

EAST AYRSHIRE COUNCIL

DEVELOPMENT SERVICES COMMITTEE: 5 JUNE 2001

THE NATURE OF SCOTLAND – A POLICY STATEMENT

Joint Report by Director of Development Services and Director of Community Services

1. PURPOSE OF REPORT

1.1 To inform the Committee of the contents of the draft policy statement 'The Nature of Scotland' issued by the Scottish Executive in March 2001, and to consider a suggested response to the Scottish Executive with regard to the specific proposals for safeguarding nature conservation areas.

1.2 Comments on the above document were required by 29 May 2001. Consequently a provisional response based on the conclusions reached in Section 3 of this report has already been forwarded to the Scottish Executive.

2. BACKGROUND

2.1 On 24 November 1998 the Development Services Committee considered a report by the Director of Development Services on the consultation document 'People and Nature – A New Approach to SSSI Designations in Scotland'. The consultation document raised a number of planning issues relating to the need to preserve the ecological integrity of SSSIs while ensuring they can contribute to the local rural economy, for example through tourism. The Committee agreed that a more rigorous assessment of the qualities of SSSIs would be advantageous in planning terms as it would give clear guidance to landowners and the public as to why such areas should be protected in the public interest and also agreed that local SSSI designations should be strengthened with much greater emphasis being paid to their management.

2.2 The draft policy statement 'The Nature of Scotland' is a reflection of the findings of the Scottish Executive's consultation on the document 'People and Nature'. A synopsis of the main provision of the draft policy statement is attached as Appendix 1 to this report.

3. POLICY IMPLICATIONS

3.1 The contents of the document 'The Nature of Scotland' is consistent with Council policy as identified in the East Ayrshire Local Plan and the draft Ayrshire Local Biodiversity Action Plan.

4. PLANNING IMPLICATIONS

4.1 In planning terms, the proposals contained in the draft policy statement would ensure that the existing statutory nature conservation protection afforded by SSSIs would be retained. The proposals do, however, imply that in future it might be possible for certain activities including those classed as development under the Planning Acts to take place within SSSIs provided that they would not adversely affect their integrity and that they would benefit local rural communities. This is in line with the approach taken in NPPG 14:

Natural Heritage: to ensure that conservation and enjoyment of the natural heritage brings social and economic benefits to local communities. The proposals provide for greater involvement of the Council and local communities in designation and management of SSSIs. This would enable a more integrated approach to be made in this regard and is to be welcomed.

4.2 The proposed new powers for SNH to notify and de-notify sites is welcomed as it would provide more accurate and up-to-date information on which Local Authorities can base planning decisions. The proposal for SNH to indicate for each SSSI which activities would be acceptable and which not, would further improve the basis for sound planning decisions to be made by the Council.

4.3 The proposal for SNH to be able to refuse consent for certain operations on SSSIs would seem to be a significant change in its statutory powers from an advisory to a decision making role. It is unclear from the document how such additional powers, including a proposed independent appeals mechanism, could operate without prejudicing the existing planning system.

4.4 The proposal for new powers to be given to SNH to ensure proper management of SSSIs by landowners/land managers and to ensure that proper account is taken of their views and the interests of local communities is welcomed. It is considered that this could help reduce the number of inappropriate planning applications affecting SSSIs and encourage the promotion of sustainable developments which meet the requirements of NPPG 14 as referred to in paragraph 4.1 above.

4.5 The proposals to legislate further against wildlife crime is welcomed. As SSSIs are reviewed and proposals are brought forward for new SSSI designations it will become increasingly important that habitats of potential national interest are safeguarded in advance of their designation and it is considered that the greater legal powers proposed would increase provisional protection of these areas.

4.6 The proposals contained in the draft policy statement would enable those policies of the East Ayrshire Finalised Local Plan relating to the protection and enhancement of areas of nature conservation interest to be potentially more effective. They should also enhance the prospective status of non-statutory nature conservation sites through identifying their possible future potential as new SSSIs. It is also pointed out that the

draft Ayrshire Biodiversity Action Plan will be a useful tool for SNH in reviewing the status of existing SSSIs and the above potential designation of new SSSIs in Ayrshire.

4.7 It is considered that in view of the proposed new access legislation, any changes to the present system which offer better protection to the habitats and wildlife of East Ayrshire is welcomed. The proposed changes and amendments in the 'Nature of Scotland' document offers this added protection while still addressing the needs of communities and land managers and the proposed access legislation and SSSI reforms should therefore complement each other in the main. However, such comments also have to be considered in the context of the proposed Draft Scottish Outdoor Access Code. In the report by the Director of Development Services on the above Code, considered by this Committee on 24 April 2001, the potential planning implication of the possible identification of Core Path Networks through or adjacent to sensitive nature conservation sites where there may be no feasible alternative routes, was raised. This may possibly become a significant future issue in reconciling nature conservation with the need for public access.

5. LEGAL IMPLICATIONS

5.1 There are no direct legal implications for the Council in the proposals as the legal powers put forward would be vested in SNH and there is no onus on Councils to enter into formal management of SSSIs.

6. FINANCIAL AND PERSONNEL IMPLICATIONS

6.1 There are no immediate financial or personnel implications for the Council. However, if the Council is to have more say in designation and management of SSSIs as referred to in Section 3 above there may be a workload implication for both the Department of Community Services and the Department of Development Services.

6.2 The proposals would provide increased resources for management of SSSIs. These funds would be provided by the Government under the Rural Stewardship Scheme and would not require a funding contribution from Local Authorities.

7. RECOMMENDATIONS

7.1 It is recommended that the Committee homologates the provisional response already made to the Scottish Executive Environment Group Wildlife and Habitats by the Head of Planning and Building Control as outlined in Section 4 above.

Stephen Chorley
Director of Development Services and
Bill Stafford
Director of Community Services

29 May 2001
(JT/MMM)
(FV/AN)

LIST OF BACKGROUND PAPERS

1. 'The Nature of Scotland', A Policy Statement – Scottish Executive (March 2001).
2. Report by Director of Development Services to Development Services Committee, 24 November 1998 – People and Nature – A New Approach to SSSI Designations in Scotland.
3. 'People and Nature' – Consultation Paper – The Scottish Office (September 1998).

For further information on the contents of this report contact Julian Thorp, Planning Officer. Tel 01563 57(6789).

Implementation Officer: Julian Thorp

APPENDIX 1

SYNOPSIS OF THE MAIN PROVISIONS OF 'THE NATURE OF SCOTLAND' DRAFT POLICY STATEMENT

'The Nature of Scotland' sets out the Scottish Executive's general proposals in relation to its preferred arrangements for potential future protection and management of statutory nature conservation sites. These general proposals are,

- SSSIs should remain at the heart of our system of protecting Scotland's natural heritage, in a way that respects both the importance of the natural features they protect and the sustainable development which rural communities depend on.
- SNH should have the power to notify new SSSIs or de-notify existing sites which no longer meet the selection criteria.
- there should be a stronger voice for Local Authorities and local communities in the designation and management of SSSIs commensurate with the need to protect such sites and respect the rights of owners and occupiers of land.
- when new SSSIs are notified SNH will consult the owners and occupiers of the site, Local Authorities, Community Councils and other specified stakeholders about the proposal.
- there will be increased resources to provide incentives for the positive management of SSSIs by their owners or occupiers, so that more land managers should benefit from owning an SSSI.
- compensation payments to reward people for not undertaking new projects which damage SSSIs will be ended. However, owners or occupiers of land will be compensated if the established management of the land has been altered to protect an SSSI.
- when considering management of sites SNH will be under a statutory duty to take account of the interests of local communities and of owners and occupiers of land.
- subject to an independent appeals mechanism SNH will be able to refuse consent for certain operations to ensure effective protection of SSSIs. The appeals body should consider whether there is an overriding public interest in an operation going ahead where it would damage an SSSI.
- there should be powers to ensure that land is managed in a way which secures its conservation interest including imposition of Land Management Orders and stiffer penalties for deliberate damage to SSSIs.

- SNH will do more to promote SSSIs as Scotland's most special natural places.
- SNH propose to introduce legislation to ensure the effective deterrence, detection and punishment of wildlife crime.

AGENDA