

## **SG Natural Environment 1: Protection of nature conservation sites**

**We will not approve new development where it may have an adverse effect on a nature conservation site designated for its biodiversity or geodiversity importance, except in the following circumstances.**

- A. In the case of an internationally important site, where an appropriate assessment has concluded that:**
- 1) the development will not adversely affect the integrity of the site; OR**
  - 2) the development will adversely affect the integrity of the site, but it has been demonstrated that:-**
    - (i) there are imperative reasons of overriding public interest for permitting the development, including, for priority habitats and species, reasons of a social or economic nature; AND**
    - (ii) there is no satisfactory alternative site or solution; AND**
    - (iii) any impact will be suitably mitigated.**
- B. In the case of a site of national importance, where a thorough assessment of the site has demonstrated that:-**
- 1) any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social or economic benefits of national importance; AND**
  - 2) the objectives of the designation and the overall integrity of the area will not be compromised; AND**
  - 3) there is no satisfactory alternative site or solution; AND**
  - 4) any impact will be suitably mitigated.**
- C. In the case of any other recognised nature conservation site, or raised bogs, wetlands or Ancient, Long Established or Semi-Natural Woodlands, where a thorough assessment of the site has demonstrated that:**
- 1) the proposal's public benefits at a local level clearly outweigh the nature conservation value of the site; AND**
  - 2) there is no satisfactory alternative site or solution; AND**
  - 3) any impact will be suitably mitigated.**

**Where the impacts of a development on an international or national natural heritage resource are uncertain, but there are good scientific grounds that significant irreversible damage could occur, the precautionary principle will apply. The applicant should modify the development to eliminate the risk of irreversible damage.**

## **Reasoned Justification**

This supplementary guidance promotes the protection of nature conservation sites from new development that may affect the qualifying interests of these protected areas.

Biodiversity is short for 'biological diversity' and includes all habitats and species. It is not restricted to specially designated sites, threatened species or habitats, but involves the entire natural environment. Locally biodiversity is important, as it gives a distinctive character to an area, whether it is a river valley, woodland or an area of coastline. Within settlements, areas of wildlife habitat can make an important contribution to people's quality of life. However, the loss of semi-natural habitats also devalues the environment in general and increases pressure on designated sites.

Geodiversity is the variety of rocks, minerals, fossils, landforms, sediments and soils, together with the natural processes which form and alter them. The diversity of rocks, landforms and soils, and the processes which shape our mountains, rivers and coasts, form the basis for most of Scotland's landscapes and the foundation upon which plants, animals and human beings live and interact. Scotland's geodiversity is a resource of national and international importance for interpreting past geological processes of global significance, such as volcanism, continental drift and ice ages, and for understanding contemporary global change. Some of Scotland's rocks contain a rich variety of internationally important fossils and our organic soils contain some of the largest soil carbon stocks in Europe. Geodiversity is an asset for economic development (including geotourism-based activities), recreation and leisure activities. It is also a source of inspiration for art, sculpture, music and literature. The protection, active management and interpretation of geodiversity is increasingly referred to as 'geoconservation'.

As part of our commitment to sustainability, it is vital that biodiversity is conserved. Species, habitats, geology and soils provide a valuable indicator of sustainability and it is very important that every opportunity is taken to protect, enhance and retain the quality of the wider environment.

Aberdeenshire is well known for the richness of its biodiversity and geodiversity. A network of the very best sites of international importance are selected and designated by the Government. These are Natura sites (Special Area of Conservation (SAC) and Special Protection Area (SPA)) and Ramsar sites. Sites of national nature conservation importance are selected by Scottish Natural Heritage, and are called Sites of Special Scientific Interest and National Nature Reserves. Local nature conservation designations, including Sites of Interest to Natural Science and Local Nature Reserves are identified by the council. They play a valuable role in the environment, providing vital links between different sites of nature conservation value, and contributing to the development of habitat networks. A list of all the nature conservation sites within the Plan area is provided in Planning Advice titled *Natural Heritage* in chapters 1 to 3.

An appropriate assessment is a legal requirement and is carried out by the Local Authority for all developments which may have an impact on a Natura or a Ramsar site. Sufficient information must be provided by the developer to

allow the Local Authority to undertake the appropriate assessment. Scottish Natural Heritage and other relevant stakeholders must be consulted where an appropriate assessment is required. An appropriate assessment will not be necessary where the development proposal is directly connected with or necessary to the conservation management of that site.

Where a proposed development may have a significant impact on internationally important sites or species, it will only be permitted where there are imperative reasons of overriding public interest, including those of social or economic nature. Such developments may include roads or electricity grid lines that are important for either national or location reasons. However, it must be demonstrated that the proposal is necessary in that location and there is no other alternative solution (e.g. location, design, scale or other type of development).

If the planning authority proposes to approve an application that would have an adverse effect on the integrity of an SAC, SPA or Ramsar site, or of a priority habitat or species (as defined in Annex 1 of the Habitats Directive), it may first wish to first seek the opinion of the European Commission on whether the case for imperative reasons of overriding public interest can be accepted. In order to do this a request to the Scottish Ministers would be submitted along with any relevant supporting information. The Scottish Ministers may then seek the opinion of the Commission.

Where there is evidence to suggest that a habitat, geological feature or species of importance exists on the site, the applicant must undertake an assessment and/or survey at their expense of the site's natural environment. Where a development is likely to have significant effects on the environment, an *Environmental Impact Assessment* (EIA) will be required. An assessment should include:

- a) a full assessment of the impact of the development on the biodiversity and/or geodiversity interest of the site;
- b) proposals for appropriate mitigation;
- c) identification of opportunities for enhancement;
- d) an assessment of cumulative impact, where appropriate; and
- e) a survey of soil types and their roles in supporting biodiversity and environmental services, when requested.

All assessments and/or surveys should be undertaken by an independent and competent consultant.

The precautionary approach will apply where the impact of a proposed development on internationally or nationally designated sites is uncertain, but there are good scientific grounds for believing that significant irreversible damage could occur. Where the precautionary principle is justified, modifications to the proposal that would eliminate the risk of irreversible damage should be considered. New development will not be supported unless research is commissioned to identify its effect(s) and to remove the uncertainty.

It is important that individual developments and the cumulative impact of proposals (e.g. new roads and houses) do not lead to a significant loss to Aberdeenshire's designated nature conservation sites. These sites play a

valuable role in the environment including providing vital links between different sites of nature conservation value, thus contributing to the development of habitat networks. They should therefore be protected against damaging development.