This response has been prepared on behalf of Scottish and Southern Energy Networks (SSEN), representing the interests of our Transmission and Distribution businesses in the North of Scotland.

SSEN is not traditionally thought of as a business with an interest in the forestry industry, however as part of our regulated responsibility to ensure security of supply on our network of electricity cables and power lines in the North of Scotland, at the most affordable cost for consumers, occasionally we need to fell trees to avoid damage to our infrastructure and maintain supply for our customers. We also have a statutory duty to safeguard our network and ensure that there is no risk of interruption or interference to our network caused by insufficient clearance from trees under the Electricity Safety Quality and Continuity Regulations 2002 (as amended by 2006 Regulations). The felling that is carried out to safeguard the electricity networks is currently permitted without the requirement for felling license through exemptions contained in the current legislation, being the Forestry Act 1967.

When new infrastructure is being planned, we seek to accommodate restocking or natural regeneration of appropriate low growing species wherever possible within the agreed operational corridor should any trees require removal to accommodate the route of a new line.

While we support reviewing and modernising current policy and practice in relation to forestry and land management in Scotland, we do have a number of concerns about how the bill takes account of the interests of statutory undertakers, such as SSEN which has licence obligations to fulfil, and has historically benefitted from exemptions under the 1967 Act from the requirement to secure felling licences. As well as how any transitional provisions may apply.

A summary of our key concerns are listed below:

- **Uncertainty surrounding future felling permission exemption provisions**
  The Bill as introduced has provided at Section 24 that there are certain categories of persons, activities or particular circumstances which may be exempt from the requirement to obtain a felling permission, but that regulations are to be made in that regard. However without providing any detail at this stage of what these Regulations will encompass, and whether statutory undertakers, particularly electricity network owners and operators will continue to have the benefit of such exemptions introduces uncertainty for our business and creates risks in meeting our responsibilities as network operator in the North of Scotland. We hope that further consultation will take place with the industry in order to discuss secondary legislation, and would request that SSEN will be included in these discussions so the impact of any regulatory changes can be fully understood from an energy networks perspective.

- **Interim plans for the Forestry Act 1967**
We are supportive of the proposal to replace the 1967 Act, but it is not clear from the consultation what the timing will be for repeal of the existing Act and whether there are to be any transitional or savings provisions in relation to the exemptions that we currently benefit from, pending introduction of any regulation which will hopefully carry over the existing exemption from the requirement for securing felling licences. Again, this creates uncertainty for our business and we would welcome clarification on the timescales and plans for this.

- **Definition of felling within the bill**
  We would query the definition of felling used within the bill which states that “felling means intentionally killing a tree” as this suggests that felling is a damaging and negative process when felling is a necessary process that serves positive outcomes in some circumstances. There are also different types of felling (such as crowning), not all of which result in the killing of a tree. We suggest that the definition is reviewed and amended to a more factual meaning such as “felling means the removal of a tree”.

Scottish and Southern Energy Networks
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