

Cairngorms Planning Advice Note

European Protected Species and Planning Applications

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Protected Species in the Park

The Cairngorms National Park has some of the UK's rarest and most threatened species and habitats. Planning policies in the Cairngorms National Park Local Plan protect the most important and rarest species in the Park from the effects of development.

A number of species are also specially protected by law, making it illegal to harm or disturb them or the places they live. Where species are protected by law, planning permission cannot be granted unless the planning authority knows how a protected species will be affected by the proposal and how the proposal will avoid harmful effects or otherwise protect the species. You need to provide the information for the planning authority to make that decision.

Scottish Natural Heritage (SNH) provides advice on protected species and protected areas in Scotland. Their website gives information on what's relevant to individual species and what laws apply to them at:

www.snh.gov.uk/protecting-scotlands-nature/protected-species

For many protected species, it is possible to get a licence to do something that would affect them in way that would normally be illegal. SNH is the body that can issue these licences. You can get more information at: www.snh.gov.uk/protecting-scotlands-nature/species-licensing

The planning authority dealing with your application will tell you of any protected species that are likely to be present on or near your site and what information or new surveys you'll need to provide. If there are protected species on or near your site you may also need a licence before any building or site works would be legal.

European Protected Species - the highest level of protection

The Park has a number of European Protected Species (EPS) that are protected by European law.

If there is a chance that the development you need planning permission for would harm or disturb an EPS, you will need to:

1. survey the site to find out exactly how they would be affected; and
2. produce a species protection plan that explains how your development will avoid any harm to them and protect them.

The planning authority must have that information before they can decide your application.

SNH have detailed advice on the how, when and to what standard to survey for the species, the sorts of actions you may need to plan for to protect them and what you need licences for. The scale and complexity of any surveys or species protection plans will depend on things like the size of your proposal and how big an effect it's likely to have on the species.

Your planning authority will direct you to the most up to date guidance provided by SNH. However, it is your responsibility to provide the right information to the planning authority.

There are only a few EPS found in the Cairngorms National Park that are likely to be affected by development proposals. They are summarised in the table on the next page.

European Protected Species known to live in the Cairngorms National Park

Species	When a development could affect the species and a survey and species protection plan is likely to be required	Advice on survey standards and mitigation
Bats Nathusius pipistrelle Soprano pipistrelle Common pipistrelle Daubenton's bat Natterer's bat Brown long-eared bat	If a development: <ul style="list-style-type: none"> will demolish or modify buildings; will fell or remove trees; is near to buildings, trees or buildings and trees near water. 	www.snh.gov.uk/about-scotlands-nature/wildlife-and-you/bats/advice/
Scottish wildcat	If a development is on or near a place where wildcat have been recorded; they could live almost anywhere in the Park.	www.snh.gov.uk/about-scotlands-nature/wildlife-and-you/scottish-wildcats/survey-requirements/
Otter	If a development is within 500m of a water course.	www.snh.gov.uk/about-scotlands-nature/wildlife-and-you/otters/assessing/
Great crested newt	If a development affects or is near to a pond/lochan where Great crested newts live. They are only known to live in one place in the Park so are unlikely to be affected by many planning applications in the Park.	www.snh.gov.uk/about-scotlands-nature/wildlife-and-you/great-crested-newt/
Yellow marsh saxifrage	Yellow marsh saxifrage is only found in base-rich, wet places and has only been recorded in wet flushes on hills above Donside in the east of the Park. It is unlikely to be affected by many planning applications in the Park.	
These are the EPS that are known to currently live in the Park. Other EPS have been recorded in the past and other EPS could come to the Park in future.		

CAIRNGORMS NATIONAL PARK AUTHORITY

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Other Protected Species

There are 100s of other species of animal, plant, insect, bird and fish that are protected by law. Many of them are protected from disturbance of their breeding or resting places, from damage to their breeding or resting places and from harming or killing them. Your planning authority will tell you if you need to provide survey information and a species protection plan for them. SNH have more information on all protected species, standards for surveys and any licences associated with them.

Further advice

This advice note has been produced to help people who apply for planning permission understand what information they will need to supply with their application if it could affect a EPS.

The planning authority dealing with your application will tell you of any protected species that are likely to be present on or near your site when you tell them where it is and what you propose. It is best to get that advice before you make your application through pre-application advice.

If you ask your local authority planning team for pre-application advice and your application is likely to be “called” in by Cairngorms National Park Authority (CNPA), the local authority will ask CNPA to provide them with pre-application advice for your proposal. We will identify any protected species you need to survey and plan for in our response.

If you submit a planning application without all the information needed by the planning authority to decide it, you may find it is not accepted, is quickly refused, or any decision delayed till you have supplied that information.

You can get more advice on making a planning application from the planning department of the relevant local authority or you can contact the Cairngorms National Park Authority planning team in Grantown on Spey at planning@cairngorms.co.uk. Tel: 01479 870535

Scottish Natural Heritage provide detailed advice on the survey standards and requirements for protected species as well the licences associated with them at the following three pages:

1. www.snh.gov.uk/protecting-scotlands-nature/protected-species
2. www.snh.gov.uk/protecting-scotlands-nature/species-licensing
3. www.snh.gov.uk/about-scotlands-nature/wildlife-and-you/

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