

Badenoch & Strathspey Conservation Group  
**STATEMENT OF EVIDENCE**  
**Hearing Session**

**Provision of the Local Plan**

**Policy 4 Other Important Natural and Earth Heritage Sites and Interests**

**Summary of objection(s)**

Second tier, non-designated sites relate to the primary NP legislation and the aims of the Park. Non-designated sites are extremely important in B&S in terms of biodiversity, connectivity, permeability, special habitats, etc. To date, the planning system has failed to protect them.

We have no confidence that the CNPA will protect such sites if they do not have a specified means of recognising them. We are concerned that SINS should be specifically referred to in this Policy.

It is well known that there are sites of SSSI quality in B&S that have not been designated as SSSIs simply because there are so many SSSIs within the district.

As one example, SNH has a record that Kincardine Meadow is of SSSI quality. The planning process has a track record of failing to adequately protect this site. When a planning application for a house on Kincardine Meadow was determined by HC (29.9.2000) SNH provided clear advice in relation to avoiding unnecessary damage associated with services. HC did not act on SNH's advice and as a result of work for the services, damage to biodiversity interests was substantially greater than need have been.

An objection to this application from Dr Mark Shaw, then Keeper of Geology and Zoology at the National Museums of Scotland, wrote "the size of the site (a surviving fragment of a once larger biotope) is very near or at the minimum needed to retain this biodiversity, and that any reduction in size or other undue disturbance would severely threaten the viability of the insect populations on it, with the loss of the rarest species the inevitable consequence."

We include this quote to indicate the high level of informed concern that was presented to the planning authority.

This quote also expresses concern, from an authoritative source, over rare habitats being already small and fragmented, and therefore severely threatened by further loss of area.

The allocations within the DLP provide examples of the CNPA failing to recognise the importance of sites that are of a quality to justifiably be second tier sites. For example, Carrbridge H1, Grantown H1. These examples are not exhaustive, but they are sites where BSCG has gathered biological records that indicate the importance of the sites, and we have communicated this to the CNPA.

AWI and SNAWI sites should be unambiguously protected with a strong presumption against built development. These sites are irreplaceable and of enormous and increasing (due to climate change threats, and continuing habitat loss) importance in terms of biodiversity, and these attributes should be unequivocally recognised by the CNPA. In addition they are very significant landscape features, and wonderful places to enjoy. We are particularly concerned that the CNPA should make it clear to developers that AWI and SNAWI sites are generally out of bounds for built development. To retain ambiguity on this is to encourage conflict. We suggest that development should follow the idea for European sites level of protection afforded to Esites.

The allocation Nethybridge H2 and ED1 are within the AWI. The CNPA has not moved to amend the allocation to reduce the damage to natural heritage that will result from these allocations.

The statement in b) cannot, by definition, apply to AWI and SNAWI sites (because they are non-recreatable), and neither can it apply to Geological Conservation Review sites, as these cannot be created. All of these sites are finite and further examples cannot be provided

We have repeatedly requested the CNPA to provide clear maps at a readable scale of the AWI so that it is clear to both the CNPA, developers and the public exactly where the AWI sites are. We strongly urge the CNPA to add AWI information to the Settlement maps so that any impacts of allocations on AWI sites can be properly assessed by everyone. This relates to Policy 1 and the CNPA's ability to appraise allocations in relation to the 1<sup>st</sup> aim.

An example of the need for this information was observed by us at a CNPA planning meeting determining an application near St Vincent's, Kingussie, this year, where the site was partially within the AWI. Board members had to ask for clarification as to where the AWI was on the site, and the lack of clear and available maps was an obstacle to.

The Scottish Executive (2004) biodiversity strategy for the 25 years to 2030 'Scotland's Biodiversity – It's In Your Hands' states, p27 "We should build on the opportunities associated with site designations, and ensure that management for biodiversity conservation extends outside the boundaries of designated sites'. We do not consider the CNPA has demonstrated an ability to manage for biodiversity conservation outwith designated sites, as instanced by many allocations in the DLP (e.g. Carrbridge HI, Grantown HI, Boat of Garten HI and CI, Nethybridge H2 and EDI, Kincaig HI and EDI, Aviemore ED1, ED2, HI, H2, H3, An Cam Mor).

We note that in the DLP prior to the modifications, Aviemore HI excluded the birch woodland (which is now within HI). The birch woodland was zoned as OSI (the forerunner to 'ENV'). In terms of habitat, biodiversity and landscape, the woodland now in HI is continuous with the woodland now zoned as ENV.

It is our understanding that part of this birch woodland was originally considered for inclusion in Craigellachie SSSI, and thus was considered to be of potential designation standard. When the 'new' A9 was built it split through the SSSI-NNR site under consideration, and as a result the east portion was not considered further for designation.

This is an example of the loss of high quality areas, initially recognised by the CNPA as such, due to the DLP allocations.

#### **Recommendation.**

Include in the Policy a statement outlining that the CNPA recognises the importance of second tier sites, will identify second tier sites, and will afford them appropriate protection.

The Policy should state that built development is not permitted in AWI and SNAWI sites. If this recommendation is not accepted, then it should be stated that b) does not apply to AWI and SNAWI sites.

It should also be stated that b) does not apply to Geological Review sites.

Include SINS after 'Geological Review Site'.

Provide AWI information on Settlement maps (e.g. as a colour wash) so that it is absolutely clear to everyone where AWI sites are.

Add second tier sites to Settlement maps on the web (e.g. as a colour wash) as the sites are identified, so that it is absolutely clear to everyone where 2<sup>nd</sup> tier sites are.

Supporting evidence:

#### **UK Forest Partnership for Action.**

[http://www.forestry.gov.uk/pdf/ukforestpartnership.pdf/\\$FILE/ukforestpartnership.pdf](http://www.forestry.gov.uk/pdf/ukforestpartnership.pdf/$FILE/ukforestpartnership.pdf)

This was signed by the Scottish Executive at the World Summit on Sustainable Development in Johannesburg in 2002. This states, "The Partnership is committed to the restoration, protection and expansion of native woodlands in the UK".

**Why the UK's Ancient Woodland is still under threat. 2000.** Woodland Trust Report. This states that "ancient woodlands are one of our richest habitats for wildlife".

## **Scottish Forestry Strategy 2006**

[see: [http://www.forestry.gov.uk/pdf/SFS2006fcfc101.pdf/\\$FILE/SFS2006fcfc101.pdf](http://www.forestry.gov.uk/pdf/SFS2006fcfc101.pdf/$FILE/SFS2006fcfc101.pdf) ]

### **KEY THEME 7: Biodiversity p.47**

"Purpose

- Help to halt the loss of biodiversity, and continue to reverse previous losses, by:
  - targeted action for woodland and woodland related priority species and habitats; and
  - broader actions at a landscape/ecosystem scale.

"Scotland's biodiversity is special, hosting 65 out of 159 conservation priority habitats and species listed in the *European Habitats Directive*.

- International commitments have been made on the conservation of biological diversity. *The Nature Conservation (Scotland) Act 2004* introduced a general duty on public bodies to further the conservation of biodiversity and to have regard to the *Scottish Biodiversity Strategy*, the *Convention on Biological Diversity* and a list of species and habitats of importance to Scotland (the *Scottish Biodiversity List*).
- Maintaining or enhancing biodiversity is an integral part of achieving sustainable development.
- **Native, and especially ancient, semi-natural, woodlands have high biodiversity and historic value. Fragmentation poses a serious threat to their biological richness and to the species that depend on them.** [our emphasis]

## **Appendix 2: Scottish Forestry Context**

### **Enhancing biodiversity p.80**

"The *Convention on Biological Diversity* and the *6th European Environmental Action Programme* (Gothenburg) committed the UK to the conservation of biological diversity.

The countryside is part of our national identity and safeguarding it makes good economic sense. Scotland's nature supports, directly, almost 93,000 jobs, and generates £2.2 billion each year for the economy. However, and despite considerable conservation effort, biodiversity continues to decline in the UK, mainly due to the effects of habitat fragmentation and inappropriate land management. *Scotland's Biodiversity - It's in Your Hands* (the Scottish Biodiversity Strategy) maps a 25-year framework of action to conserve and enhance biodiversity for the health and well-being of people in Scotland. The Scottish Forestry Strategy seeks to help reverse the decline in biodiversity by supporting such action."

### **Native woodlands**

**"Scotland's ancient, semi-natural woodlands are some of our most diverse ecological systems. But they are now a fragment of what used to be our natural forests and cover just 1% of our land area. As an indicator of sustainable forestry and an irreplaceable habitat, it is important to maintain their area and safeguard their condition."** [our emphasis]

Introduction to NATURA 2000 and the role of LIFE-Nature Programme. Micheal O. Brien in Restoring NATURA Forest Habitats, Report of LIFE\_Nature Conference, Fort William 2001.

This states "The site conservation objectives of the Habitats and Birds Directives need to be complemented by wider countryside measures" (p5).

The Woodland Resource in Cairngorms Partnership The Forest of Spey Action Report 1998.  
"The woodlands are one of B&S's most important natural assets and they already provide part of the basis for a sustainable rural economy founded on tourism" .."Together with the woodlands of Deeside, the woodlands of B&S contain 25% of Scotland's native woodland".