

THE HIGHLAND COUNCIL
PLANNING, ENVIRONMENT AND DEVELOPMENT COMMITTEE
19th NOVEMBER 2008

Agenda Item	
Report No	

THE BIODIVERSITY DUTY AND THE PROVISION OF ECOLOGICAL ADVICE

Report by Director of Planning & Development

SUMMARY

This paper outlines the Council's Biodiversity Duty and the current level of biodiversity advice available to planning officers. There is a need to enhance the level of ecological advice available in order to fulfil the Council's duty under the Nature Conservation (Scotland) Act 2004. The report recommends that Committee approve the production of appropriate planning guidance and the preparation of standard planning conditions designed to protect biodiversity.

1. Introduction

- 1.1 Biodiversity is the variety of all life on earth and all the places where it is found. It is also the name given to a process of focussing conservation efforts on the rarest, most important or most threatened species and habitats in a particular geographical area.
- 1.2 The Nature Conservation (Scotland) Act 2004 states, "It is the duty of every public body and office-holder, in exercising any functions, to further the conservation of biodiversity so far as is consistent with the proper exercise of those functions." This has been noted previously by the Council's Sustainable Development Select Committee on 9th March 2005.
- 1.3 Currently the Council is taking steps to fulfil its Biodiversity Duty through the Biodiversity Duty Delivery Plan approved by the PDET Committee on 19th March 2008.

2. Provision of ecological advice to planning officers

- 2.1 Council planning officers have access to specialist advice for archaeology, forestry/ trees and the built environment. The provision of ecological advice has been limited as a result of time constraints on the Council's biodiversity officers. However, the Council should try to provide consistent and assessable biodiversity guidance for planners and developers. In order to help meet this need Biodiversity Officers have produced planning guidance on European Protected Species, which will be considered by the Council's Land, Environment and Sustainability Strategy Group. The guidance, which complements the Council's Sustainable Design Guidance, will be published in early 2009. Biodiversity officers will continue to consider the need for additional guidance as species and habitats legislation requires.

- 2.2 The need for ecological advice is becoming more important as those applying for planning permission and objectors become more aware of nature conservation legislation and the Council's role and responsibilities regarding the natural environment and its protection.
- 2.3 In addition, SNH recently (2008) undertook a review of their participation in the planning process and it seems that SNH will formally pull back from commenting on issues not directly related to protected species and sites. SNH is not expected to object to any planning application, merely to indicate its impact on a site or species and what that may mean in legal terms. As a result planning officers will require guidance on protected species and habitats in order to support the decisions they make. The focus of ecological assessment, scoping and mitigating impacts will lie with the planning authority.
- 2.4 Given the above it is necessary to continually review existing guidance and to publish new ecological/biodiversity advice for planning officers and developers, in the same way that the Council does for archaeology, forestry and the built environment.
- 2.5 In addition it is proposed that biodiversity officers consult with planning officers on the establishment of standard planning conditions designed to protect biodiversity.

3. Fit with the Programme for the Highland Council

- 3.1 Provision for ecological advice for planning officers and developers assists the Administration meet its priorities for the environment and particularly biodiversity.

4. Resource Implications

- 4.1 There are no additional resource implications allied to the proposals outlined in this paper.

5. RECOMMENDATIONS

- 5.1 That Committee approve the production of appropriate planning guidance and the preparation of standard planning conditions designed to protect biodiversity.

Signature:

Designation: Director of Planning and Development.

Date: 12 November 2008.

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Ref: JW (Ext 2274)/GH (Ext 2568)

Background Papers

1. Highland Council Biodiversity Duty Delivery Plan 2008-2011. NRWG3/08
2. Nature Conservation (Scotland) Act 2004