

Cairngorms Planning Advice Note

Protected Species and Planning Applications

Updated: October 2019

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 Development Plan seek to safeguard, and where possible, encourage development to enhance the habitats and species in the Park.

This advice note has been produced help people applying for planning permission understand what information they will need to supply with their application if protected species could be affected.

Protected species

There are many species of animal, plant, insect, bird and fish that are protected by law, making it illegal to harm or disturb them or the places they live. It is your responsibility to know and comply with the law – advice from Scottish Natural Heritage (SNH) on this can be found at: <https://www.nature.scot/professional-advice/safeguarding-protected-areas-and-species/protected-species/your-responsibilities>

Species surveys and protection plans

The planning authority dealing with your proposal may be able to advise you about which protected species may be present on or near your site and what information (including surveys) you need to provide with your application.

SNH have detailed advice on how, when and to what standard protected species surveys should be carried out, the sorts of actions you may need to incorporate into your proposal to avoid effects and what you would need a licence for. Advice on species surveys and protection plans can be found at: <https://www.nature.scot/professional-advice/safeguarding-protected-areas-and-species/licensing/species-protection-plan>

Licensing

For many protected species, if a method of works or design cannot be adapted to avoid potential harm, it may be possible to get a licence to do something that would normally be an offense - provided the relevant licensing tests are met. You can get more information about licensing and the tests that development needs to meet to gain a license from SNH at:

<https://www.nature.scot/professional-advice/safeguarding-protected-areas-and-species/licensing/species-licensing-z-guide>

Information required to support planning applications

Where protected species are or may be present, planning permission cannot be granted unless the planning authority is sure that an offense will not be committed, and, where it is not possible to avoid adverse effects, that the relevant species licensing tests can be met.

If there is a chance that your proposal would harm or disturb a protected species, you will therefore need to:

1. arrange a survey of the site to find out exactly where and how protected species could be affected – the survey should be carried out by an experienced and licensed ecologist if the survey itself may cause disturbance or other action that would otherwise be an offense;
and, where protected species will be affected by the proposal,
2. produce a species protection plan that explains the findings of the survey, how your development will minimise effects on protected species and how it will meet the relevant licensing tests.

Applicants need to provide sufficient information in the form of a species protection plan accompanying their planning application to enable the planning authority to make that decision. The scale and complexity of any survey or species protection plan required will depend on the effect the proposal is likely to have on the species. SNH provide advice on the potential effects of development on protected species and how to mitigate or avoid effects at:

<https://www.nature.scot/professional-advice/planning-and-development/advice-planners-and-developers/planning-and-development-protected-animals>

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. In our response, where possible we will identify which protected species that may be present that you need to survey and plan for.

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 is delayed until you have supplied sufficient 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 873535