

# A83 Rest and Be Thankful

MTS EIAR VOLUME 4, APPENDIX 9.1 – LANDSCAPE  
LEGISLATION, POLICY AND GUIDANCE

Transport Scotland

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## A9-1. Legislation, Policy and Guidance

### A9-1.1. Legislation

A9-1.1.1. The Landscape and Visual Impact Assessment (LVIA) has been undertaken within the context of [The Roads \(Scotland\) Act 1984 \(Environmental Impact Assessment\) Regulations 2017](#).

### A9-1.2. National Policy

#### [National Planning Framework 4 \(NPF4\) 2023](#)

A9-1.2.1. NPF4 is the national spatial planning strategy for Scotland which was adopted in February 2023. It replaces NPF3 and Scottish Planning Policy. NPF4 Policy 4 Natural Places states that:

- Development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported.
- Development proposals that will affect a National Park, National Scenic Area, Site of Special Scientific Interest or a National Nature Reserve will only be supported where:
  - The objectives of designation and the overall integrity of the areas will not be compromised or
  - Any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

A9-1.2.2. NPF4 Policy 6 Forestry, Woodland and Trees aims to protect and expand forest, woodland and trees and states that:

- existing woodlands and trees are protected, and cover is expanded
- development proposals that enhance, expand and improve woodland and tree cover will be supported
- development proposals will not be supported where they will result in:
  - any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition

- adverse impacts on native woodlands, hedgerows and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy
- fragmenting or severing woodland habitats, unless appropriate mitigation measures are identified and implemented in line with the mitigation hierarchy
- conflict with Restocking Direction, Remedial Notice or Registered Notice to Comply issued by Scottish Forestry.
- development proposals involving woodland removal will only be supported where they will achieve significant and clearly defined additional public benefits in accordance with relevant Scottish Government policy on woodland removal. Where woodland is removed, compensatory planting will most likely be expected to be delivered.

#### UK Forestry Standard (UKFS) 4<sup>th</sup> Edition, 2017

A9-1.2.3. At this time the UKFS 4th Edition is being used. The section on landscape states that “The landscape and visual aspects of forest design start by taking account of the broad-scale landscape character and other factors affecting the context. This will guide the nature of forestry and, for new planting, the capacity of the landscape to accommodate change. For most areas, Landscape Character Assessment (LCAs) studies have been completed and these will help inform decisions about the nature, location and design of new forests or woodlands. Having taken the landscape context into account, the forest design principles can then be applied to the spatial design of the forest and their landscape and visual impacts assessed”.

A9-1.2.4. It goes on to state “There are also landscape considerations to address when forests or woodlands are lost from the landscape; where deforestation is proposed, an Environment Impact Assessment will normally be required and the visual impact is likely to be cited in the determination”.

#### UKFS 5<sup>th</sup> Edition, 2024

A9-1.2.5. The UKFS 5<sup>th</sup> Edition comes into force in October 2024. The section on landscape states that “The landscape context concerns the relevant characteristics pertaining to the site, situation and local area of a proposed or existing forest. This will include the landscape character, sensitivity, distinctiveness, historical and cultural significance”.

A9-1.2.6. It states “An LCA is an accepted approach used to identify and analyse the consistent pattern of elements (e.g. geology and geodiversity, landform, watercourses, land-use and settlement patterns) that make landscapes distinct, and to categorise and map these as landscape character types. This approach can be applied at any scale and can be used in the forest design process to gather and appraise landscape baseline information and inform forest design concept options. LCAs have become strategic landscape planning frameworks across the UK”.

#### Control of Woodland Removal Policy, 2009

A9-1.2.7. The guiding principles and criteria for removal of woodland of this Scottish Government policy are set out below:

- There is a strong presumption in favour of protecting Scotland’s woodland resources.
- Woodland removal should be allowed only where it would achieve significant and clearly defined additional public benefits. In appropriate cases a proposal for compensatory planting may form part of this balance.
- Approval for woodland removal should be conditional on the undertaking of actions to ensure full delivery of the defined additional public benefits.
- Planning conditions and agreements are used to mitigate the environmental impacts arising from development and Forestry Commission Scotland will also encourage their application to development-related woodland removal.
- Where felling is permitted but woodland removal is not supported, conditions conducive to woodland regeneration should be maintained through adherence to good forestry practice as defined in the UK Forestry Standard.

A9-1.2.8. Woodland removal without a requirement for compensatory planting, is most likely to be appropriate where it would contribute significantly to:

- enhancing priority habitats and their connectivity
- enhancing populations of priority species
- enhancing nationally important landscapes, designated historic environments and geological Sites of Special Scientific Interest (SSSI)

- improving conservation of water or soil resources or
- public safety.

A9-1.2.9. Woodland removal, with compensatory planting, is most likely to be appropriate where it would contribute significantly to:

- helping Scotland mitigate and adapt to climate change
- enhancing sustainable economic growth or rural/community development
- supporting Scotland as a tourist destination
- encouraging recreational activities and public enjoyment of the outdoor environment
- reducing natural threats to forests or other land or
- increasing the social, economic or environmental quality of Scotland's woodland cover.

A9-1.2.10. There will be a strong presumption against removing the following types of woodland: ancient semi-natural woodland; woodland integral to the value of designated or special sites (Special Areas of Conservation {SACs}; Special Protection Areas {SPAs}; Sites of Special Scientific Interest {SSSIs}; Ramsar sites; National Nature Reserves {NNRs}; areas supporting priority habitats and species listed in the UK Biodiversity Action Plan; Scheduled Monuments; National Scenic Areas; and woodlands listed within the Inventory of Gardens and Designed Landscapes); woodlands critical to water catchment management or erosion control; or woodlands listed as 'Plantations on Ancient Woodland Sites' (PAWS). There will also be a strong presumption against woodland removal where it would lead to fragmentation or disconnection of important forest habitat networks.

### A9-1.3. Regional Policy

#### Loch Lomond and The Trossachs National Park Local Development Plan (LDP) 2017-2021

- A9-1.3.1. The National Park Plan is dated 2017-2021 but the timescales for the next plan and the current plan will remain in place until 2024 to align with the new planning legislation.
- A9-1.3.2. Overarching Policy 2 states that in relation to landscape and visual amenity the aim should be to:

- “Safeguard visual amenity and important views, protect and/or enhance rich landscape character, and features and areas specifically designated for their landscape values at any level”.

A9-1.3.3. Natural Environment Policy 1: Natural Environment states that:

- “Development will protect the special landscape qualities of the National Park in accordance with The Special Landscape Qualities of Loch Lomond & The Trossachs National Park (SNH 2010). Development proposals will be required to be sympathetic to their setting and minimise visual impact, including areas of wild land character (1) and wild land areas”.

A9-1.3.4. Natural Environment Policy 8: Development Impacts on Trees and Woodlands states that:

- “Development proposals will not be supported when it would result in the loss or deterioration of an ancient or long-established plantation or semi-natural woodland unless there are overriding public benefits from the development that outweigh the loss of the woodland habitat.
- Development proposals will not be supported where it is likely to lead to the loss of, or damage to, important individual trees, hedgerows or groups of trees or woodlands that contribute to local amenity, the character of the area and/or are of nature conservation value or historic significance. Where development is accommodated, compensatory planting is to be undertaken to contribute to the National Park’s Biodiversity Action Plan.
- Where trees, hedgerows or woodlands may be potentially affected by development or landuse change, the following measures may be required on a case-by-case basis:
  - *Provision for the protection, management and planting of new trees, hedgerows and woodlands in keeping with distinctive landscape character of the area and where possible enhancing existing or creating new wildlife habitat*
  - *Tree Preservation Orders to protect important trees or groups of trees or woodlands perceived to be under threat of damage or removal if it appears expedient in the interests of amenity, and/or the trees and woodlands are of cultural or historical significance*

- *Control of Woodland Removal Policy (Scottish Government) to assess acceptability of woodland removal and need for associated compensatory planting and*
- *Management agreements and/or legal agreements to encourage positive management of trees, hedgerows and woodlands on or adjacent to development sites”.*

A9-1.3.5. Natural Environment Policy 9: Woodlands on or adjacent to development sites states that:

- *“Where development is proposed that may affect trees or woodland on or adjacent to the site, measures following the recommendations and guidance in British Standard 5837:2012 ‘Trees in relation to design, demolition and construction’, shall be followed to identify trees to be retained and adequately protected. This policy will be supported by a Woodland Strategy Planning Guidance which will provide guidance on the most appropriate species and locations for establishment of woodlands, hedgerows and trees”.*

#### Loch Lomond and Trossachs National Park Partnership Plan

A9-1.3.6. The Loch Lomond and Trossachs National Park Partnership Plan 2024 – 2029 (NPPP) has been approved by the Loch Lomond and Trossachs National Park Planning Authority and is due for Scottish Ministerial approval in the Spring of 2024.

A9-1.3.7. The NPPP (page 26 map) shows the A83 landscape study area as being a Woodland Expansion Priority Area. Section 1.1 Restoring Nature, Objective 2 is to Increase the extent, diversity, and health of tree cover across suitable areas of the National Park. This will be delivered through working with public and private partners.

#### Argyll and Bute Council Local Development Plan 2 (LDP2) 2024

A9-1.3.8. Policy 71 – Development Impact on Local Landscape Areas (LLA) states:

A9-1.3.9. Argyll and Bute Council will resist development in, or affecting, a Local Landscape Area where its scale, location or design will have a significant adverse impact on the character of the landscape. All development proposals in or affecting a Local Landscape Area must demonstrate that:

- Any significant adverse effects on the landscape quality for which the area has been designated are clearly outweighed by social, economic or environmental benefits of community wide importance;
- The proposal is supported by a landscape and visual impact assessment and has taken account of the content of any relevant Argyll and Bute Landscape Capacity Assessment; and
- The location, scale, design, materials and landscaping would be of a high standard and would safeguard or enhance the special qualities and character of the Local Landscape Area. and the [Guidelines for Landscape and Visual Impact Assessment 3rd Edition \(GLVIA3\)](#).

## A9-1.4. Guidance and Standards

A9-1.4.1. The relevant Design Manual for Roads and Bridges (DMRB) standard as detailed below have been used in the assessment.

### [Design Manual for Roads and Bridges \(DMRB\) LA 107](#)

A9-1.4.2. The DMRB LA 107 Landscape and Visual Effects has been used to produce the landscape methodology. Specifically, it states the requirement for nighttime assessment and for the identification of the public perception of landscape value.

### [Design Manual for Roads and Bridges \(DMRB\) LA 104](#)

A9-1.4.3. DMRB LA 107 states a requirement to use the DMRB LA 104 Environmental Assessment and Monitoring significance table matrix.

### [Guidelines for Landscape and Visual Impact Assessment](#)

A9-1.4.4. The Guidelines for Landscape and Visual Assessment 3<sup>rd</sup> Edition (GLVIA3) is the landscape industry standard for assessment. It has informed the DMRB standards. It has also been informed the general approach to undertaking the assessment.

### [Special Landscape Qualities of the Loch Lomond and Trossachs National Park](#)

A9-1.4.5. The Special Landscape Qualities of the Loch Lomond and The Trossachs National Park has informed the landscape and visual assessments.



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Guidance for Assessment of Effects on Special Landscape Qualities (AESLQ)  
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- A9-1.4.6. The Guidance for the Assessment of Effects on Special Landscape Qualities has informed the landscape and visual assessments.
- A9-1.4.7. The Landscape Character Assessment: Loch Lomond and the Trossachs – Landscape Evolution and Influences report has been considered.