



VALUING THE NATURAL ENVIRONMENT

Scottish Planning Policy (2014):

*The **planning system** should:*

- *facilitate positive change while maintaining and enhancing distinctive landscape character;*
- *conserve and enhance protected sites and species, taking account of the need to maintain healthy ecosystems and work with the natural processes which provide important services to communities;*
- *promote protection and improvement of the water environment, including rivers, lochs, estuaries, wetlands, coastal waters and groundwater, in a sustainable and co-ordinated way;*
- *seek to protect soils from damage such as erosion or compaction;*
- *protect and enhance ancient semi-natural woodland as an important and irreplaceable resource, together with other native or long-established woods, hedgerows and individual trees with high nature conservation or landscape value;*
- *seek benefits for biodiversity from new development where possible, including the restoration of degraded habitats and the avoidance of further fragmentation or isolation of habitats;*
- *support opportunities for enjoying and learning about the natural environment.*

***Development plans** should identify and protect international, national and locally designated areas and sites, including safeguarding the character of areas of wild land and protecting and enhancing woodlands of high nature conservation value. Buffer zones should not be established around areas designated for their natural heritage importance.*

Reasons for local designation should be clearly explained and their function and continuing relevance considered when preparing plans. The level of protection should not be as high as that given to international or national designations. Planning authorities are encouraged to limit non-statutory local designations to areas designated for local landscape or nature conservation value, with a further explanation of the relevant considerations.

Plans should address the potential effects of development on the natural environment, including proposals for major-accident hazard sites and the cumulative effects of incremental changes. They should consider the natural and cultural components together, and promote opportunities for the enhancement of degraded landscapes, particularly where this helps to restore or strengthen the natural processes which underpin the well-being and resilience of communities.

Plans should identify and safeguard the character of areas of wild land as identified on the 2014 SNH map of wild land areas.

Plans should identify woodlands of high nature conservation value and include policies for protecting them and enhancing their condition and resilience to climate change.

***Planning decisions** should reflect the protection afforded to areas and sites of international and national designations.*

The siting and design of development should take account of local landscape character. Development management decisions should take account of potential effects on landscapes and the natural and water environment, including cumulative effects. Developers should seek to minimise adverse impacts through careful planning and design, considering the services that the natural environment is providing and maximising the potential for enhancement.

Planning permission should be refused where the nature or scale of proposed development would have an unacceptable impact on the natural environment. Direct or indirect effects on statutorily protected sites will be an important consideration, but designation does not impose an automatic prohibition on development.

Development that affects a National Park, National Scenic Area, Site of Special Scientific Interest or a National Nature Reserve 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, environmental or economic benefits of national importance.

Planning authorities should apply the precautionary principle where the impacts of a proposed development on nationally or internationally significant landscape or natural heritage resources are uncertain but there is sound evidence indicating that significant irreversible damage could occur. The precautionary principle should not be used to impede development without justification. If there is any likelihood that significant irreversible damage could occur, modifications to the proposal to eliminate the risk of such damage should be considered. If there is uncertainty, the potential for research, surveys or assessments to remove or reduce uncertainty should be considered.

Where peat and other carbon rich soils are present, applicants should assess the likely effects of development on carbon dioxide (CO₂) emissions. Where peatland is drained or otherwise disturbed, there is liable to be a release of CO₂ to the atmosphere. Developments should aim to minimise this release.

Where non-native species are present on site, or where planting is planned as part of a development, developers should take into account the provisions of the Wildlife and Countryside Act 1981 relating to non-native species.

What has changed since 2014?

- Protecting Scotland's Future: The Government's Programme for Scotland 2019-20 confirms that the natural environment is central to Scotland's response to the global climate emergency, to a successful, sustainable economy and to our national identity. Providing opportunities to enjoy the outdoors is also essential to our wellbeing and that of future generations. It envisages a step change in our programme of work to address biodiversity loss.
- Research undertaken by Ironside Farrar on the Adoption of Scottish planning policy in local development plans¹ confirmed that:
 - existing SPP policies appear to work well for plan making purposes as they provide a clear list of considerations that should be covered by local policy.
 - For Development Management purposes existing SPP policy provides clear and articulate direction for appropriate reasons to refuse a proposal.

¹ [Adoption of Scottish planning policy in local development plans](#)

- The SPP could provide more detail on the treatment of biodiversity and ecosystem services sites although key agencies provide additional detailed guidance.
 - Lack of depth on how positive outcomes for biodiversity can be realised can make the policy confusing and difficult to apply.
- The research identified conflicts between wild land policy in the subject policies on Valuing the Natural Environment *and Delivering Heat and Electricity*.
 - The Planning (Scotland) Act 2019 provides that securing positive effects for biodiversity will be one of the six key outcomes of the NPF and that, when preparing NPF 4, the Scottish Ministers must have regard to the desirability of protecting peatland.
 - The Cairngorms National Park Partnership Plan 2017 to 2022 was launched on 1 June 2017, and the Loch Lomond and The Trossachs Park Partnership Plan 2018 to 2023 was launched on 8 March 2018.
 - A debate in 2017 outlined the Scottish Government's position that whilst there is enthusiasm for building on the success of the existing national parks, the Scottish Government could not resource the establishment of new national parks at that time.
 - Changes in forestry have come through the Forestry and Land Management Scotland Act 2018, the Scottish Forestry Strategy 2019, and in response to climate change targets. New legislative requirements from the Forestry Act require public authorities to promote sustainable forest management, and through the Planning Scotland Act 2019 for planning authorities to prepare, consult on and publish forestry and woodland strategies.

Proposed key objective of NPF4: To protect, enhance and promote access to our natural environment; whilst supporting their sustainable use and securing positive effects for biodiversity when considering new development. This includes identifying and affording protection to international, national and locally designated areas and sites in development plans and development management, including having regard to the desirability of preserving peatland.

Issues to consider:

- How can NPF4 best support the role of the development plan for identifying international, national and locally designated areas and sites i.e. is guidance needed on the issues to be considered when identifying locally designated sites?
- How can we ensure that the introduction of national policy criteria in NPF4 recognises and reflects the distinct role of national parks?
- What policy criteria should be included in NPF4 to ensure guidance is applied to development management most effectively?
- How can NPF4 help secure positive effects for biodiversity from new development most effectively?
- How can NPF4 best complement existing environmental legislation, strategies and guidance, including that from other national bodies.

- The policies needed to understand and limit the impact of development on soils and protect them from damage, including erosion or compaction?
- How planning can best support increased woodland creation and expansion and the desirability of preserving peatland, in response to climate change targets?
- How do we balance; the need to protect our natural environment assets with other policy ambitions (e.g. Delivering Renewable Energy) and pressures arising from tourism, rural housing affordability or other development types?

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