Comments none

Q5. With regard to the proposed amendments to existing classes;

(a) Is the granting of permission, and the restrictions and conditions, clear?

Yes ☐ No ☒

(b) Is the granting of permission, and the restrictions and conditions, reasonable?

Yes ☐ No ☒

(c) Will the controls strike the right balance between removing unnecessary planning applications and protecting amenity?

Yes ☐ No ☒

(d) Please identify and explain any changes to the controls that you think would strike a better balance?

Comments Please see the attached response to the consultation.

Part 2. Proposed new classes of permitted development.

Q6. With regard to the proposed new classes 7E and 7F;

(a) Is the granting of permission, and the restrictions and conditions, clear?

Yes ☐ No ☐

(b) Is the granting of permission, and the restrictions and conditions, reasonable?

Yes ☐ No ☐

(c) Will the controls strike the right balance between removing unnecessary planning applications and protecting amenity?

Yes ☐ No ☐

(d) Please identify and explain any changes to the controls that you think would strike a better balance?

Comments none

Q7. With regard to the proposed new classes 7A and 7B;

(a) Is the granting of permission, and the restrictions and conditions, clear?

Yes ☐ No ☐

(b) Is the granting of permission, and the restrictions and conditions, reasonable?

Yes ☐ No ☐

(c) Will the controls strike the right balance between removing unnecessary planning applications and protecting amenity?

Yes ☐ No ☐

(d) Please identify and explain any changes to the controls that you think would strike a better balance?

Comments none

Q8. With regard to the proposed new class 7C;

(a) Is the granting of permission, and the restrictions and conditions, clear?

Yes ☐ No ☐

- (b) Is the granting of permission, and the restrictions and conditions, reasonable?
Yes ☐ No ☐
- (c) Will the controls strike the right balance between removing unnecessary planning applications and protecting amenity?
Yes ☐ No ☐
- (d) Please identify and explain any changes to the controls that you think would strike a better balance?

Comments none

Q9. With regard to the proposed new class 7D;

- (a) Is the granting of permission, and the restrictions and conditions, clear?
Yes ☐ No ☐
- (b) Is the granting of permission, and the restrictions and conditions, reasonable?
Yes ☐ No ☐
- (c) Will the controls strike the right balance between removing unnecessary planning applications and protecting amenity?
Yes ☐ No ☐
- (d) Please identify and explain any changes to the controls that you think would strike a better balance?

Comments none

Q10. With regard to the proposed new class 7H;

- (a) Is the granting of permission, and the restrictions and conditions, clear?
Yes ☐ No ☐
- (b) Is the granting of permission, and the restrictions and conditions, reasonable?
Yes ☐ No ☐
- (c) Will the controls strike the right balance between removing unnecessary planning applications and protecting amenity?
Yes ☐ No ☐
- (d) Please identify and explain any changes to the controls that you think would strike a better balance?

Comments none

Q11. With regard to the proposed new class 7G;

(a) Is the granting of permission, and the restrictions and conditions, clear?

Yes ☐ No ☐

(b) Is the granting of permission, and the restrictions and conditions, reasonable?

Yes ☐ No ☐

(c) Will the controls strike the right balance between removing unnecessary planning applications and protecting amenity?

Yes ☐ No ☐

(d) Please identify and explain any changes to the controls that you think would strike a better balance?

Comments none