

Review of Policy 11: Natural Heritage

1. Introduction

1.1 Policy 11 sets out the overarching objectives for Natural Heritage in Aberdeenshire and provides the context for two pieces of supplementary guidance, which aim to protect and enhance Nature Conservation Sites and the Wider Biodiversity and Geodiversity of the area. The purpose of this paper is to examine Policy 11 in light of changes in national policy and local context. It will also consider whether the policy meets the requirements of Scottish Planning Policy and other national planning documents, and whether it forms a sound basis for the protection and enhancement of Aberdeenshire's Natural Heritage.

2. Approach

2.1 The current policy recognises the importance of the natural environment and the fact that it can be vulnerable to the effects of new development. The policy takes a broad approach, aiming to protect and enhance designated nature conservation sites and the wider biodiversity and geodiversity. The policy adopts a precautionary principle when the impacts of a proposed development are uncertain and also considers the cumulative impacts of development on the natural environment. In addition, the policy provides a mechanism whereby developments, which will have a significant negative impact on the environment, may be permitted if there is an overriding public interest.

2.2 The policy refers to the following supplementary guidance, which detail how the policy objectives will be achieved;

SG Natural Environment1: Protection of Nature Conservation Sites

SG Natural Environment2: Protection of the Wider Biodiversity and Geodiversity

3. Background

National context

3.1 The Planning etc. (Scotland) Act 2006 requires development plans to contribute to sustainable development. With the protection and enhancement of the natural environment being a key part of sustainable development, the Act directly supports the need for Policy 11.

3.2 The Nature Conservation (Scotland) Act 2004 supports Policy 11 by placing a statutory duty on all public bodies to further the conservation of biodiversity.

3.3 The Scottish Government's strategic objective, 'Greener', directly supports the need for Policy 11; stating that we must "*improve Scotland's natural and built environment and the sustainable use and enjoyment of it*".

3.3 SPP supports the need for Policy 11 by stating that planning should "*protect and enhance the natural environment*". SPP also supports the broad approach of Policy 11, i.e. the protection of wider biodiversity/geodiversity, by requiring planning authorities to conserve designated and protected site/species and "*the ecosystems and natural processes in their area*". SPP provides a policy basis for the consideration of cumulative impacts within Policy 11, pointing out that "*the cumulative effect of incremental changes, (should) be considered when preparing development plans*". SPP also supports the use of the 'precautionary principle' "*where the impacts of a proposed development on nationally or internationally*

significant landscape or natural heritage resources are uncertain but there is sound evidence for believing that significant irreversible damage could occur”.

Strategic/regional context

- 3.11 The National Planning Framework² broadly supports the need for Policy 11; stating that “*Development plans should include policies designed to promote sustainable development*”.
- 3.10 The proposed Aberdeen City and Shire Strategic Development Plan (2013) supports the need for Policy 11 when it states “*local development plans....will make sure the North East’s natural environment continue(s) to be protected and improved*”.

4. Drivers of change

- 4.1 National and regional policy/legislation on the protection of Natural Heritage has not changed significantly since NE1 was written.
- 4.2 Including protected species within supplementary guidance on Wider Biodiversity and Geodiversity does not clearly identify the former as having a statutory protection. In addition, the inclusion of the detailed criteria for protected species within NE1 creates a long and confusing policy, which is not easily understood and applied. In order to aid clarity, separate supplementary guidance should be developed for protected species.
- 4.3 NE2: Protection of the Wider Biodiversity and Geodiversity should, arguably, focus on the protection of habitats/species which are not covered by a nature conservation designation or statutory species protection. In addition, the inclusion of the detailed criteria for protected species within NE1 creates a long and confusing policy, which is not easily understood and applied.
- 4.3 SPP points out that “*Development plans should identify and promote green networks*”, which protect habitats/species and provide opportunities for physical activity and outdoor access within settlements and the surrounding countryside. While the LDP has a number of policies which, in practice, already deliver specific elements of green networks, i.e. LSD5: Public Open Space, LSD6: Public Access and NE2: Protection of the Wider Biodiversity and Geodiversity, they do not constitute the holistic and coherent approach required by SPP. In light of this, consideration should be given to whether Policy 11 should include a new SG on Green Networks or this concept addressed elsewhere.
- 4.4 Paragraph 3 of the justification text should be removed, as paragraph 1 provides a robust policy basis for protecting biodiversity, i.e. referring to the Nature Conservation Act 2004 duty on public bodies.

5. Recommendations

- Policy 11 should include a new supplementary guidance on Protected Species.
- Consideration should be given to how to respond to “Green Networks” and whether this should be developed and included within the policy.
- Paragraph 3 of the justification text should be removed.
- The word ‘improve’, as used in paragraph 1 of the justification text and the first sentence of the policy, should be replaced with ‘enhance’, in line with SPP.

- Paragraph 2 of the justification text will need to be updated to make reference to the Strategic Development Plan.

6. Summary of main points

- 6.1 Current national legislation and planning policy supports the need for Policy 11. The policy provides a sound basis for protecting and enhancing nature conservation sites and the wider biodiversity and geodiversity. While the legislative and policy context has not changed significantly since the policy was written, this paper recommends that new supplementary guidance on Protected Species should be developed and included within the policy, while consideration should be given to the inclusion of Green Networks within the plan. The policy should also be updated to make reference to the Strategic Development Plan.

References

Aberdeen City and Shire Strategic Development Plan Authority (2013) *Aberdeen City and Shire Strategic Development Plan: Proposed Plan*

Aberdeen City and Shire Strategic Development Plan Authority (2009) *Aberdeen City and Shire Structure Plan*

Aberdeenshire Council (2012) *Aberdeenshire Local Development Plan 2012*

Scottish Government (2010) *Scottish Planning Policy*

Scottish Government (2009) *National Planning Framework for Scotland 2*