



## ***National Planning Policy Guidelines. NPPG 14: Natural Heritage***

ISBN 0-7480-7997-1

Publisher The Scottish Office

### ***contents***

#### ***Introduction***

#### ***Policy Context***

#### ***Scottish Natural Heritage***

#### ***Natural Heritage and Land Use Planning***

#### ***Landscape Protection and Enhancement***

#### ***Protection of Species and Habitats***

#### ***Enjoyment and Understanding of the Natural Heritage***

#### ***Statutory Designations***

#### ***National Designations***

#### ***International Designations***

#### ***The Wider Natural Heritage***

#### ***Trees and Woodlands***

#### ***Lochs, Ponds, Watercourses and Wetlands***

#### ***Environmentally Sensitive Areas***

#### ***Regional and Local Designations***

#### ***Action Required***

#### ***Development Plans***

#### ***Development Control and Implementation***

#### ***The Precautionary Principle***

#### ***Environmental Assessment***

#### ***Other Relevant Guidance and Advice***

#### ***Notes***

#### ***References***

#### ***Glossary of Terms***

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## NPPG 14: Natural Heritage

### *planning series:*

- **National Planning Policy Guidelines (NPPGs)** provide statements of Government policy on nationally important land use and other planning matters, supported where appropriate by a locational framework.
- **Circulars**, which also provide statements of Government policy, contain guidance on policy implementation through legislative or procedural change.
- **Planning Advice Notes (PANs)** provide advice on good practice and other relevant information.

Statements of Government policy contained in NPPGs and Circulars may, so far as relevant, be material considerations to be taken into account in development plan preparation and development control.

### *introduction*

1. This National Planning Policy Guideline (NPPG) gives guidance on how the Government's policies for the conservation and enhancement of Scotland's natural heritage should be reflected in land use planning. In this context, Scotland's natural heritage includes its plants and animals, its landforms and geology, and its natural beauty and amenity. Natural heritage embraces the combination and interrelationship of landform, habitat, wildlife and landscape and their capacity to provide enjoyment and inspiration. It therefore encompasses both physical attributes and aesthetic values and, given the long interaction between human communities and the land in Scotland, has important cultural and economic dimensions.

#### 2. The NPPG:

- sets out national planning policy considerations in relation to Scotland's natural heritage;
- summarises the main statutory obligations in relation to the conservation of natural heritage;
- explains, as part of a wider framework for conservation and development, how natural heritage objectives should be reflected in development plans;
- describes the role of the planning system in safeguarding sites of national and international importance;
- provides guidance on the approach to be adopted in relation to local and non-statutory designations; and
- draws attention to the importance of safeguarding and enhancing natural heritage beyond the confines of designated areas.

The principles and policies set out in the Guideline apply to urban as well as rural areas. Several key elements of the evolving national policy framework, notably the number and character of National Parks and the future of National Scenic Areas and the SSSI system, are currently under review. There are, however, a wide range of policy matters which can usefully be addressed now. Any changes to the national policy framework arising from the current reviews will be reflected in future revisions of national planning policy guidance.

3. Advice on good planning practice in relation to the conservation and enhancement of Scotland's natural heritage will be contained in an associated Planning Advice Note, *Natural Heritage and Planning*.

### *policy context*

4. At the UN Conference on Environment and Development held in Rio in 1992, the United Kingdom signed the Biodiversity Convention, which requires that the components of the Earth's biological diversity should be used in ways which do not lead to their decline. The commitments contained in the Convention are reflected in the UK and Scottish programmes for sustainable development which accord the planning system an important role in the protection of the natural environment and the maintenance of biodiversity. Practical measures designed to safeguard biodiversity are set out in the [UK Biodiversity Action Plan<sup>1</sup>](#) and the [Report of the UK Steering Group on Biodiversity<sup>2</sup>](#). In Scotland, the Scottish Biodiversity Group is taking these forward in conjunction with local authorities, non-governmental organisations and local communities.

5. As part of its commitment to sustainable development, the Government is concerned to ensure that the natural heritage is conserved and enhanced for the benefit of present and future generations. It is also committed to an integrated approach to development which recognises that the environmental, economic and social dimensions of life are intimately inter-related and equally important. It considers that new development can play an important role in securing environmental improvements and wishes to ensure that the conservation and enjoyment of the natural heritage bring benefits to local communities and provide opportunities for social and economic progress. However, it also recognises that, in some cases, the need to protect the natural heritage will necessitate refusing permission for development which might otherwise have offered short-term benefits.

### ***statutory framework***

Successive Governments since 1949 have developed a framework of statutory measures designed to safeguard the natural heritage, using both conservation and planning legislation. The main elements of that framework are as follows:

- **The National Parks and Access to the Countryside Act 1949** introduced the concept of National Nature Reserves (NNRs) and Sites of Special Scientific Interest (SSSIs) - important for their flora, fauna, geology or landform features - and conferred powers on local authorities to establish Local Nature Reserves (LNRs);
- **The Countryside (Scotland) Act 1967** strengthened the powers conferred under the 1949 Act and imposed on every public body a duty to have regard to the desirability of conserving the natural heritage of Scotland in the exercise of their functions relating to land;
- **The Wildlife and Countryside Act 1981** strengthened the protection accorded to SSSIs, provided additional safeguarding for particular types of area, and restricted the killing, taking from the wild and disturbance of various species;
- **The Natural Heritage (Scotland) Act 1991** established Scottish Natural Heritage and charged it with responsibility for protecting, enhancing and facilitating the enjoyment of Scotland's natural heritage.
- **The Town and Country Planning (Scotland) Act 1997** consolidated the statutory framework for the control of development. It requires that development plans include measures for the conservation of natural beauty and amenity and the improvement of the physical environment.

6. Within this wider framework for sustainable development, the Government's objectives for Scotland's natural heritage are to conserve, safeguard and, where possible, enhance:

- the overall populations and natural ranges of native species and the quality and range of wildlife habitats and ecosystems;
- geological and physiographical features;
- the natural beauty and amenity of the countryside and the natural heritage interest of urban areas; and
- opportunities for enjoying and learning about the natural environment.

7. The above objectives can best be realised through close co-operation and partnership between public agencies, local communities and the private and voluntary sectors. They should be taken into account in all land use planning activities, and reflected in both development plans and development control decisions.

### ***scottish natural heritage***

8. Scottish Natural Heritage (SNH) is the agency responsible for advising central and local government on all aspects of Scotland's natural heritage. The general aims and purposes of SNH, specified in the Natural Heritage (Scotland) Act 1991, are to:

- secure the conservation and enhancement of the natural heritage, including its flora and fauna, geological and physiographical features, and its natural beauty and amenity;
- foster the understanding and appreciation of the natural heritage; and
- facilitate the enjoyment of natural heritage through the development of appropriate access arrangements, recreation provision and interpretative facilities.

The Act obliges SNH to seek to ensure that anything done in relation to the natural heritage, whether by SNH or anyone else, is undertaken in a sustainable manner. The agency has a statutory role in development plan preparation and development control and can advise planning authorities and others on a wide range of natural heritage issues.

### ***natural heritage and land use planning***

9. Attractive and ecologically rich environments, where the natural heritage is valued and cherished, are essential to social and economic well-being. A key role of the planning system is to ensure that society's land requirements in terms of housing, economic activity, transport infrastructure and recreation are met in ways which do not erode environmental capital. The protection of natural heritage may sometimes impose constraints on development. However, conservation and development can often be fully compatible and, with careful planning, the potential for conflict can be minimised. Scotland's natural heritage is important to us all, both for its intrinsic environmental value and because of the opportunities for social and economic development which it offers. Local communities and their economic activities have an essential part to play in maintaining and enhancing the environment, and the Government is committed to ensuring that the natural heritage is safeguarded in ways which recognise their role.

10. The Government is also concerned to maximise the environmental benefits of economic and social investments. Past industrial activity and poor land use practices have caused environmental damage over significant areas of Scotland. In both urban and rural areas, new development can offer valuable opportunities to restore and enhance our natural heritage through land rehabilitation, landscaping and the creation of new or improved habitats. However, such improvements can never offer adequate compensation for the loss of habitats which have developed by natural processes over many hundreds of years.

### ***Landscape Protection and Enhancement***

11. Scotland is fortunate in having a rich diversity of landscapes. Many areas, for example in the Highlands and Islands, possess mountain and coastal landscapes which are valued nationally and internationally for their quality, extensiveness and wild land character. Other landscapes, such as the rolling Border hills, the open plains of Moray, Buchan and Berwickshire, the rich farmlands of Angus, Kincardineshire and East Lothian, and the exposed moorlands of Caithness, contribute powerfully to regional identity and quality of life. Upland ranges such as the Kilpatricks, Pentlands and Sidlaws provide the landscape settings for our towns and cities and, at a more local level, the interplay of features such as hills, watercourses, lochs, woodlands and shorelines makes an important contribution to environmental quality and a sense of place.

12. Our landscapes are also important in cultural terms. They carry the imprint of human activity over many generations and continue to evolve in response to changes in land use and management. It is often the relationship between buildings, cultural features and the natural environment which gives an area its particular identity and character. In 1987 the Countryside Commission for Scotland and the Historic Buildings and Monuments Directorate of the Scottish Development Department jointly commissioned the preparation of an Inventory of Gardens and Designed Landscapes in Scotland. The gardens and designed landscapes included in the Inventory are of importance in terms of their scenic quality and historic interest and often contain valuable wildlife habitats and other features of natural heritage interest. The National Planning Policy Guideline on *Archaeology and Planning* (NPPG 5) sets out Government policy on how archaeological remains should be handled under the planning system. A NPPG on the *Historic Environment* will be published in 1999.

13. The Government's commitment to the protection and enhancement of the landscapes of Scotland is reflected in a wide range of policies and initiatives. For example, its support for National Parks in part reflects a commitment to safeguarding landscapes of international importance. Green Belt and "countryside around towns" policies play an important role in protecting the landscape settings of our cities and towns. In collaboration with local authorities, SNH, the Forestry Commission and others, the Central Scotland Countryside Trust is promoting the Central Scotland Forest which will, over time, substantially improve the landscape between Edinburgh and Glasgow. Other important landscape improvement schemes are underway in the countryside around many of our towns and cities. While much has been done in recent years to restore landscapes damaged by past industrial activities, planning policies have an important role to play in encouraging the further enhancement of landscapes close to where people live and work.

14. In collaboration with local authorities, SNH has completed Landscape Character Assessments for the whole of Scotland. These assessments can provide valuable local guidance on the capacity of the landscape to accommodate new development and some planning authorities have already begun to make use of them in policy development and development control casework.

15. The varied landscapes of Scotland are an essential and much valued component of our natural heritage and the Government's objectives in relation to their protection and enhancement should be reflected in development plans and planning decisions. The scale, siting and design of new development should take full account of the character of the landscape and the potential impact on the local environment. Particular care is needed in considering proposals for new development at the edge of settlements or in open countryside. Further advice on these matters is contained in the Planning Advice Notes on the *Siting and Design of New Housing in the Countryside* and *Fitting New Housing Development into the Landscape* (PANs 36 and 44).

16. The most sensitive landscapes may have little or no capacity to accept new development. Some of Scotland's remoter mountain and coastal areas possess an elemental quality from which many people derive psychological and spiritual benefits. Such areas are very sensitive to any form of development or intrusive human activity and planning authorities should take great care to safeguard their wild land character. This care should extend to the assessment of proposals for development outwith these areas which might adversely affect their wild land character.

### ***Protection of Species and Habitats***

17. A wide range of wild animals and plants are protected under the Wildlife and Countryside Act 1981. The deliberate killing, injury or taking of protected species, or damage, destruction or obstruction of places used by such species for shelter or protection is an offence under the Act unless the action is the incidental result of a lawful action and could not reasonably be avoided. The Act makes specific provision for planning authorities to make orders prohibiting the removal or disturbance of areas of limestone pavement which SNH has notified to be of special natural heritage interest. The European Community Habitats and Birds Directives provide additional protection for species and habitats and planning authorities should also be aware of the requirement under the Protection of Badgers Act 1992 to obtain a licence from SNH where development would result in interference with a badger sett.

18. The UK Biodiversity Action Plan sets national targets for the conservation of biodiversity and in Scotland the Scottish Biodiversity Group is promoting the preparation of Local Biodiversity Action Plans (LBAPs) as a means of identifying priorities for action at the local level. LBAPs are generally prepared by partnerships of public bodies, local organisations and communities. While there is no statutory obligation on any organisation to become involved in the preparation of a LBAP, many local authorities are participating actively in the process, with their planning staff often playing an important co-ordinating role. Planning authorities can make an important contribution to the achievement of biodiversity targets by adopting policies which promote and afford protection to species and habitats identified as priorities in LBAPs.

19. Past development has sometimes led to the fragmentation or isolation of habitats, substantially reducing their ecological value. Planning authorities should seek to prevent further fragmentation or isolation and identify opportunities to restore links which have been broken. A strategic approach to natural heritage planning, in which wildlife sites, landscape features and other areas of open space are linked together in an integrated habitat network, can make an important contribution to the maintenance and enhancement of local biological diversity. Further guidance on this subject is given in the section on *The Wider Natural Heritage* ([paragraphs 48 and 49](#)).

20. The presence of a protected species or habitat is a material consideration in the assessment of development proposals. Planning authorities should take particular care to avoid harm to species or habitats protected under the 1981 Act or European Directives, or identified as priorities in the UK Biodiversity Action Plan.

### ***Enjoyment and Understanding of the Natural Heritage***

21. The natural heritage is enjoyed both for its intrinsic value and as a setting for open-air recreational and educational activities which depend on its qualities. Many of the direct benefits which accrue to rural communities from the natural heritage come from economic activities dependent on day-trip visitors or tourism. Good provision for open-air recreation and access to the natural heritage also benefits the nation indirectly through less quantifiable benefits in terms of health and quality of life. Regional and Country Parks play a valuable role in providing opportunities for urban populations to gain access to attractive areas of countryside for recreation and enjoyment of the natural heritage. Green open space in and around our towns and cities makes it possible for people to maintain daily contact with the natural world and offers opportunities for local communities to play an active part in caring for the environment.

22. Planning authorities should seek to identify opportunities for promoting the enjoyment and understanding of the natural heritage which are compatible with its conservation. Guidance on how this may be done has been prepared by [SNH](#).<sup>3</sup>

[Contents](#)

[Next](#)



## ***NPPG 14: Natural Heritage***

### ***statutory designations***

23. Many areas which are important for their natural heritage value have been designated under the statutes and international conventions outlined in the boxes on pages 6 and 12. Natural heritage designations have a key part to play in conserving and enhancing environmental assets, and the status they confer can offer opportunities for sustainable economic and social development. Designation does not imply a prohibition on development. Sites are designated for a variety of different purposes, and development proposals require to be assessed for their effects on the natural heritage interests which the designation is intended to protect. The present suite of natural heritage designations is outlined below.

#### ***National Designations***

24. Natural heritage designations of national importance include all National Scenic Areas, Sites of Special Scientific Interest and National Nature Reserves. They will also include the proposed Loch Lomond and the Trossachs National Park and any other National Parks established by the Scottish Parliament. It is Government policy to safeguard designated sites of national importance and ensure that their important natural heritage features are conserved and, where appropriate, enhanced by positive management.

25. The presence of a national natural heritage designation is an important material planning consideration. This does not mean that development is precluded by the presence of such a designation. Proposals require to be assessed for their effects on the interests which the designation is designed to protect. **Development which would affect a designated area of national importance should only be permitted where:**

- **the objectives of designation and the overall integrity of the area will not be compromised; or**
- **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.**

#### ***National Scenic Areas***

26. National Scenic Areas (NSAs) are areas which are nationally important for their scenic quality. They were established by Order of the Secretary of State in 1981 under planning legislation. The 40 NSAs were identified by the Countryside Commission for Scotland and are defined in its publication, *Scotland's Scenic Heritage*, as areas of "national scenic significance... of unsurpassed attractiveness which must be conserved as part of our national heritage". SNH requires to be consulted on certain categories of development within NSAs and permitted development rights are more limited than elsewhere. The stricter development control regime which applies in NSAs is described in SDD Circulars 20/1980 and 9/1987. Planning authorities should take particular care to ensure that new development in or adjacent to a NSA does not detract from the quality or character of the landscape. They should also ensure that the scale, siting and design of such development are appropriate and that the design and landscaping are of a high standard. The views of the Royal Fine Art Commission for Scotland should be sought on proposals for potentially prominent developments within NSAs.

27. The Government has asked SNH to review the current selection of NSAs and advise on what changes might be desirable. SNH has also been asked to consider the form of protection which a new landscape designation could afford and put forward proposals for public consultation. Any proposals for new legislation will be for the Scottish Parliament to consider.

#### ***Sites of Special Scientific Interest***

28. Sites of Special Scientific Interest (SSSIs) are defined in the Wildlife and Countryside Act 1981 as areas of land or water which, in the opinion of SNH, are of special interest by reason of their flora, fauna or geological or physiographical features. SNH has a statutory duty to notify and seek appropriate protection for such sites which are identified in accordance with guidelines developed and applied on a Great Britain basis. SSSIs provide the foundation for a range of additional natural heritage designations, including Natura 2000 areas and National Nature Reserves. They are therefore at the core of national and international arrangements for the protection of species, habitats and geological or geomorphological features.

29. Planning authorities are required to consult SNH when determining an application for a development which might affect a SSSI. Authorities should bear in mind that sites can be affected by developments some distance away.

30. In September 1998, the Government issued a consultation paper setting out proposals for changes to the SSSI system in Scotland. Any legislative changes will be the responsibility of the Scottish Parliament.

### ***National Nature Reserves***

31. National Nature Reserves (NNRs) are areas considered to be of national importance for their nature conservation interest which are managed as nature reserves. They are declared under the National Parks and Access to the Countryside Act 1949 and may either be owned or leased by SNH or managed by the owners and occupiers under a Nature Reserve Agreement. As a consequence of their national importance, all NNRs are also SSSIs.

32. In 1997, following a review by SNH, the Government agreed that SNH should introduce a revised policy on NNRs which gives them a continuing function, separate from that of SSSIs. This underlines their role as exemplars for positive land management where conservation and enhancement of the natural heritage is the prime aim. It also accords many of them a role in increasing public awareness of the natural heritage objectives and providing opportunities for scientific research.

### ***National Parks***

33. The Government supports the establishment of a National Park for Loch Lomond and the Trossachs. It also believes that a National Park should probably be created in the Cairngorms and has asked SNH to identify other areas which could benefit from National Park status in order to prepare the way for legislation by the Scottish Parliament. While conservation of the natural heritage will be a key objective in any National Park, the Government considers that due weight must also be given to the social and economic interests of local communities. SNH has been asked to advise on appropriate organisational structures and management strategies and to prepare proposals on the powers required in each area. In the meantime, planning authorities should take particular care to safeguard the landscape, flora and fauna of Loch Lomond and the Trossachs and the Cairngorms.

### ***Natural Heritage Areas***

34. Under the Natural Heritage (Scotland Act) 1991, SNH may recommend to the Secretary of State that an area which is of outstanding value to the natural heritage of Scotland and for which special protection measures are appropriate be designated as a Natural Heritage Area (NHA). NHAs share many of the objectives of National Parks and have, in the past, been seen as alternatives to them. While none have been designated, the Cairngorms Partnership was established to test the applicability of the designation to that area. As the Government now supports the introduction of National Parks, it is unlikely that any NHAs will be designated, although final decisions on these matters will be for the Scottish Parliament.

### ***International Designations***

#### ***international obligations***

The Government recognises that effective conservation of our natural heritage cannot depend solely on national action. It therefore attaches great importance to the various international obligations it has assumed in relation to the protection of the natural environment. The principles agreed at the Earth Summit in Rio are referred to in paragraph 4. Other key international obligations are set out below.

- **The Ramsar Convention on Wetlands of International Importance, especially as Waterfowl Habitat** (Cm 6464) requires the conservation of wetlands, especially sites listed under the Convention.
- **The EC Council Directive on the Conservation of Wild Birds** (79/409/EC) (the Birds Directive) provides for the protection of all wild birds and their habitats within the European Community. It requires Member States to take measures to preserve a sufficient diversity of habitats for all species of wild birds naturally occurring within their territories in order to maintain populations at ecologically sound levels, and to take special measures to conserve the habitats of rare and migratory species.
- **The EC Council Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora** (92/43/EC) (the Habitats Directive) contributes to the conservation of biodiversity by requiring Member States to take measures to maintain or restore the conservation status of natural habitats or species across the territory of the Community.
- **The EC Council Directives on the Assessment of the Effects of certain Public and Private Projects on the Environment** (85/337/EC and 97/11/EC) require environmental assessment to be carried out before a decision is taken on whether development consent should be granted for certain types of project likely to have significant environmental effects.

### ***Ramsar Sites***

35. Ramsar sites are designated under the Convention on Wetlands of International Importance, especially as Waterfowl Habitat, which was signed in the Iranian town of Ramsar in 1971. The application of the Ramsar site label to an SSSI indicates that it is a wetland site of international importance, usually because of its value to migratory birds.

### ***Special Protection Areas***

36. Special Protection Areas (SPAs) are classified by the Secretary of State under the EC Birds Directive. Potential SPAs are identified by SNH for the purpose of protecting the habitats of rare, threatened or migratory bird species. SPAs are classified by the Secretary of State following consultations with owners, occupiers and other local interests which are carried out on his behalf by SNH.

### ***Special Areas of Conservation***

37. Special Areas of Conservation (SACs) are designated by the Secretary of State under the EC Habitats Directive. They are intended to play a key role in ensuring that rare, endangered or vulnerable habitats and species of Community interest are either maintained at or restored to a favourable conservation status. SNH has been given responsibility for identifying potential SACs in accordance with scientific criteria laid down in Annex III of the Directive.

38. Extensive consultations at national and local level are being undertaken by The Scottish Office and SNH before the Government decides on which sites to propose to the European Commission as candidate SACs. A definitive list of sites is due to be agreed with the Commission in 1998 and all sites require to be designated by 2004.

### ***Natura 2000 Areas***

39. Under the Habitats Directive, SPAs and SACs are together intended to form a Community-wide network of protected areas designed to maintain or restore the distribution and abundance of species and habitats of Community interest, to be known as Natura 2000. They are identified for the purposes of protecting those habitats and species within the EU which are endangered, vulnerable, rare or otherwise require special attention. Many areas qualify for both SPA and SAC designation and the protection regime which applies to SACs designated under the Habitats Directive applies also to SPAs classified under the Birds Directive. The Government has also decided as a matter of policy to accord both potential SPAs and SACs and sites which qualify for designation only under the Ramsar Convention the same level of protection.

40. The Conservation (Natural Habitats &c.) Regulations 1994 place a statutory duty on planning authorities to meet the requirements of the Habitats Directive. Detailed advice on the requirements of the Directive is contained in SOEnD Circular 6/1995. The Regulations require that where an authority concludes that a development proposal unconnected with natural heritage management is likely to have a significant effect on a Natura 2000 area, it must undertake an appropriate assessment of the implications for the conservation interests for which the area has been designated. Guidance on the assessment of proposals affecting Natura 2000 areas is set out in Appendix A of Annex D to Circular 6/1995. In cases where an assessment of the proposal is also required under the Environmental Assessment (Scotland) Regulations 1988, authorities should ensure that the environmental statement prepared in respect of the proposal meets the requirements of both sets of regulations.

41. As the Directive requires the protection of the interests for which the area has been designated, the need for appropriate assessment extends to proposed developments outwith the boundary of the designated area. Authorities should consult SNH if they are in any doubt about whether a development outside a Natura 2000 area could have a significant effect on it.

**42. A development which would have an adverse effect on the conservation interests for which a Natura 2000 area has been designated should only be permitted where:**

- **there is no alternative solution; and**
- **there are imperative reasons of over-riding public interest, including those of a social or economic nature.**

**Where a priority habitat or species (as defined in Article 1 of the Habitats Directive) would be affected, prior consultation with the European Commission is required unless the development is necessary for public health or safety reasons.**

43. The Secretary of State must be notified if an authority proposes to permit a development which would have an adverse effect on a Natura 2000 area.

44. It is important to recognise that the Habitats Directive does not impose a general prohibition on development in or adjacent to Natura 2000 areas. Many wildlife species and habitats readily co-exist with human activity, and they may well rely upon it. Thus, for the most part, uses which have continued sustainably over many years, and may have contributed to the high conservation value for which the area is recognised, will accord with the aims of the Directive and may continue unchanged. Moreover, proposals for new development need to be assessed for their impact on the interests protected. Assessment may indicate that there would be no adverse effects on these interests.

45. While planning control does not extend below the low water mark, the SAC designation may be applied to marine habitats and both existing and potential SPAs and SACs include a number of estuarine and other coastal areas. Planning authorities will have a role in the protection of marine and coastal Natura 2000 areas in situations where a land-based development might have a significant effect on the natural heritage interests for which the area has been designated. The proposed management arrangements for marine Natura 2000 areas are described in the National Planning Policy Guideline on *Coastal Planning* (NPPG 13).

### ***the wider natural heritage***

46. Our natural heritage is not confined to the various designated areas described above but is found throughout the countryside, in coastal areas and in many urban locations. Species protected under the 1981 Act or European Directives or identified as priorities in the UK Biodiversity Action Plan may be found in many places not notified as SSSIs. The accessible and familiar natural heritage of our urban open spaces makes a valuable contribution to local identity and the quality of life. Environmental quality is increasingly a key consideration in industrial and business investment decisions and natural heritage plays an important part in the economic life of many rural communities.

47. Planning authorities should seek to safeguard and enhance the wider natural heritage beyond the confines of nationally designated areas. The effect of a development proposal on the natural heritage can be a material consideration whether or not a designated area is likely to be affected, though the level of protection afforded to natural heritage interests outwith designated areas will not normally be as high as that afforded to sites of national or international importance.

48. Article 10 of the Habitats Directive requires Member States to encourage the appropriate management of features of the landscape which are of major importance for wild flora and fauna with a view to complementing and improving the ecological coherence of the Natura 2000 network. The features concerned are those which, because of their linear and continuous structure or their function as "stepping stones" or "wildlife corridors", are essential for migration, dispersal or genetic exchange. Beyond the specific requirements of Article 10, the development of networks of statutory and non-statutory sites and the landscape features which provide links from one habitat to another can make an important contribution to the conservation and enhancement of biodiversity and the quality of the local environment. LBAPs are valuable tools for actively involving local communities in the development and management of habitat networks.

49. Features which may be of value in the development of habitat networks include areas of woodland, rivers and burns, lochs, ponds and wetlands, traditional field boundaries such as dykes or hedgerows, unimproved grasslands and herb-rich meadows, heaths and peatlands and coastal habitats. The following paragraphs provide further guidance in relation to trees and woodlands and lochs, ponds, watercourses and wetlands, where there is particular scope for the planning system to play a role in conservation and enhancement.

### ***Trees and Woodlands***

50. Trees and woodlands are of great importance, both as wildlife habitats and in terms of their contribution to landscape character and quality, and hedgerows and shelterbelts are important features of the landscape in some parts of the country. Significant areas of Scotland have suffered environmental degradation as a result of progressive deforestation and past industrial activity and the expansion of woodland cover can make an important contribution to their rehabilitation. Planting with native species and the encouragement of natural regeneration can often offer the greatest benefits in terms of the natural heritage.

51. Planning authorities should seek to protect trees, groups of trees and areas of woodland where they have natural heritage value or contribute to the character or amenity of a particular locality. Ancient and semi-natural woodlands have the greatest value for nature conservation. In relation to commercial woodlands, authorities should make realistic allowance for rotation cycles and the requirements of management.

52. Opportunities should be taken to secure new woodland planting in development schemes. Under Section 159 of the Town and Country Planning (Scotland) Act 1997 planning authorities have a duty to ensure that, whenever appropriate, planning permissions make adequate provision for the preservation or planting of trees. Where development involves the loss of trees, permission should normally be conditional on a replanting scheme with trees of appropriate species in appropriate numbers.

53. Section 160 of the 1997 Act makes provision for authorities to safeguard trees or woodlands by means of Tree Preservation Orders (TPOs) where this appears expedient in the interests of amenity. TPOs can provide an effective means of protecting isolated trees, copses or groups of trees associated with buildings. However, given that management is likely to be an important consideration in maintaining the amenity value of trees and woodland, authorities should consider whether the conclusion of a management agreement would be appropriate, particularly where larger areas of woodland are involved (see paragraph 78). They should also work closely with the Forestry Commission, which may be able to offer grant aid for positive management. Further advice on TPOs is contained in SDD Circular 31/1981.

54. Indicative forestry strategies assist in the identification of suitable areas for new forestry planting, identify environmental sensitivities which may impose constraints on new planting, and provide a framework for local authority responses to consultations on forestry grant scheme proposals. Authorities should ensure that indicative forestry strategies seek to safeguard and enhance landscape character; protect existing woodlands and other areas of natural heritage value; and identify opportunities to extend native woodland cover, particularly where this creates or reinforces links between wooded areas. Relevant planning authorities in the Central Belt should work together with the Central Scotland Countryside Trust to ensure that their development plans, indicative strategies and development control decisions contribute positively to the development of the Central Scotland Forest. The Government intends to issue a revised Circular on indicative forestry strategies shortly.

### ***Lochs, Ponds, Watercourses and Wetlands***

55. Lochs, ponds, watercourses and wetlands are often both valuable landscape features and important wildlife habitats, and planning authorities should seek to safeguard their natural heritage value within the context of a wider framework of water catchment management. The Government is currently giving consideration to the legislation and institutional arrangements necessary to implement the EC Water Framework Directive which will require member states to establish formal water catchment management regimes.

56. Developers should be encouraged to incorporate existing ponds, watercourses or wetlands as positive environmental features in development schemes, and to identify suitable opportunities for creating new water or wetland features. They should generally be encouraged to seek alternatives to extensive culverting or canalisation, as these greatly reduce the ecological and amenity value of watercourses and culverting can also increase the risk of flooding. Opportunities should be taken to restore culverted or canalised watercourses in redevelopment and land rehabilitation schemes.

57. SNH can provide expert advice on the conservation and enhancement of riparian habitats and the ecological aspects of water catchment management. Advice on the hydrological aspects of catchment management can be obtained from the Scottish Environment Protection Agency (SEPA). Further guidance on planning and catchment management is contained in the National Planning Policy Guideline on *Planning and Flooding* (NPPG 7).

### ***Environmentally Sensitive Areas***

58. The Government currently designates areas of land as Environmentally Sensitive Areas (ESAs) as part of the Agri-Environment Programme in order to allow farmers and crofters access to payments for maintaining or adopting environmentally-friendly land management practices. Designation of land as an ESA does not affect its status in terms of national planning policies or the level of control exercised over development. ESAs are frequently extensive and often include land designated as being of high value nationally in terms of natural heritage. They may also include areas or features which are identified independently in development plans as being important for more local or regional planning purposes, for the protection of landscape character for example. However, the existence of an ESA is not sufficient reason in itself for applying special development plan policies. Any special policies will require to be fully justified in their own right in the normal way. Further guidance on the status of ESAs in planning policy is set out in SODD Circular 17/1997.

59. The Government introduced the Countryside Premium Scheme (CPS) under the Agri-Environment Programme in 1997 to give assistance to environmentally-friendly farming practices outwith ESAs. In June 1998, it announced plans to merge the existing agri-environment schemes in tandem with development of the European Community's Agenda 2000 proposals. The existing suite of schemes will continue to operate until the replacement scheme is brought into operation.

### ***Regional and Local Designations***

60. In addition to the designations of national and international importance described in paragraphs 23 to 45, local authorities and other organisations employ a range of regional or local natural heritage designations, many of which are non-statutory. In terms of land use planning, the most important of these are Areas of Great Landscape Value, Local Nature Reserves and the various designations used in the identification of locally important wildlife sites. Green Belts also play an important role in safeguarding the landscape settings of our major urban centres and can incorporate valuable wildlife habitats.

#### ***regional and local designations***

**Areas of Great Landscape Value (AGLVs)** may be designated by planning authorities for the purpose of safeguarding locally important areas of outstanding scenic character or quality from inappropriate development. Some authorities have also identified areas of regional scenic significance. SDD Circular 2/1962 provides advice on the definition of AGLVs in development plans and the framing of policies for the control of development within them. Its content and purpose are currently being reviewed by SNH as part of its review of NSAs and landscape protection generally.

Local authorities may also designate **Local Nature Reserves (LNRs)** under the National Parks and Access to the Countryside Act 1949, as amended by the Local Government and Planning (Scotland) Act 1982. A LNR is usually declared because of the high natural heritage interest of the site and its particular value for education and informal enjoyment of nature by the public.

**Wildlife Sites:** Planning authorities and the voluntary nature conservation organisations have carried out considerable survey work with the object of identifying sites of local importance for wildlife and securing appropriate conservation management. Such sites, under a variety of titles, are now quite widely identified and accorded a measure of protection in development plans.

**Regionally Important Geological / Geomorphological Sites (RIGS)** are being identified by conservation organisations with the involvement in some cases of local authorities. Such sites can be valuable educationally and supplement sites notified as geological SSSIs.

61. AGLVs and LNRs have established and potentially valuable roles in protecting important local natural heritage interests and the UK Biodiversity Action Plan recognises the part played by non-statutory nature conservation designations in safeguarding biodiversity. However, planning authorities should avoid the unnecessary proliferation of local designations. Where they are considered necessary, authorities should take account of the economic interests and aspirations of local communities, and should ensure that designation does not impose unreasonable restrictions on the ability of people to work or develop their land. AGLVs are being examined by SNH as one of the aspects of the review of National Scenic Areas. SNH will provide advice to planning authorities on proposals for local landscape designations in order to ensure greater consistency in their use. Proposals for LNRs should be endorsed by SNH. Planning authorities should seek the advice of SNH on sites which they propose to designate as local wildlife sites.

62. The titles of local designations should, where possible, conform to the recognised nomenclature set out in the box above, and the purpose of each designation should be clearly defined. Unless there are good grounds for believing that providing details of a particular location could result in damage to its natural heritage interest, sites proposed for local designation should be identified in the context of the plan-making process in order to ensure that they are subject to an appropriate level of consultation. The boundaries of sites should normally be clearly defined on local plan proposals maps and justification should be provided for their selection. A clear distinction should be made between local and national designations in the framing of development plan policies. The level of protection accorded to local designations will be a matter for the planning authority.

[Previous](#)

[Contents](#)

[Next](#)



## ***NPPG 14: Natural Heritage***

### ***action required***

#### ***Development Plans***

63. The development plan should set out the locational policy framework for the protection and enhancement of the natural heritage within the context of an integrated strategy for social, economic and environmental development. It should seek to conserve and enhance the natural heritage in ways which bring benefits to local communities and encourage social and economic progress. Equally, natural heritage considerations should be taken into account in the formulation of development plan proposals.

64. Development plans should provide the policy framework for safeguarding areas of natural heritage value, including designated sites, and the determination of individual planning applications. Policies designed to safeguard natural heritage should indicate the criteria against which development proposals will be assessed.

65. Plans should provide for the protection and enhancement of open space of natural heritage value within the context of an integrated approach to open space planning. In consultation with SNH, authorities should seek to identify opportunities to enhance natural heritage through the development process and to secure economic and social development in association with the conservation and enhancement of natural heritage. They should also seek to identify opportunities to promote responsible public access for enjoyment of the natural environment where this is compatible with its conservation.

66. Planning authorities should gather relevant survey information in relation to natural heritage as part of the plan-making process. Specific advice on the treatment of natural heritage issues in development plans is available from SNH which is currently developing a Scotland-wide suite of natural heritage zones to aid this work. SNH has also published a guidance note on the collection and presentation of information relating to the natural heritage interest within [local authority areas](#).<sup>4</sup> The voluntary sector has developed a wide range of expertise and makes a vital contribution to nature conservation. Bodies such as the Scottish Wildlife Trust and the Royal Society for the Protection of Birds can be a valuable source of information and advice on local natural heritage resources.

67. The Government is committed to active community involvement in the planning process and supports the preparation of LBAPs as a means of engaging communities and organisations in the conservation and enhancement of biodiversity at the local level and enabling local action to contribute to the achievement of [national targets](#).<sup>5</sup> By identifying local needs and aspirations in terms of biodiversity, these plans can provide a valuable input to statutory development plans. The Scottish Biodiversity Group has issued practical guidance on the preparation of [Local Biodiversity Action Plans](#).<sup>6</sup>

68. Where important natural features cross local authority boundaries, authorities should work together to ensure the application of consistent policies for their protection and enhancement.

#### ***Structure Plans***

69. Structure Plans set out general policies and proposals on key strategic issues, taking account of appropriate published national policy guidance and placing particular emphasis on the strength of protection afforded to international and national designations. **They should:**

- **include policies for the protection and, where appropriate, enhancement of areas designated as being of national or international importance for natural heritage, and provide an indication of the broad locations of Natura 2000 areas (including potential SPAs and SACs);**
- **include policies for protecting and enhancing the character of landscapes of regional importance, including any areas of importance for their wild land character;**
- **include policies for the protection and, where appropriate, enhancement of any sites identified as being of regional importance for nature conservation;**
- **provide for the conservation of biodiversity and the protection and enhancement of the natural heritage outwith designated areas; and**
- **identify appropriate strategic opportunities for promoting enjoyment and understanding of the natural heritage.**

Planning authorities should take full account of the implications for natural heritage in considering possible locations for new strategic development. They should also seek to identify strategic opportunities for enhancing the natural heritage and deriving social and economic benefits from it.

70. The Government's natural heritage objectives should be reflected in any indicative forestry strategy incorporated within a structure plan. In particular, indicative forestry strategies should seek to safeguard existing woodlands of natural heritage value and identify appropriate opportunities for the expansion of native woodland cover ([see paragraph 54](#)).

#### *Local Plans*

71. Planning authorities should ensure that the protection and enhancement of the natural heritage is adequately provided for in local plan policies, placing particular emphasis on the strength of protection afforded to international and national designations. More specifically, within the strategic framework established by the structure plan, **local plans should:**

- **include policies for the protection and, where appropriate, enhancement of all internationally and nationally designated areas and sites (including potential SPAs and SACs);**
- **identify all international, national, regional and local natural heritage designations on the Proposals Map (including potential SPAs and SACs), distinguishing clearly between international or national sites and sites of more local importance;**
- **include policies for any areas identified as being of regional or local importance for the natural heritage and safeguard any landscape features of major importance for nature conservation or amenity;**
- **include policies for the conservation and/or enhancement of landscape character, including, where appropriate, wild land character;**
- **make appropriate provision for Local Nature Reserves and the protection and enhancement of open space of natural heritage value;**
- **indicate the criteria against which a development affecting a natural heritage designation will be assessed;**
- **identify opportunities to extend native woodland cover and to maintain and enhance wetlands;**
- **provide for the conservation of biodiversity and the protection and enhancement of the natural heritage outwith designated areas; and**
- **identify appropriate opportunities to improve public access for the purposes of enjoying and learning about the natural heritage.**

The areas to which natural heritage policies apply should be clearly identified on local plan proposals maps.

72. Planning authorities should seek the views of local communities and organisations on landscape and nature conservation. Local plans should identify specific opportunities for enhancing the natural heritage and creating new and improved "green corridors" and other appropriate linkages between individual sites of natural heritage value. They should reflect the priorities identified in LBAPs and take account of any other locally-prepared nature conservation, landscape and open space strategies. Authorities should take account of natural heritage considerations in assessing the suitability of sites for specific local plan proposals.

73. The Government recognises that the application of environmental appraisal techniques in the plan-making process can make an important contribution to the protection and enhancement of our natural heritage. The Secretary of State intends to issue advice on environmental appraisal in development planning in due course. In the meantime, first principles for environmental appraisal in local planning are set out in the Planning Advice Note on *Local Planning* (PAN 49). Assessment of the effects of proposed policies on the natural heritage should be an integral part of any environmental appraisal exercise.

### ***Development Control and Implementation***

74. Planning authorities should have full regard to natural heritage considerations in determining individual applications and contributing to the implementation of specific projects. While in some circumstances it will be necessary to refuse planning permission on natural heritage grounds, authorities should always consider whether environmental concerns could be adequately addressed by modifying the development proposal or attaching appropriate planning conditions. In negotiating over development proposals, authorities should first seek to avoid any adverse effects on the natural heritage. Where this is not possible and other material considerations clearly outweigh any potential damage to the natural heritage, they should endeavour to minimise and mitigate the adverse effects and consider the scope for compensating measures. They should always encourage the retention and enhancement of features of natural heritage interest and seek to avoid the fragmentation or isolation of habitats. Where appropriate, they should also consider the scope for concluding an access agreement.

### ***Conditions and Agreements***

75. Where there is a risk of damage to natural heritage, authorities should consider whether planning conditions or legal agreements might mitigate the impact sufficiently to allow the development to proceed.

76. Conditions can be used to prevent or mitigate adverse effects on the natural heritage or to secure measures directly related to the development which offer positive environmental benefits. They can, for example, be used to require areas to be fenced or otherwise enclosed for their protection or concealment, to restrict operations or uses to specific times of year, or to secure appropriate planting and landscaping. Planning authorities should not refuse planning permission if permission could be granted subject to conditions which would prevent unacceptable damage to the natural heritage, or if other material factors are sufficient to outweigh natural heritage considerations. Further guidance on planning conditions is provided in SODD Circular 4/1998.

77. Where conditions do not appear appropriate to control the use of land, authorities may consider the use of an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997. Planning agreements can, for example, be used to safeguard landscape features of importance to nature conservation or amenity, to secure development of an appropriate character or quality, or to impose obligations in relation to restoration and aftercare after mineral working or waste disposal operations. Further guidance on planning agreements is contained in SODD Circular 12/1996.

78. Where the primary concern relates to land management or access to natural heritage resources, authorities should consider whether mechanisms other than those provided under planning legislation might provide the best means of securing their objectives. Countryside Management Agreements under the Countryside (Scotland) Act 1967 as amended by the Natural Heritage (Scotland) Act 1991 provide a mechanism for securing appropriate management of natural heritage assets. A range of mechanisms under the 1967 Act, including Access Orders, Access Agreements, Public Path Creation Agreements and Section 49a Agreements can be used to secure appropriate access for enjoyment of the natural heritage.

### ***Withdrawal of Permitted Development Rights in Designated Areas***

79. In certain circumstances, a planning authority may consider it necessary to promote a direction under Article 4 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 in order to withdraw permitted development rights in respect of certain classes of development within a designated area. This might be justified as a means of preventing damage to the natural heritage interest of the area by a range of otherwise unregulated works. However, permitted development rights should not be restricted without good reason and clear justification. The objective should be the minimum withdrawal of permitted development rights necessary to achieve conservation objectives.

### ***The Precautionary Principle***

80. While much can be done to mitigate the environmental effects of development through the use of conditions or agreements, there may be instances where the scientific evidence is inconclusive but the potential damage could be significant. In view of the importance of safeguarding biodiversity, the Government is committed to the application of the precautionary principle where there are good scientific grounds for judging that a development could cause significant irreversible damage to our natural heritage. The precautionary approach recognises that our understanding of the effects of human activities on complex living systems remains incomplete and that preventative action may therefore be justified even where the scientific evidence is less than conclusive, particularly where the natural heritage interest has been designated as being of national or international importance.

81. The precautionary principle should be reflected in development plan policies relating to the protection of natural heritage and biodiversity. In exercising their development control function, planning authorities should apply the precautionary principle in circumstances where the impacts of a proposed development are uncertain, but there are good scientific grounds for believing that significant irreversible damage could occur to natural heritage interests of international or national significance. Where it appears that a precautionary approach is justified, careful consideration should be given to whether the proposal might be modified to eliminate the risk of irreversible damage before a decision is reached to refuse planning permission.

82. The precautionary principle should not be invoked to impede development unnecessarily. Where development is constrained on the grounds of uncertainty, efforts should be directed towards commissioning research designed to remove that uncertainty.

### ***Environmental Assessment***

83. The EC Directive on Environmental Assessment (85/337/EC) as amended by Directive 97/11/EC seeks to ensure that where a development is likely to have significant effects on the environment the potential effects are systematically evaluated in a formal environmental statement. The Town and Country Planning Environmental Assessment (Scotland) Regulations 1999 brings the amended directive into force and will supersede the Environmental Assessment (Scotland) Regulations 1988 on 14th March 1999.

84. For any given development proposal, the more environmentally sensitive the location, the more likely it is that environmental effects will be significant and will warrant assessment. Where a project listed in Annex II of the Directive is likely to have significant effects on the special character of a protected area or site an environmental assessment must be carried out. The views of SNH should be sought and taken into account where the planning authority is uncertain about the significance of the likely effects of a project on the natural heritage.

85. Environmental statements prepared under the Regulations must contain information on any likely significant effects on flora, fauna and the landscape, and the interaction between them. SNH is a statutory consultee for environmental statements prepared under the Regulations.

### ***other relevant guidance and advice***

86. This NPPG provides the definitive statement of national planning policy in relation to Scotland's natural heritage and supersedes the guidance relating to NSAs and nature conservation in the earlier National Planning Guidelines (NPG) series. Various other current NPPGs raise or refer to natural heritage as an environmental consideration in planning activities and give guidance on drawing up relevant development plan policies and handling applications affecting sites of natural heritage interest. These include the Guidelines on *The Planning System* (NPPG 1), *Land for Mineral Working* (NPPG 4), *Renewable Energy* (NPPG 6), *Sport, Physical Recreation and Open Space* (NPPG 11), *Skiing Development* (NPPG 12), and *Coastal Planning* (NPPG 13). Future NPPGs will reflect the guidance contained in this Guideline.

87. The Scottish Office Development Department has also issued Planning Advice Notes on the *Siting and Design of New Housing in the Countryside* (PAN 36), *Farm and Forestry Buildings* (PAN 39) and *Fitting New Housing Development into the Landscape* (PAN 44).

## notes

88. Enquiries about the content of this guideline should be addressed to Graeme Purves (0131-244 7533), 2-H91, Victoria Quay, Edinburgh, EH6 6QQ. The NPPG is available on the Scottish Office web site and further copies may be obtained from Kelly Wood (0131-244 7066).

## references

1. *Biodiversity: the UK Action Plan*, CM 2428, HMSO, January 1994. ([BACK](#))
2. *Biodiversity: the UK Steering Group Report*, HMSO, 1995. ([BACK](#))
3. *Countryside Recreation and Access Strategies: Guidance for Local Authorities*, SNH, 1997. ([BACK](#))
4. *Assessing the Natural Heritage Resource*, A Guidance Note for Local Authorities from Scottish Natural Heritage, SNH, 1996. ([BACK](#))
5. *Biodiversity in Scotland: The Way Forward*, Scottish Biodiversity Group, The Scottish Office, 1997. ([BACK](#))
6. *Local Biodiversity Action Plans: A Manual*, Scottish Biodiversity Group, The Scottish Office/COSLA, 1997. ([BACK](#))

## glossary of terms

**Biodiversity:** genetically determined variability amongst living organisms, including the variability within species, between species, and of ecosystems.

**Ecology:** the study of the relationships between living organisms and between organisms and their environment.

**Ecosystem:** a community of interdependent organisms together with the environment they inhabit and with which they interact.

**Fauna:** the animals of a specified area.

**Flora:** the plants of a specified area.

**Geomorphology:** the study and interpretation of landforms.

**Habitat:** the environment in which a species lives at any stage of its life cycle.

**Hydrology:** the study of water systems.

**Physiography:** the description of natural features.

**Precautionary Principle:** the principle that authorities should act prudently to avoid the possibility of irreversible environmental damage in situations where the scientific evidence is inconclusive but the potential damage could be significant.

**Riparian:** relating to a river bank.

**Species:** a group of closely-related organisms sharing constant differences from allied groups.

**Wild Land:** uninhabited and often relatively inaccessible countryside where the influence of human activity on the character and quality of the environment has been minimal.

[Previous](#)

[Contents](#)