



Policy Statement

SNH AND THE TOWN AND COUNTRY PLANNING SYSTEM

Policy Statement No 02/05

SNH is the government body responsible for advising on the care, understanding, enjoyment and sustainable use of all of Scotland's natural heritage. We achieve our objectives largely by influencing the policies, decisions and actions of others. Often we advise individual land managers or private developers, but we also advise bodies responsible for regulating a wide range of activities which affect the natural heritage. **The town and country planning system is one of the most important of these decision-making systems and Scotland's planning authorities are key partners in SNH's work.**

The Role of the Planning System in Achieving SNH's Objectives

Box 1 - Scotland's natural heritage

The natural heritage of Scotland includes its biodiversity, its geology and landforms, and the natural beauty and amenity of its landscapes. Our natural heritage may be found every where. It is not confined to designated areas, or to the special, the vulnerable or the rare. The accessible and familiar landscapes and wildlife which people experience and enjoy from day to day can make an important contribution to their quality of life.

Development is one of many activities which affects the natural heritage and its enjoyment. While new development can often provide opportunities to improve the environment, there is no doubt that poorly located or designed development, or development of an inappropriate nature or scale, can have significant effects on the natural heritage and its enjoyment. The cumulative impacts of individual developments on the natural heritage and its enjoyment also need to be taken into account.

SNH expects the planning system contribute to the care, understanding, enjoyment and sustainable use of the natural heritage by:

- identifying and protecting special natural heritage areas from developments which may significantly damage them;
- contributing to a more environmentally sustainable approach to the long-term maintenance and enhancement of natural processes, ecological systems and biodiversity;
- ensuring that the location, siting, scale and design of all new development respects and where possible enhances the natural beauty and amenity of an area and the essential character of its landscape; and

- enriching people's lives by providing them with opportunities to enjoy the natural heritage, both close to where they live and work and throughout the whole countryside.

This approach is supported by the Government Policy framework set out in NPPG1 *The Planning System*, NPPG 14 *Natural Heritage*, NPPG 11 *Sport, Physical Recreation and Open Space* and NPPG 17 *Transport and Planning*, together with PAN 60 *Planning for Natural Heritage*.

SNH's Involvement in the Planning System

SNH's provides advice on specific development proposals in response to requests from planning authorities, from developers, or from other individuals and organisations. We also work with planning authorities and the Scottish Executive to ensure that the planning policies are developed in ways which maximise opportunities to enhance the care, enjoyment, understanding and sustainable use of the natural heritage. To support this work, we contribute to the preparation of development plans, respond to national planning consultations, undertake planning-related research and meet regularly to discuss planning issues with the Scottish Executive, COSLA, SSDP, RTPI (Scotland), voluntary bodies, developers' organisations and other public agencies.

Planning Authorities refer cases to SNH either because of specific requirements under the General Development Procedure Order (GDPO) (for SSSIs, NSAs, and Historic Gardens and Designed Landscapes), or under Circulars (such as those on the Habitats Regulations, NSAs or Environmental Impact Assessment). In addition, SNH is required to advise planning authorities, if requested, on "any matter arising under the Town and Country Planning (Scotland) Act 1997 which affects the natural heritage of Scotland." (Natural Heritage (Scotland) Act 1991 Section 2(2)). **SNH will therefore respond in at least some way to all requests for advice from planning authorities and others. However, we can and do prioritise the level of time and effort we put into individual responses.**

Box 2 – Planning Protocols with Local Authorities

To improve the effectiveness of its working relationship with planning authorities, SNH has begun to establish protocols or procedural agreements on the handling of planning casework. The main purposes of protocols are:

- to clarify the roles and responsibilities of SNH staff and local authority officials in the planning consultation process;
- to set out the procedures which will be followed by both parties in the handling of planning casework;
- to help maintain quality standards and consistency in SNH's planning casework responses;
- to help prioritise the casework that SNH is involved in; and
- to provide a point of reference for the recording and updating of contact information;

Such an approach is endorsed by the Scottish Executive in PAN 60 *Planning for Natural Heritage*.

As part of its strategic approach to the planning system, SNH places a very high priority on:

- advising local authorities on the content of all development plans (structure and local plans),
- contributing to other relevant statutory plans and informal strategies produced by local authorities; and
- working in partnership with local authorities to undertake systematic assessments of natural heritage resources and to apply strategic environmental appraisal methodologies.

SNH will seek to ensure that development plans and related strategies are consistent with the Government's natural heritage objectives, as set out in NPPG 14, including its international conservation obligations. In addition, we will look to these plans and strategies to contribute positively to the objectives for the care, enjoyment, understanding and sustainable use of the natural heritage which we have set out recently in *Natural Heritage Futures*.

Box 3 - Natural Heritage Futures

Natural Heritage Futures is an attempt by SNH to develop a shared vision of the future of the natural heritage, both locally and nationally. Its main aim is to set out long-term goals for the natural heritage to be pursued by all, which take full account of local social and economic aspirations. Such an approach recognises that future decisions about the natural heritage will be taken collectively by a range of individuals and organisations.

SNH has identified twenty-one areas across Scotland on the basis of their distinctive natural heritage character. For each of these areas, a prospectus has been prepared and consulted widely on. Each prospectus seeks to identify the present trends in the natural heritage of that area, the forces of change acting upon it, and that the opportunities that exist for it to be better cared for and enhanced as part of a 25 year vision for its future management and use. Each prospectus covers one or more local authority areas and will provide useful material to inform the preparation of development plans and other strategies.

Even when the development plan and related strategies are supportive of natural heritage interests, we recognise that development proposals will still come forward on which SNH may want to comment. These could include, for example, development proposals affecting:

- the conservation and recreational interests for which national and internationally designated sites have been established;
- species and habitats listed under the 1981 Wildlife and Countryside Acts, the European Directives, or identified as priorities in the UK Biodiversity Action Plan, and for which national action plans are being prepared and implemented;
- the natural beauty and amenity of our landscapes, the key components contributing to landscape character and the experience of wildness and tranquillity;

- the recreational resources providing access to, and opportunities for enjoyment and understanding of, the natural heritage;
- the achievement of the objectives of local Biodiversity Action Plans, or other locally devised programmes and policies for the natural heritage and its enjoyment which SNH has supported; and
- the functioning of key natural systems and processes which support natural heritage interests.

SNH's Approach to Development

The planning system has always been viewed as a means of facilitating development where its impacts are acceptable. Nowadays, this role is expressed as that of promoting sustainable development. Increasingly crucial to this process is the formal process of Environmental Impact Assessment and the more informal negotiations between planners, developers and other interests aimed at making proposals which were problematic in their original form more acceptable. **SNH will therefore try to get involved as early as possible, to approach discussions constructively, and to seek creative solutions which reconcile natural heritage and social and economic objectives.**

SNH recognises that many developments will have some adverse impacts on natural heritage interests. It is not, however, our policy to try and prevent all change to the natural heritage, but rather to avert the most significant adverse impacts and maximise any benefits. **For each development proposal, our advice is based on the professional judgement we make about the significance of its impacts on natural heritage interests and about whether these impacts can be effectively avoided, mitigated or compensated for. We will also be receptive to the opportunities that development can bring to care for and enhance the natural heritage.** SNH's approach to planning casework is also informed by the balancing and sustainability duties contained in the 1991 Act, and by the precautionary principle.

Box 4 - Key Principles in SNH's Work

Balancing Duties

SNH's balancing duties – and specifically those in relation to supporting social and economic development – influence our approach to planning casework. In coming to a view about a proposal we will assess the importance of the natural heritage issue affected relative to other interests and will take account of our balancing duties in determining SNH's position. In our response to the planning authority, we will also seek to communicate the natural heritage importance of the case as clearly and persuasively as possible, noting where the balancing duties have influenced SNH's position.

Environmental Sustainability

In advising on planning casework, SNH's stance will be grounded in its primary responsibilities for conservation and enjoyment of the natural heritage. However, SNH also has a duty to seek that all things done to the natural heritage of Scotland are done in a sustainable manner. We may therefore also offer comments on any significant impacts of the proposed development on environmental sustainability,

including impacts resulting from increased demand for non-renewable or renewable resources, increases in traffic volumes that contribute to air or water pollution, and on other effects on local and regional environmental quality.

The Application of the Precautionary Principle in Planning Casework

It is SNH policy to apply the precautionary principle in its planning casework. We will, however, only use it as a reason to object to a planning proposal when: the potential impacts of a development are uncertain and there is clear evidence of risk that significant and irreversible damage could be inflicted upon important natural heritage interests. In circumstances when it appears that a precautionary approach may be justified, we will assess how the potential impacts may be mitigated, and whether the impacts of the development can be monitored and the development subsequently modified to reduce or remove impacts, if necessary. If these requirements cannot be met, we will advise against the granting of planning permission.

In responding to consultations by planning authorities, SNH will clearly signal the strength of any concerns it may have. This may extend to the use of the word 'object' when commenting upon development control proposals which would have a significant impact on natural heritage interests that could not be satisfactorily avoided, mitigated or compensated for. To date, SNH has maintained formal objections to only a small proportion of the 1600 or so planning consultations it handles each year. However, when our concerns cannot be adequately addressed, we are prepared to give evidence at a public local inquiry called to examine the merits of the proposed development.

Roles and Responsibilities for Handling Planning Casework in SNH

In most cases, the lead responsibility for planning casework rests with SNH's Area teams, assisted by specialist advisers elsewhere in the organisation. In some cases, advice may also be sought from Areas Board members. The SNH Main Board may also be asked to formally approve SNH's position where, exceptionally, a case raises issues of particular importance from a national perspective.

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