



Natural Heritage



Supplementary Planning Guidance
Consultation May 2010

**Supplementary Planning Guidance
Public Consultation
Monday 24 May to Friday 24 September 2010**

Supplementary Planning Guidance (SPG) sets out detailed advice to help people meet the requirements of the policies in the Cairngorms National Park Local Plan and the Cairngorms National Park Authority (CNPA) is presently developing a number of SPG documents.

These will go out for a four month public consultation before publication – from Monday 24 May to Friday 24 September 2010.

A Strategic Environmental Assessment has been carried out and an Environmental Report prepared to accompany this document, and it is also available for public consultation.

How to Comment

- A form is available on the following page. Comments *, which must include your name and address, should be returned to the CNPA by **Friday 24 September**, to the following address:

**FREEPOST (RSHS-BHKL-KXHS)
Cairngorms National Park Authority
Albert Memorial Hall, Station Square
Ballater AB35 5QB**

- You can download, or complete this form online, at www.cairngorms.co.uk/planning/localplan
- To discuss any aspect of the Supplementary Planning Guidance documents, or to arrange a meeting, please contact the CNPA's Ballater office.

- All documents are available to view at the CNPA offices in Ballater and Grantown-on-Spey (see addresses below) and at a number of council offices within the Park. Comment forms will also be available at all these locations.

Albert Memorial Hall
Station Square
Ballater
Aberdeenshire AB35 5QB
Tel: 013397 53601
Fax: 013397 55334
Email: spg@cairngorms.co.uk

14 The Square
Grantown-on-Spey
Moray PH26 3HG
Tel: 01479 873535
Fax: 01479 873527
Email: spg@cairngorms.co.uk

Next Steps

The Cairngorms National Park Authority will consider all the comments made on the supplementary planning guidance and will make appropriate changes. The final versions of the SPG will be prepared for formal approval at the end of 2010.

*Please note that all responses will be made public but will not be attributed to any named individual/organisation.

Data protection: These details will only be used for purposes associated with the Supplementary Planning Guidance consultation. You may request to see personal information held by the CNPA at any time.

For a large print version of this publication, please contact the Cairngorms National Park Authority on 01479 873535.

Cairngorms National Park Local Plan

Consultation on Supplementary Planning Guidance documents Monday 24 May – Friday 24 September 2010

Comments form

How to make a comment

- Please use a separate form for each of your comments.
- You must state which Supplementary Planning Guidance document, and which part of it, your comment relates to.
- You must indicate clearly your proposed changes, for example deletion of a proposal, deletion of a paragraph, amended wording, amendments to diagram/photograph.
- This form can be photocopied or further copies obtained from the CNPA offices.
- You can also complete the form online at www.cairngorms.co.uk/planning/localplan
- The deadline for submitting completed forms is **Friday 24 September 2010**.

1.

Name _____

Address _____

Telephone _____ Email _____

2.

If you are appointing someone to act as your agent, please give their details.

Name _____

Address _____

Telephone _____ Email _____

To which address should correspondence to be sent? Own

Agent



3. Which Supplementary Planning Guidance document does your comment relate to? You must include the document title, the page number and the paragraph number where relevant.

4. Please state clearly and fully your comment(s), continuing on additional sheets if necessary.

5. If you are suggesting a specific change to the Supplementary Planning Guidance, please explain clearly what this is.

6. Signature _____ Date _____

Please return completed forms, by **Friday 24 September 2010**, to:

FREEPOST (RSHS-BHKL-KXHS)
Cairngorms National Park Authority
Albert Memorial Hall, Station Square
Ballater AB35 5QB

Tel: 013397 53601
Fax: 013397 55334
Email: spg@cairngorms.co.uk

www.cairngorms.co.uk



Planning in the Cairngorms National Park

The Cairngorms National Park is the largest National Park in the UK, encompassing areas of Highland, Aberdeenshire, Moray and Angus. A Scottish Government consultation is taking place to extend the boundary into Perthshire, towards the end of 2010.

Planning in the Cairngorms National Park is unique. It involves the Cairngorms National Park Authority (CNPA) working alongside the Local Authorities, who continue to deal with many of the planning applications within their respective areas. All planning applications submitted must comply with all the policies in the Cairngorms National Park Local Plan (once adopted) and any relevant Supplementary Guidance.

Any planning application should be submitted to the relevant Local Authority in the normal manner. The Local Authority checks to ensure all the necessary information is supplied and registers receipt of the application. The CNPA is informed by the Local Authority and then 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. Thereafter the CNPA determines the application. In instances when planning applications are not called-in, the Local Authority continues to act as the planning authority.

This supplementary guidance 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 other relevant guidance, such as the Sustainable Design Guide.

1.0 Background

- 1.1 This guidance provides additional information relating to natural heritage, as outlined in Policies 1-5 of the Cairngorms National Park Local Plan.
- 1.2 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.
- 1.3 The 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:
 - 1.3.1 What evidence should be gathered and what information should accompany any planning application.
 - 1.3.2 How the importance of natural heritage on any site proposed for development should be assessed.
 - 1.3.3 When information should be submitted to the planning authority.

2.0 Introduction

- 2.1 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.
- 2.2 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.
- 2.3 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 Key principles

- 3.1 There are six key principles 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 shall 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.

- 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 shall be completed with a combination of on and off site works.

- Principle 5

Where full mitigation is not possible compensation shall be paid for the part that cannot be achieved. Such compensation shall be used to the benefit of the natural heritage within the Cairngorms National Park.

- Principle 6

Calculation of compensation will take into account the quality of outcomes over time. Features that take longer to mature, for example woodland, will require greater levels of compensation. Any new habitat created as compensation shall be permanently set aside for that purpose.

4.0 Natural heritage information required

4.1 Applicants need to produce two separate pieces of information:

4.1.1 A description of the natural heritage on the site and possibly the surrounding area, including its significance and value.

4.1.2 An assessment of any effect on the natural heritage.

4.2 Both the description and the assessment of natural heritage are critical to the planning authority in reaching 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 (EPS), a survey is required by law.

5.0 Finding out the importance of the natural heritage

5.1 Generally a survey will identify the level of importance. Annex 2 (see p10) 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.

5.2 If a survey is required, it should be undertaken by experienced, qualified and accredited people. 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.

5.3 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.

5.4 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

5.5 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.

5.6 Following the survey, an assessment of the impact on the natural heritage must be made. Usually, this will be written by the person who undertook the survey.

5.7 The assessment must include details of steps taken to minimise and mitigate any damage arising.

6.0 Key considerations

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

6.2 Site designations

6.2.1 There are a number of designated sites that carry UK and European natural heritage designations. The table in the Annex 1 (see p9) lists the types of designated areas in the Cairngorms National Park.

6.2.2 Designated sites will affect the level of information that must be provided. How

those applications are considered and the criteria by which decisions are made. It may also affect the time when information must be provided.

6.2.3 Information on designated sites, their natural heritage interest and maps are available from Scottish Natural Heritage www.snh.org.uk

6.3 Protected species

6.3.1 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 before it is able to make a decision.

6.3.2 European Protected Species (EPS) found in the Cairngorm National Park are:

- bats
- Scottish wildcat
- great crested newt
- otter
- Killarney fern
- slender naiad
- floating-leaved water plantain
- yellow marsh saxifrage

6.4 Other priority species

6.4.1 Some habitats and species are of particular importance to the National Park. 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.

6.4.2 Applicants should provide sufficient information to satisfy themselves and the planning authority that their proposal does not

have a negative effect on priority habitats and species in the National Park.

6.5 Landforms/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.

6.6 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.

6.7 Positive measures and mitigation

6.7.1 Mitigation measures are those required to replace habitats and ecological functions that are unavoidably lost as a result of the development.

6.7.2 In addition to mitigation 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 the planning authority.

6.7.3 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.

6.7.4 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.

6.8 Invasive Non-Native Species

6.8.1 The Cairngorms National Park has populations of some invasive, non-native species including Japanese knotweed (*Fallopia japonica*), giant hogweed (*Heracleum mantegazzianum*) and Himalayan balsam (*Impatiens glandulifera*).

6.8.2 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 are not spread from the site.

6.8.3 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.

6.8.4 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.

6.8.5 If a development is responsible for the introduction of an invasive non-native species either within or without the site, then the developer will have to remove the species and dispose of material appropriately.

6.8.6 Find out more in the leaflet Warning - Alien Invasion (www.cairngorms.co.uk) published by the Cairngorms Local Biodiversity Action Plan.

6.8.7 Japanese knotweed is 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 Japanese Knotweed from the Scottish Environment Protection Agency (SEPA) (www.sepa.org.uk).

6.9 Bio security

6.9.1 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.

6.9.2 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.

6.9.3 Other measures may be required by the planning authority depending upon the site and development. The applicant will be advised in such instances.

7.0 The role of Scottish Natural Heritage

7.1 Scottish Natural Heritage (SNH) has a statutory function regarding the protection of habitats and species. If a proposal has the potential to affect designated sites or species, planning authorities (including the CNPA) are required to consult with SNH on the planning application. SNH does not make decisions on planning applications.

7.2 Where there is potential for a proposal to affect a designated site or 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.

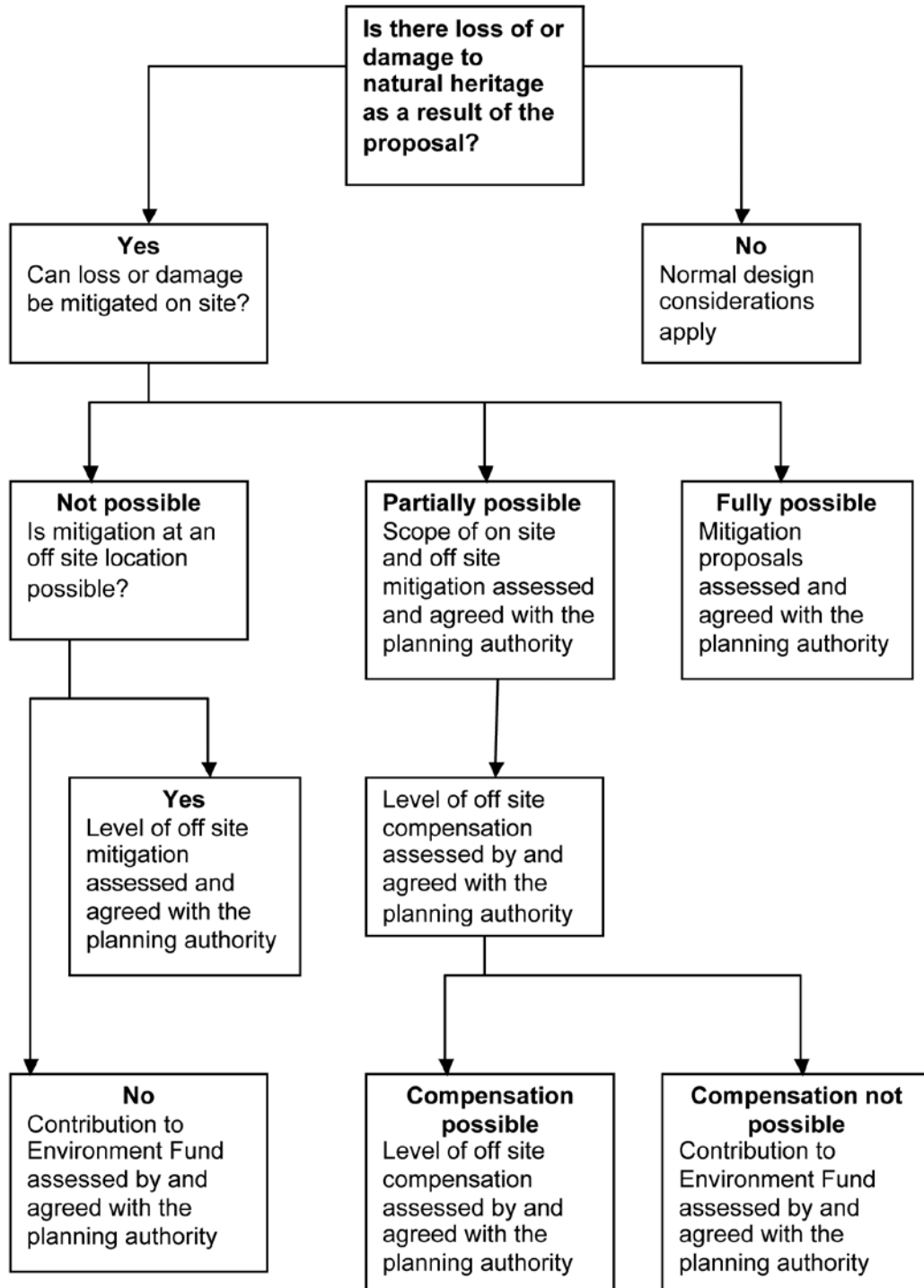
7.3 This agreement means that for most cases only one agency will provide natural heritage advice on any particular application.

8.0 Further Advice

- 8.1 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.
- 8.2 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.

ANNEX I

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



ANNEX 2: Survey calendar for natural heritage interests in the Cairngorms National Park.

This survey calendar is a general guide only. The timing of surveys can be affected by weather and may be specific to location (particularly vegetation surveys). Certain bird species e.g. raptors or waders will require species specific surveys at defined times of year.

Species	January	February	March	April	May	June	July	August	September	October	November	December
Bats	Hibernation roost survey				2/3 Emergence/re-entry surveys Summer and maternity roost surveys						Hibernation roost survey	
Otter	Habitat Suitability Assessments undertaken throughout the year											
Red Squirrel	Surveys can be conducted throughout the year											
Pine Marten	Surveys can be conducted throughout the year											
Wildcat	Surveys can be conducted throughout the year											
Badger	Activity surveys											
Water Vole	Activity surveys											
	Habitat Suitability Assessments undertaken throughout the year											
Birds	Wintering bird species surveys		Breeding bird + migrant bird survey		Breeding bird survey				Migrant bird survey		Wintering bird survey	
Vegetation	Phase I habitat survey only				Phase I and NVC survey					Phase I habitat survey only		
				Torching, netting and egg searches required to determine presence/absence or population estimates				Larvae surveys only				
Great Crested Newt	Habitat Suitability Assessments undertaken throughout the year											
Reptiles					Activity/refugia surveys							
Fresh Water Pearl Mussels												
		Optimal survey period										
		Sub-optimal survey period										
		Unsuitable survey period										

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	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	All of these sites are important in terms of public understanding and enjoyment, as well as being important nationally for nature. They are also designated SSSIs.
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.

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.

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

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.

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

