

David Reekie
The Scottish Government,
Area 2J South,
Victoria Quay,
Edinburgh.
EH6 6QQ



20 June 2012

Dear Mr Reekie,

RE: CONSULTATION ON THE GENERAL PERMITTED DEVELOPMENT AMENDMENT ORDER 2012

The Scottish Wildlife Trust¹ welcomes the opportunity to comment on Consultation on the General Permitted Development Amendment Order 2012.

The Scottish Wildlife Trust believes that inappropriately located and badly designed developments can have significant, detrimental impacts on Scotland's biodiversity and on people's quality of life. SWT believes that delivering high quality sustainable places where people want to live can only be achieved by having a robust and well resourced planning system. This would ensure that planning decisions are made by knowledgeable, innovative, confident and competent planners.

We have responded to those questions that are relevant to the Scottish Wildlife Trust's objective to "*advance the conservation of Scotland's biodiversity for the benefit of present and future generations*"

CONSULTATION QUESTIONS

Access tracks

The Scottish Wildlife Trust is pleased to see that the Scottish Government has paid heed to the responses of the previous consultation, to which we responded, and has now included a proposal to limit Permitted Development Rights for new hill tracks for forestry, agriculture and repairs to private roads and ways. In doing so, there is a recognition of the compelling evidence of the damage caused by some tracks and that 'business as usual' is not an acceptable option.

Removing Permitted Development Rights for the formation of access tracks would also remove the disparity in the planning process regarding which potentially environmentally damaging developments require planning permission. This is especially the case for tracks and upgrades to private roads and ways outwith designated areas which may contain locally designated sites (e.g. local nature conservation sites), ancient woodland or plantation on ancient woodland sites or a habitat or species listed in the EC Habitats Directive². One the one hand, an access track for a proposed windfarm would require planning permission (and be screened and scoped for EIA), whereas a proposed 'access track' in the same area may fall outwith the planning process but could still cause environmental damage that would go unmitigated.

¹ The Scottish Wildlife Trust, established in 1964, has the charitable purpose to advance the conservation of Scotland's biodiversity for the benefit of present and future generations. With 120 reserves and a network of volunteers the length and breadth of the country, we are proud to say we are now the largest voluntary body working for all the wildlife of Scotland. Our vision is of a network of healthy and resilient ecosystems supporting expanding communities of native species across large areas of Scotland's land, water and seas. This is the 'Ecosystem Approach', which is the basis of The Wildlife Trusts' UK Living Landscapes and Living Seas initiatives.

² Council Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora

Protecting Scotland's wildlife for the future

We are also pleased that repairs to private roads and ways now falls outwith permitted development rights such that operations such as replacing a loose chipping surface with a tarmac one will now come under the planning process and as such, will require more rigorous environmental scrutiny.

Q5. With regard to the proposed amendments to existing classes re: Class 18 Agriculture, Class 22 Forestry and Class 27 Repairs to private roads and ways;

- (a) Is the granting of permission, and the restrictions and conditions, clear?
Yes
- (b) Is the granting of permission, and the restrictions and conditions, reasonable?
Yes - for the reasons stated above.
- (c) Will the controls strike the right balance between removing unnecessary planning applications and protecting amenity?
Yes - this ensures the natural environment and the ecosystem services that are provided such as provision of fresh water and carbon sequestration, are better protected through planning which in turn adheres more closely to the principles of sustainable development.

Part 8 Industrial and Warehouse Development - Class 25

The Scottish Wildlife Trust supports the proposed amendment to class 25 relating to - *Creation of Hard Surfaces* - with the clarification that Research and Development buildings are included within the definition of "industrial building". This would require that any hard standing be either of a porous material or that adequate provision is made to ensure that any water run-off is dealt with on-site. This helps address the issues of uncontrolled 'soil sealing,' increased surface water runoff and increased industrial diffuse pollution. It also presents the opportunity to increase the biodiversity value of an industrial site through incorporating sustainable urban drainage systems and other green infrastructure to slow surface water runoff and improve water quality.

The Scottish Wildlife Trust would like to be kept informed of the progress of the consultation and we would be grateful for the opportunity to comment further if required.

Yours sincerely,



Dr Maggie Keegan
National Planning Co-ordinator

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