



Natural Heritage

Supplementary Planning Guidance

Planning in the Cairngorms National Park

Planning in the Cairngorms National Park is unique. It involves the Cairngorms National Park Authority (CNPA) working alongside the five local authorities which operate in the Park – Aberdeenshire, Angus, Highland, Moray and Perth & Kinross.

Due to the expansion of the National Park in October 2010, to take in part of Perth & Kinross, different planning policies apply there.

The following paragraphs set out what planning policies apply in the National Park, and how planning applications will be dealt with.

Planning Policies

The Cairngorms National Park Local Plan, and this Supplementary Planning Guidance (SPG), covers the Aberdeenshire, Angus, Highland and Moray parts of the National Park only. This SPG sets out detailed advice to help you meet the requirements of the policies in the Cairngorms National Park Local Plan. It is recommended that it is read in conjunction with the policies in the Local Plan and other relevant SPG.

The Cairngorms National Park Local Plan and this SPG does not cover the Perth & Kinross area of the Park. The Perth & Kinross Highland Area Local Plan, or the Perth & Kinross Eastern Area Local Plan, and any associated SPG, apply. Please see www.pkc.gov.uk for further information.

Planning applications

All planning applications submitted within the Cairngorms National Park must comply with the relevant Local Plan and SPG (see paragraphs above on planning policies for details).

Planning applications should be submitted to the relevant local authority in the normal manner. The local authority ensures all the necessary information is supplied and registers receipt of the application. The CNPA is informed by the local authority and has 21 days to decide whether to call-in the application. Only applications which are of general significance to the aims of the Park are called-in. The CNPA determines called-in applications. In instances where planning applications are not called-in, the local authority will determine the application.

1.0 Background

- 1.1 This guidance provides additional information relating to natural heritage, as outlined in policies 1-5 and policy 18 of the Cairngorms National Park Local Plan.
- 1.2 These policies set out how the wide variety of natural heritage interests in the National Park will be considered when assessing any planning applications.

2.0 Introduction

- 2.1 The Cairngorms National Park is a special place; enjoyed and valued by the many people that live and work here and visit. It contains a unique combination of habitats, species, landform and landscape and is studied and enjoyed for its scientific importance, dramatic beauty and recreational opportunities.
- 2.2 The natural heritage of the Cairngorms National Park includes all species, habitats and ecosystems (biodiversity) together with soils, geology and landform (geodiversity), hydrological regime and the amenity arising from them.
- 2.3 Applicants must consider any effect that their development might have on any aspect of natural heritage. The ability to do that will depend on a good knowledge of their site and the habitats and species present on and adjacent to that site. The landscape of the Park is also a key element of its overall natural heritage, however, landscape issues will be dealt with in more detail in a separate landscape SPG.
- 2.4 The Cairngorms National Park Authority ensures that the four aims of the National Park are collectively achieved in a co-ordinated way. However if there is a conflict in any matter between the first aim (to conserve and enhance the natural and cultural heritage) and another aim, then greater weight must be given to the first aim.

3.0 Purpose of this guidance

- 3.1 This guidance sets out how the natural heritage of the Cairngorms National Park will be taken into account when considering all development proposals, and will explain:
 - the six key principles that will be used to assess planning applications;
 - what evidence should be gathered and what information should accompany any planning application;
 - how the importance of natural heritage on any site proposed for development should be assessed;
 - when information should be submitted to the planning authority.

4.0 Key principles

- 4.1 There are six key principles (see p5) that will be used to assess planning applications in relation to natural heritage in the Cairngorms National Park. Applicants should consider these while preparing their development proposals. The sequence by which they will be applied is shown in the diagram in Annex 1 (see p9). There is a presumption that all development should meet the first principle. The planning authority shall expect clear justification as to why any development cannot meet the first principle or any subsequent principle in strict sequence. Without such justification a proposal will be recommended for refusal. The CNPA shall assess the validity of such justifications in line with all current policies. In line with the first aim of the National Park, the planning authority will apply a precautionary approach to the assessment of impacts upon a site. Where there are gaps in knowledge or uncertainty about mitigation or compensation proposals then additional information will be sought.
- 4.2 All six principles are derived from policies 1-5 in the Cairngorms National Park Local Plan. Where there would be adverse effects on nationally or internationally designated sites, or on rare or irreplaceable natural heritage features outside designated sites, then applications must comply with principles 1 and/or 2.

Key principles

Principle 1

Development should result in no net loss of natural heritage interest of the Cairngorms National Park. This includes natural heritage interest that may be outside the boundaries of the development site.

Principle 2

In any situation where loss of, or damage to, natural heritage interest is unavoidable then the loss or damage will always be minimised as far as possible.

Principle 3

If loss of or damage to the natural heritage is unavoidable then it will be fully mitigated on the development site.

Principle 4

If full mitigation is not possible on site then it should be completed with a combination of on site mitigation and off site compensation.

Principle 5

Where full mitigation or compensation (see Annex 4, p12) measures are not possible, financial compensation will be required. This will be used to benefit natural heritage within the Cairngorms National Park.

Principle 6

Calculation of compensation will take into account the quality of outcomes over time. The calculation will be based upon the method set out in the Supplementary Planning Guidance on Developer Contributions. Any new habitat created as compensation shall be permanently set aside for that purpose. This will be achieved through Section 75 agreements.

This ensures compliance with Local Plan policies 1 and 2. In other cases, development may be permitted if appropriate mitigation and/or compensation can be provided in line with principles 3-6.

5.0 Natural heritage information required

- 5.1 Applicants need to provide three separate pieces of information:
- A description of the natural heritage on the site and possibly the surrounding area, including its significance and value;
 - An assessment of any effect on the natural heritage;
 - If adverse effects are found within the assessment, then details of mitigation or compensation measures, to avoid or minimise these effects, must be submitted. Following on from this, an assessment of any residual effects must be undertaken.
- 5.2 All three pieces of information are critical for the planning to reach a decision. They will expect this information at an early stage. The level of information required will depend on the significance of the proposal, for example a professional survey may be required. For European Protected Species, surveys must be submitted along with applications for planning permission in principle, as well as full planning permission.

6.0 Finding out the importance of the natural heritage

- 6.1 The first step in identifying natural heritage interests on a site is to look at existing sources of information. These include:
- Scottish Natural Heritage Information **(SNHi)** www.snh.org.uk/snhi
 - North East Scotland Biological Record centre www.nesbrec.org.uk
 - National Biodiversity Network <http://data.nbn.org.uk>
- 6.2 Annex 2 (see p11) shows the best time of year to carry out surveys for important species in the National Park. These must be completed at the times of year shown.
- 6.3 The CNPA recommends that biological and ecological surveys are carried out

by members of the Institute of Ecology and Environmental Management (IEEM) and Chartered Environmentalists. Surveys for other natural heritage interests, such as geology, geomorphology and soils, must also be undertaken by a suitably qualified and/or experienced person.

- 6.4 Surveys should be carried out according to current best practice for the habitats or species being surveyed. For some species a licence will be required from Scottish Natural Heritage (SNH). An IEEM accredited surveyor will be able to advise on this. For more details, please see: www.snh.gov.uk/planning-and-development/advice-for-planners-and-developers
- 6.5 Surveys should be structured around the Cairngorms Local Biodiversity Action Plan (CLBAP) which identifies priority habitats and species. See a list of priority species and habitats in the Cairngorms National Park at www.cairngorms.co.uk. For developments on or close to designated sites, the notified and qualifying features (see Annex 4, p13) must be clearly identified as key issues.
- 6.6 It is expected that surveys for various species and habitats may be required over a number of seasons, and possibly up to one year before applications can be considered, for example to reflect the lifecycle of fish. Therefore it is strongly recommended that surveys are agreed with the planning authority in advance of carrying them out. This will help applicants to provide the necessary natural heritage information with the minimum of survey work. It will also eliminate or limit the need for more surveying at a later stage and consequently reduce time taken in determining the application.
- 6.7 Following the survey, an assessment of the impact on the natural heritage must be made.
- 6.7 The assessment must include details of steps taken to minimise and mitigate any damage arising.

- 6.8 All mitigation, compensation and enhancement measures, whether on site or offsite, will need ongoing management. These should be included with the proposal, for example landscape management plans.

7.0 Issues to consider

- 7.1 As well as the key principles there are a number of issues that will be considered by the planning authority.

7.2 SITE DESIGNATIONS

- There are a number of designated sites that carry UK and European natural heritage designations. The table in Annex 1 (see p10) lists the types of designated areas in the Cairngorms National Park.
- Information and assessments for designated sites, or developments close to one, must pay particular attention to notified and qualifying interests of their designation (see Annex 4, p13). However other natural heritage interests still need to be considered. Good information is essential to assess the development, in terms of policies 1 and 2. This information must be presented with the initial submission of the application.
- Information on designated sites, their natural heritage interest and maps are available from Scottish Natural Heritage www.snh.org.uk/snhi

7.3 PROTECTED SPECIES

- UK and European legislation protects a number of species found in the Park. The presence of these species will affect the level of information required, how the application is considered and the criteria by which decisions are made. Where a European Protected Species is present on or adjacent to the site, the planning authority must have survey information and details of mitigation measures before it is able to make a decision.

- European Protected Species (EPS) found in the Cairngorm National Park are:
 - bats; nathusius, soprano and common pipistrelle, Daubenton's, Natterer's and brown long-eared;
 - Scottish wildcat;
 - great crested newt;
 - otter;
 - Killarney fern;
 - slender naiad;
 - floating-leaved water plantain;
 - yellow marsh saxifrage.
- In addition to European Protected Species, development must avoid adverse impacts upon species listed in:
 - Schedules 1,5 and 8 of the Wildlife and Countryside Act 1981 as amended
 - Annexes II and V of the EC Habitats directive
 - Annex I of EC Birds Directive

7.4 OTHER PRIORITY SPECIES

- Within the Cairngorms National Park there are a range of habitats that are nationally and/or locally important, but that are neither European Protected Species nor notified features of designated sites. These priority habitats and species will be given greater weight by the planning authority when determining an application. Examples include lowland heath, native pine forest mixed birch and aspen woodland, red squirrel, lapwing, oystercatcher, osprey, capercaillie, salmon, fresh water pearl mussel, crossbill and crested tit.
- Applicants must provide sufficient information to satisfy themselves and the planning authority that their proposal will conform to principles 1-3.

7.5 LANDFORMS AND GEODIVERSITY

- The Cairngorms National Park has the largest collection of different glacial landforms outside arctic Canada. Some of these landforms lie within designated sites and some do not. The planning authority will take these landforms and other geological features into account when determining applications.

- Some sites are designated as a Site of Special Scientific Interest or a Geological Conservation Review site, and in these circumstances a full assessment will be required. This should include survey, assessment and mitigation measures. For further information please go to www.snh.org.uk/snhi and www.jncc.gov.uk. For large development and extraction applications, applicants are advised to employ a qualified geologist or geomorphologist to prepare the information required by Policy 3.

7.6 SOILS AND SOIL CARBON

The Cairngorms National Park contains a diversity of soils. The key principles set out in section 5.0, apply equally to soils as to biodiversity. Developments on peat soils in particular will require a soil assessment and survey. Mitigation and residual effects following it must also be considered. These may include removal and temporary storage of soils where long-term damage is likely to occur.

Soils must be assessed for:

- functional role in supporting habitats and species;
- rarity of their intrinsic physical, chemical and biological features;
- contribution to ecosystem services such as water purification, flood mitigation and carbon storage; and
- peat depth and basic peatland characteristics, where appropriate.

Developers should aim to avoid disturbance to peatland areas and other organic soils where possible, as these soils are valuable for carbon storage and habitat support.

By adopting an approach of minimising disruption to peatland, the volume of excavated peat can be minimised and the commonly experienced difficulties in dealing with surplus peat waste reduced.

The generation of surplus peat waste is a difficult area which needs to be addressed from the outset, given the limited scope for re-use. Landscaping with waste peat (or soil) may not be of ecological benefit and consequently a waste management exemption may not apply. An overall approach of minimisation of peatland disruption should be adopted.

Further guidance, in relation to peat can be found in SEPA's Regulatory Position Statement – Developments on Peat, and early consultation with SEPA should be undertaken on sites which contain peat soils or potential Groundwater Dependant Terrestrial Ecosystems. Guidance in identification of peat bogs can also be found in a Functional Wetland Typology for Scotland – see www.sniffer.org.uk

7.7 CONNECTIVITY OF HABITAT AND FRAGMENTATION

Habitats are often linked to each other and are usually of greater ecological value as a consequence. Developments should maintain existing connections and seek to create more wherever possible. Fragmentation of existing habitats and habitat networks must be avoided. The assessment of a site must include analysis of the connectivity.

7.8 COMPENSATION AND POSITIVE MEASURES

- Compensation measures are those required to replace habitats and ecological functions that are unavoidably lost as a result of the development.
- In addition to compensation most developments are suitable for the incorporation of a range of measures for positive effects on the natural heritage. The planning authority will expect such measures and these can be discussed with them.
- Some examples are the incorporation of swift nest spaces or bat roost sites, use of local provenance trees and seeds or maintaining and enhancing wildlife corridors through sites and buffer strips around developments.
- Please refer to the Cairngorms National Park Sustainable Design Guide (www.cairngorms.co.uk) and the Town and Country Planning Association's Biodiversity by Design (www.tcpa.org.uk) for further examples.

7.9 INVASIVE NON-NATIVE SPECIES

- The Cairngorms National Park has populations of some invasive, non-native species, which include: Japanese knotweed (*Fallopia japonica*), giant hogweed (*Heracleum mantegazzanum*) and Himalayan balsam (*Impatiens glandulifera*).
- If a survey shows these or other invasive non-native species are present on a site, the developers must remove them and ensure that they do not spread from the site.
- There are a number of invasive non-native species in Scotland which are not currently in the National Park. The planning authority will work with developers to ensure that no invasive non-native species is introduced into the National Park as a consequence of development works.
- The most likely way in which invasive non-native species may be introduced is through soil contaminated with seed or root material. Therefore, where large volumes of soil are moved or introduced to a site, the planning authority may require submission of a soil management plan to guard against this possibility.
- If a development is responsible for the introduction of an invasive non-native species either within or outwith the site, then the developer will have to remove the species and dispose of material appropriately.
- Find out more in the Warning - Alien Invasion leaflet (www.cairngorms.co.uk), published by the Cairngorms Local Biodiversity Action Plan.
- Japanese knotweed, giant hogweed and Himalayan balsam are regarded as controlled waste. It can be controlled or disposed of on site but if plant, material or soil polluted with this species is sent for disposal elsewhere it must be accompanied by appropriate Waste Transfer documentation and disposed of in a licensed, lined landfill site. Developers should

seek advice on the disposal of these plants from the Scottish Environment Protection Agency (SEPA), see www.sepa.org.uk and www.netregs.gov.uk.

7.10 BIO SECURITY

- There are particular bio security issues associated with proposals close to standing or running water. Applicants must take care not to introduce invasive non-native species such as plants or parasites.
- Equipment and machinery must be cleaned away from the water course, especially if it has been used in another water body within 14 days or has recently been used overseas.
- Other measures may be required by the planning authority depending upon the site and development. The applicant will be advised in such instances.

8.0 The role of Scottish Natural Heritage

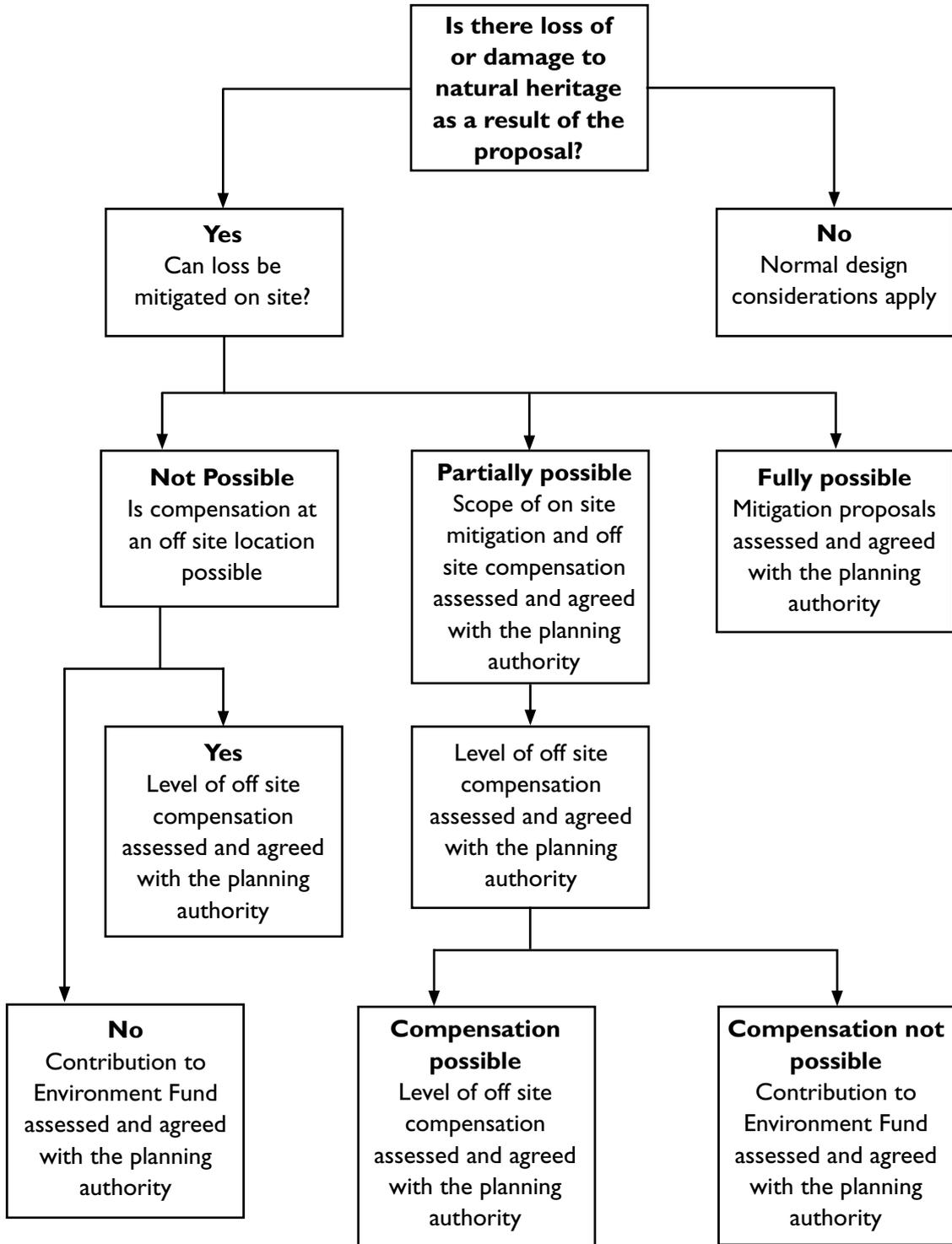
- 8.1 Scottish Natural Heritage (SNH) has a statutory function regarding the protection of habitats and protected species. If a proposal has the potential to affect designated sites or species, planning authorities (including the CNPA) are advised by the Scottish Government to consult with SNH on the planning application. SNH does not make decisions on planning applications.
- 8.2 Where there is potential for a proposal to affect a designated site or European protected species, SNH will provide the CNPA planning officers with natural heritage advice. Where there is none, CNPA staff will advise. Both SNH and the CNPA can comment on any application.
- 8.3 This agreement means that, for most cases, only one agency will provide natural heritage advice on any particular application.

9.0 Further guidance

- 9.1 Developers are encouraged to discuss their proposals with planning officers as soon as possible. They can offer advice on the requirement for survey work and any other information that may be required in support of the application.
- 9.2 If you have specific questions about the relationship between the proposal and the natural heritage of the National Park, then specialist staff from the CNPA can advise.
- 9.3 It is recommended that the following sources of planning advice are read in conjunction with this guidance.
- Scottish Government
www.scotland.gov.uk
The consolidated Scottish Planning Policy, 2010
Planning Advice Note 60
Planning For Natural Heritage
 - Cairngorms National Park
Supplementary Planning Guidance
- Sustainable Design Guide
- Developer Contributions
www.cairngorms.co.uk

ANNEX I

Hierarchy of principles for application by planning authorities to the development management process



ANNEX 3

Designated sites in the Cairngorms National Park

Designation	Purpose
SAC – Special Area of Conservation	These areas, created under the EC Directive on the Conservation of natural habitats and of wild fauna and flora (the ‘Habitats Directive’), are of European importance.
SPA – Special Protection Area	These areas, created on the EC Directive on the Conservation of wild birds (the ‘Birds Directive’), are of European importance.
Collectively SAC and SPA sites are known as Natura sites.	
SSSI – Site of Special Scientific Interest	Areas in Scotland which are special for their plants or animals or habitat, their rocks or landforms or a combination of these features.
GCR – Geological Conservation Review	Most GCR sites are also SSSI’s. These sites display sediments, rocks, fossils, and features of the landscape that make a special contribution to our understanding and appreciation of Earth science and the geological history of Britain,
NNR – National Nature Reserves	These are areas of land where the main purpose of management is the conservation of habitats and species of national and international significance. They also offer special opportunities for people to experience and find out about the rich diversity of our natural heritage. They are also designated as SSSIs, and most are also Natura sites.
Ramsar	These sites, designated under the Convention on Wetlands of International Importance, are internationally important wetland sites protecting wildfowl habitat. Scottish Government policy states that proposals with potential to affect these sites are considered under the same process as SAC and SPA sites.

These designations often overlap. For example, Insh Marshes is SAC, SPA, SSSI and NNR. European Protected Species are also present on the site.

An interactive map is available on the SNH website (www.snh.org.uk/snhi/map.asp) which shows the location of all SSSIs, SACs, SPAs and RAMSAR sites.

The possibility of effect on a designated site brings a statutory requirement on the planning authority to apply more stringent tests in determining applications. This requires a greater level of information from the developer.

If an applicant believes that their proposal may affect a designated site then they should contact the planning authority as early as possible.

A guide is available from SNH outlining the consideration of proposals which may affect SACs and SPAs (www.snh.org.uk).

ANNEX 4

Definitions

Mitigation On site activities that aim to avoid or minimise adverse effects.

Compensation Where mitigation does not address unacceptable impacts on the restoration, creation or enhancement of natural heritage interest off site to an equivalent level to those lost, financial compensation may be considered. Compensation is not always feasible, for example in the case of either glacial landforms or ancient woodland, where the timescales for restoration are impossible within reasonable timescales.

Notified and qualifying features of designated sites These are the species and habitats for which the site has been designated.

ANNEX 5

Examples of developments and requirements for natural heritage guidance

The following examples will help explain what information is required by the planning authority. They are not exhaustive, but simply reflect frequent planning applications.

Domestic extensions, for example conservatories, out-houses – bat survey.

Conversions of old or abandoned buildings, including barns and steadings – bat survey, barn owl survey.

Conversions of loft spaces or changes to roofs – bat survey.

Housing development on greenfield sites – phase I survey, notable species and mammal survey.

Other surveys likely to be necessary, such as reptile, amphibians, invertebrates and/or nesting birds; depending upon the nature of the site and its surroundings.



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