

Date:			
Issue:	Policy 6 – Biodiversity		
Objector(s):	Alvie and Dalraddy Estate	Objection ref(s):	439h
	Dr A Watson		020d

Reporter	Mr Hugh Begg
Procedure	Written Submissions

1.0 Overview

- 1.1 This statement sets out the CNPA’s position in relation to objections raised to the Deposit Local Plan, as modified, in respect of Policy 6 – Biodiversity and supplements the response made to those objections by the CNPA in its report to Committee (CD7.3, 4 and 5). It recommends no further modification is made to the Plan in respect of this policy.

2.0 Provision of the Local Plan

- 2.1 Policy 6 Biodiversity, as modified, ensures that all new development would not have an adverse impact on the habitats or species of the area - as identified in various Biodiversity Action Plans. The policy is intended to protect, conserve and enhance natural and semi-natural areas where it is known or evidence indicates that identified habitats, networks and species are present, in doing so it directs development away from these sensitive sites or where this is not possible, provides suitable mitigation, management or compensatory measures. The policy also places a requirement upon the developer to undertake a comprehensive survey to assess the likely impacts and effects caused by the development.
- 2.2 The policy is intended to reflect the 1st aim of the National Park: to conserve and enhance the natural and cultural heritage of the area and also to ensure that all development is in line with the requirements of the Nature Conservation (Scotland) Act 2004 (CD1.12) which places a duty on all public bodies, including planning authorities, to further the conservation of biodiversity. The policy is not intended to hamper appropriate development but to ensure adequate consideration of biodiversity and natural environment is accounted for, in proposals, as demonstrated within the criteria within paragraphs a and b of the policy.
- 2.3 The Policy has been modified in the 1st modifications of the Deposit Local Plan (CD6.12) with altered wording, to draw in the use of comparable replacement or commensurate sites and the direct, indirect and cumulative impacts of development proposals more fully. The policy has been further altered within the 2nd modifications (CD6.13), with the phrase ‘or likelihood to suggest’ replaced with the wording ‘to indicate’ recognising the need for greater clarity and certainty.

3.0 Summary of objection(s)

- 3.1 Two objections have been lodged to the policy, covering the following:
- A balance must be reached between biodiversity and social, economic and cultural consequences of a proposed development. **439h**
 - Recognise that old planted woods, moorland, and some semi-natural habitats within farmland, such as sandy hillocks have the same value as long established woodland, and that when habitats are newly recreated, they do not have equal wildlife value as a long established site. **020d**

4.0 Summary of Cairngorms National Park Authority Response

- 4.1 This policy is intended to ensure that development does not weaken the natural habitat and biodiversity of the Park, development should conserve and where possible enhance areas of value for biodiversity by requiring avoidance, suitable mitigation and management, or replacement. The policy reflects the 1st aim of the Park, to conserve and enhance the natural and cultural heritage of the area, accounts for the duty placed on the CNPA in regard to Biodiversity by the Nature Conservation (Scotland) Act 2004 and has been worded to reflect national guidance such as NPPG14: Natural Heritage (CD3.2).
- 4.2 The objections have been reported to the Board of the CNPA when it considered the need for further modifications CD7.3, 4 and 5 - this resolved that several alterations be made to the wording of the policy; the structure and content remain largely unchanged. It was considered several changes to the wording were appropriate to ensure that the policy does deliver the aim as intended, whilst not being overly restrictive or onerous and provide an appropriate level of guidance for developers and the public. It is considered that the policy highlights the need for a balanced approach to development which respects the aims of the Park, reflecting the importance of promoting biodiversity.

5.0 CNPA Recommendation

- 5.1 It is recommended that these objections are rejected. The policy is intended to ensure that development preserves and protects the overall integrity and connectivity of the ecosystems of the Park, requiring developers to account for biodiversity in their proposals and incorporate suitable measures, including avoidance, minimisation and appropriate replacement or mitigation as required. Additional wording has been included for certainty and clarity and now better reflects the requirements placed on development proposals. The CNPA, along with partner organisations intend to produce specific supplementary planning guidance (SPG) on biodiversity. No further modifications are proposed.

6.0 Assessment / Scope of Evidence

- 6.1 **439h** A balance must be reached between biodiversity and social, economic and cultural consequences of a proposed development. It suggests amended wording including; the substitution of 'avoided, or' and 'where harm is unavoidable', and add 'where' before 'appropriate and change 'will' to 'may.'
- 6.2 **Response:** The CNPA have reviewed the original wording of Policy 6 to ensure that it is in line with national guidance, particularly NPPG14; Natural Heritage, and provides clear, concise and reasoned requirements for development proposals. The wording is considered to be reflective of the underlying aim of the policy; the requirement to protect and promote biodiversity while affording opportunity for appropriate development, it aims to strike an appropriate balance. It is considered that the policy sets out an appropriate framework for the protection and enhancement of natural heritage within the context of an integrated strategy for social, economic and environmental development. It seeks to conserve and enhance natural heritage, whilst equally accounting for possible benefits to local communities. It is considered that the wording, as modified, provides sufficient flexibility and scope for all instances, is appropriate and that no further changes are made.

6.3 **020d** Recognise that old planted woods, moorland, and some semi-natural habitats within farmland, such as sandy hillocks have the same value as long established woodland, and that when habitats are newly recreated, they do not have equal wildlife value as a long established site.

6.4 **Response:** It is considered that the policy provides a requirement upon developers to assess the value of habitats and biodiversity on all sites, including development allocations, and consider measures to conserve and enhance these, as appropriate. The policy places emphasis on the consideration of biodiversity for developers from the onset, this requires them to undertake a comprehensive survey to assess the likely impacts of their development and account for these impacts. It has been reworded to recognise and ensure satisfactory provision of replacement habitats as required. The policy places a sequential prioritisation and views compensatory replacement habitat (of equal or greater capacity) where no reasonable other action is available; this would require to be to the satisfaction of the CNPA and other stakeholders. It is considered that the reworded policy provides sufficient scope for new habitats and suitable replacement areas, no further modification is proposed.

7.0 Strategic issues

7.1 The National Parks (Scotland) Act 2000 (CD1.3) sets out four aims for National Parks, the first of which relates to the conservation and enhancement of natural and cultural heritage. To achieve these aims the Cairngorms National Park Plan (CD7.1) sets out a number of strategic objectives including a number related to biodiversity, acknowledging that the area of the Park contains nature conservation designations of national and international importance - some 39% of the area is designated for a particular conservation interest. These objectives include; conserving and enhancing the condition of habitats and species, targeted policy and funding mechanisms to support nature conservation and a research programme to provide information and monitoring on habitats, species and ecosystems. The Park Plan provides a framework for managing the National Park and working towards the 25 year vision. Policy 6 supports the strategic objectives for Conserving and Enhancing the Park.

8.0 Other material considerations

- None

9.0 List of documents (in addition to Core Documents)

- CD1.3 The National Parks (Scotland) Act 2000
- CD7.1 Cairngorms National Park Plan 2007
- CD6.11 Cairngorms National Park Deposit Local Plan
- CD6.12 Deposit Local Plan 1st Modifications
- CD6.13 Deposit Local Plan 2nd Modifications
- CD7.3 CNPA Committee Report Deposit Local Plan May 2007
- CD7.4 CNPA Committee Report 1st Modifications October 2008
- CD7.5 CNPA Committee Report 2nd Modifications February 2009
- CD1.12 Nature Conservation (Scotland) Act 2004
- CD3.2 NPPG14: Natural Heritage