



Town and Country Planning (Scotland) Act 1997

1997 CHAPTER 8

PART VII

SPECIAL CONTROLS

CHAPTER I

TREES

General duty of planning authorities as respects trees

[^{F1}A159 Forestry and woodland strategy

- (1) A planning authority are to prepare a forestry and woodland strategy.
- (2) A forestry and woodland strategy is to—
 - (a) identify woodlands of high nature conservation value in the planning authority's area, and
 - (b) set out the planning authority's policies and proposals in their area, as to—
 - (i) the development of forestry and woodlands,
 - (ii) the protection and enhancement of woodlands, in particular those mentioned in paragraph (a),
 - (iii) the resilience to climate change of woodlands, in particular those mentioned in paragraph (a),
 - (iv) the expansion of woodlands of a range of types to provide multiple benefits to the physical, cultural, economic, social and environmental characteristics of the area,
 - (c) any other matter which the planning authority consider appropriate.
- (3) In preparing a forestry and woodland strategy a planning authority are to consult—

Changes to legislation: Town and Country Planning (Scotland) Act 1997, Cross Heading: General duty of planning authorities as respects trees is up to date with all changes known to be in force on or before 11 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (a) the Scottish Ministers,
 - (b) such organisations appearing to them to represent those with an interest in the matters listed in subsection (2)(b), and
 - (c) such other persons as they consider appropriate.
- (4) The planning authority must publish the strategy by such means as they consider appropriate.
- (5) Two or more planning authorities may act jointly to prepare a forestry and woodland strategy.
- (6) Where two or more planning authorities act jointly to prepare a forestry and woodland strategy, a reference in this section to—
- (a) a planning authority is to those authorities acting jointly,
 - (b) a planning authority's area is a reference to the combined area of the authorities.
- (7) In this section, “publish” includes, without prejudice to that expression's generality, publish by electronic means (as for example by means of the internet).]

Textual Amendments

- F1** S. A159 inserted (1.12.2019) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), **ss. 53(2)**, 63(2); S.S.I. 2019/385, [reg. 2](#)

159 Planning permission to include appropriate provision for preservation and planting of trees.

It shall be the duty ^{F2}...—

- (a) [^{F3}of the Scottish Ministers and the planning authority] to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation or planting of trees, and
- (b) [^{F4}of the planning authority] to make such orders under section 160 as appear to the authority to be necessary in connection with the grant of such permission, whether for giving effect to such conditions or otherwise^{F5}, and
- (c) of the planning authority from time to time to review any order made in exercise of their powers under that section and to consider whether it is requisite to vary or revoke the order in question.]

Textual Amendments

- F2** Words in s. 159 repealed (1.4.2007) by [Planning etc. \(Scotland\) Act 2006 \(asp 17\)](#), **ss. 28(1)(a)**, 59(2); S.S.I. 2007/130, [art. 2\(2\)](#), [sch.](#)
- F3** Words in s. 159(a) inserted (1.4.2007) by [Planning etc. \(Scotland\) Act 2006 \(asp 17\)](#), **ss. 28(1)(b)**, 59(2); S.S.I. 2007/130, [art. 2\(2\)](#), [sch.](#)
- F4** Words in s. 159(b) inserted (1.4.2007) by [Planning etc. \(Scotland\) Act 2006 \(asp 17\)](#), **ss. 28(1)(c)**, 59(2); S.S.I. 2007/130, [art. 2\(2\)](#), [sch.](#)
- F5** S. 159(c) and word added (1.2.2011) by [Planning etc. \(Scotland\) Act 2006 \(asp 17\)](#), **ss. 28(1)(d)**, 59(2); S.S.I. 2010/400, [art. 3](#), [sch.](#)

Changes to legislation: *Town and Country Planning (Scotland) Act 1997, Cross Heading: General duty of planning authorities as respects trees is up to date with all changes known to be in force on or before 11 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Modifications etc. (not altering text)

- C1** S. 159 excluded (1.4.2007) by [Town and Country Planning \(Marine Fish Farming\) \(Scotland\) Order 2007 \(S.S.I. 2007/268\)](#), arts. 1(1), **3(2)(c)** (with art. 14(3))

Changes to legislation:

Town and Country Planning (Scotland) Act 1997, Cross Heading: General duty of planning authorities as respects trees is up to date with all changes known to be in force on or before 11 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied by [S.S.I. 2008/189 art. 53\(3\)](#)
- Act power to apply (with or without modifications) conferred by [2021 asp 9 s. 45\(3\)\(b\)\(c\)](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 11A inserted by [2006 asp 17 s. 29](#)
- Pt. 12A inserted by [2006 asp 17 s. 30](#)
- Pt. 12A inserted by [2019 asp 13 s. 46\(2\)](#)
- s. 3CD inserted by [2019 asp 13 s. 4\(2\)](#)
- s. 20AA(4)(a)(iii) inserted by [2019 asp 13 s. 14\(6\)](#)
- s. 29(1)(ca) inserted by [2019 asp 13 Sch. 2 para. 5\(3\)\(b\)](#)
- s. 36(1)(ca) inserted by [2019 asp 13 Sch. 2 para. 5\(4\)\(b\)](#)
- s. 36(5)(6) inserted by [2019 asp 13 s. 36\(2\)](#)
- s. 40A inserted by [2019 asp 13 s. 19\(2\)](#)
- s. 43A-43AD substituted for s. 43A by [2019 asp 13 s. 28\(2\)](#)
- s. 47(2)(aa) inserted by [2019 asp 13 s. 28\(3\)\(a\)](#)
- s. 47(2A) inserted by [2019 asp 13 s. 28\(3\)\(b\)](#)
- s. 47(6) inserted by [2019 asp 13 s. 31\(2\)\(c\)](#)
- s. 54A-54F and cross-heading inserted by [2019 asp 13 s. 15\(2\)](#)
- s. 57(2C)(2D) inserted by [2021 asp 9 s. 44\(2\)](#)
- s. 58(4)(fa) inserted by [2019 asp 13 Sch. 2 para. 5\(5\)\(b\)](#)
- s. 61(1)(ba) inserted by [2019 asp 13 Sch. 2 para. 5\(6\)\(b\)](#)
- s. 75(4A) inserted by [2019 asp 13 s. 35\(2\)](#)
- s. 75A(5A) inserted by [2019 asp 13 s. 35\(3\)](#)
- s. 77A inserted by [2019 asp 13 s. 39\(2\)](#)
- s. 135(4A) inserted by [2019 asp 13 s. 43\(2\)\(c\)](#)
- s. 154(1)(c) and word inserted by [2019 asp 13 s. 28\(4\)\(a\)\(ii\)](#)
- s. 154(1A) inserted by [2019 asp 13 s. 28\(4\)\(b\)](#)
- s. 158A(1A) inserted by [2019 asp 13 s. 44\(2\)](#)
- s. 158B-158F and cross-heading inserted by [2019 asp 13 s. 43\(3\)](#)
- s. 183(1)(c) inserted by [2019 asp 13 Sch. 2 para. 5\(7\)\(b\)](#)
- s. 237(1)(ba) inserted by [2019 asp 13 Sch. 2 para. 5\(8\)](#)
- s. 238(3)(a)-(c) inserted by [2019 asp 13 Sch. 2 para. 5\(9\)\(a\)\(ii\)](#)
- s. 238(5)(ba) inserted by [2019 asp 13 Sch. 2 para. 5\(9\)\(b\)](#)
- s. 238(7) inserted by [2019 asp 13 Sch. 2 para. 5\(9\)\(c\)](#)