

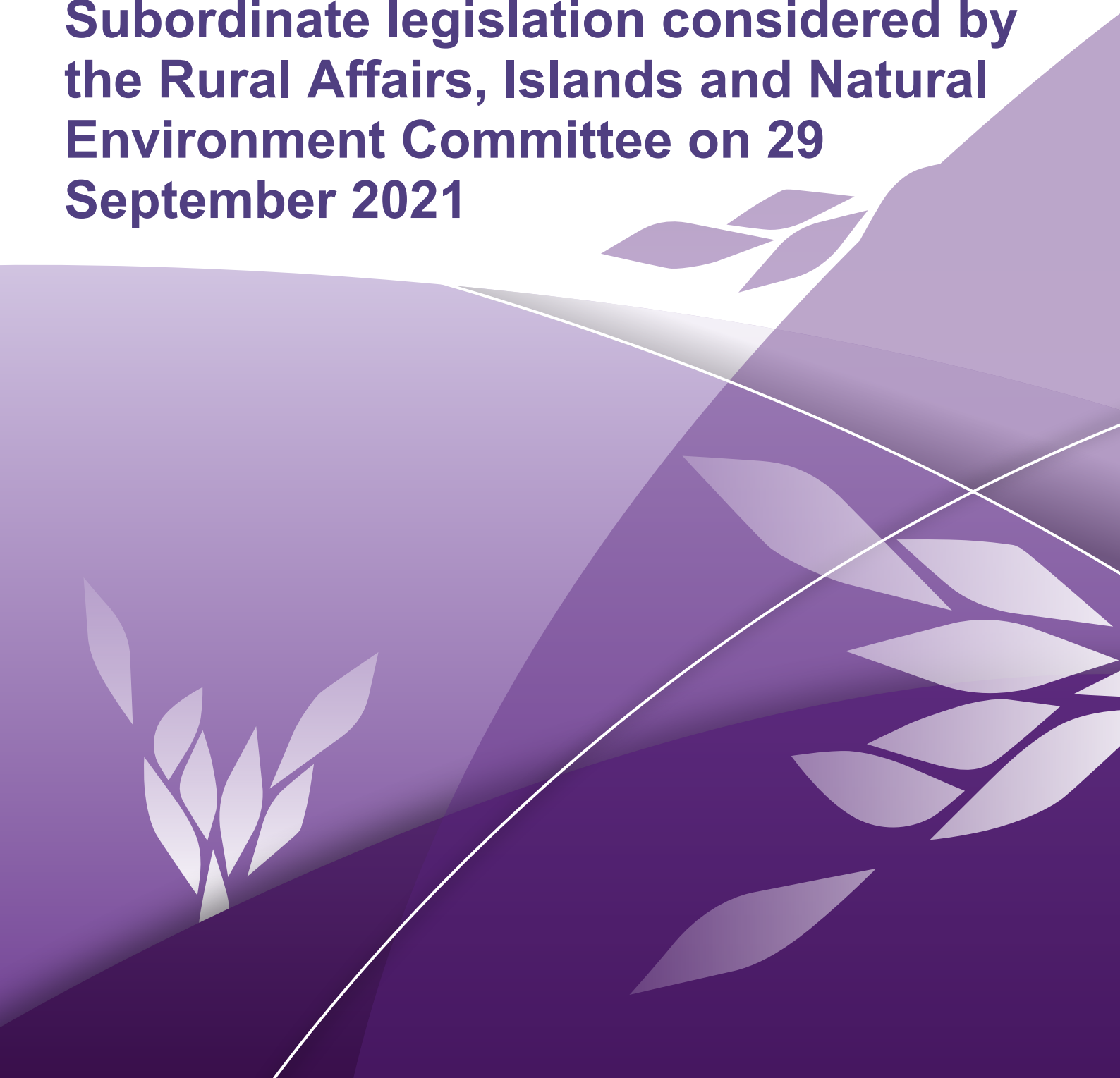


The Scottish Parliament  
Pàrlamaid na h-Alba

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## **Rural Affairs, Islands and Natural Environment Committee**

# **Subordinate legislation considered by the Rural Affairs, Islands and Natural Environment Committee on 29 September 2021**



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# Rural Affairs, Islands and Natural Environment Committee

To consider and report on matters falling within the responsibility of the Cabinet Secretary for Rural Affairs and Islands.



[rural.committee@parliament.scot](mailto:rural.committee@parliament.scot)

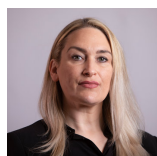
# Committee Membership



**Convener**  
**Finlay Carson**  
Scottish Conservative  
and Unionist Party



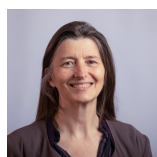
**Deputy Convener**  
**Beatrice Wishart**  
Scottish Liberal  
Democrats



**Karen Adam**  
Scottish National Party



**Alasdair Allan**  
Scottish National Party



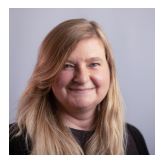
**Ariane Burgess**  
Scottish Green Party



**Jim Fairlie**  
Scottish National Party



**Rachael Hamilton**  
Scottish Conservative  
and Unionist Party



**Jenni Minto**  
Scottish National Party



**Mercedes Villalba**  
Scottish Labour

# The Forestry (Exemptions) (Scotland) Amendment Regulations 2021.

1. At its meeting on 29 September 2021, the Rural Affairs, Islands and Natural Environment Committee considered The Forestry (Exemptions) (Scotland) Amendment Regulations 2021.
2. The instrument is subject to the affirmative procedure which means it is for the Committee to recommend to the Parliament whether the draft regulations be approved.
3. The instrument amends the Forestry (Exemptions) (Scotland) Regulations 2019 (the principal regulations) and has two purposes.
4. First, the instrument corrects a minor typographical error in the definition of “statutory undertaker” (the definition should read ‘pier’ not ‘power’).
5. Second, the instrument removes the exemption for trees on peatland to be felled without felling permissions, where planning permission has been granted in relation to peatland restoration projects under the Town and Country Planning (General Permitted Development) (Scotland) Order 1992.
6. In 2020, the 1992 Order was amended. The effect of this Order was that it may itself grant planning permission and, thus, the felling would be exempt from the requirement for felling permission. The view of Scottish Ministers is this Order created an “unintended consequence” that could lead to large scale deforestation, without schemes being given full and proper scrutiny by Scottish Forestry. This view is supported by Scottish Forestry, Nature Scot, SEPA and Historic Environment Scotland.
7. This instrument inserts a new Regulation so that, despite planning permission being granted, a felling permission would still be required before any trees could be lawfully felled as part of the peatland restoration project.
8. The Committee took evidence from Màiri McAllan, Minister for Environment, Biodiversity and Land Reform, after which she moved motion S6M-01170 —

That the Rural Affairs, Islands and Natural Environment recommends that the Forestry (Exemptions) (Scotland) Amendment Regulations 2021 be approved.

The motion was agreed to without division.

The official report of the meeting can be accessed on the [Scottish Parliament's website](#).

9. The Rural Affairs, Islands and Natural Environment Committee recommends to the Scottish Parliament that the Forestry (Exemptions) (Scotland) Amendment Regulations 2021 be approved.

