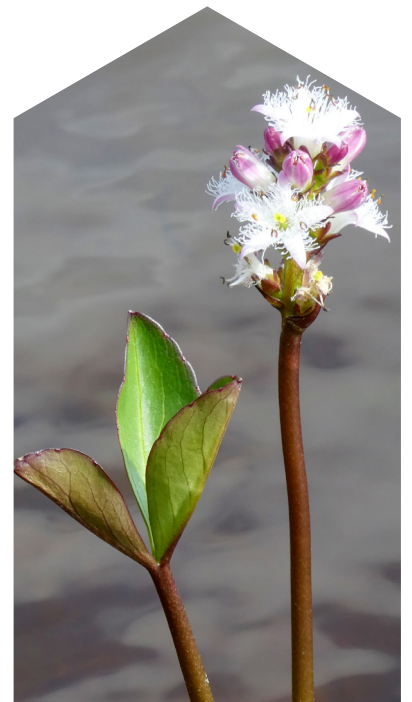


The Flow Country Candidate World Heritage Site

Làrach Dhualchas na Cruinne Tagraiche Dùthaich Fhliuch

April 2023
Planning Position Statement





Planning Position Statement

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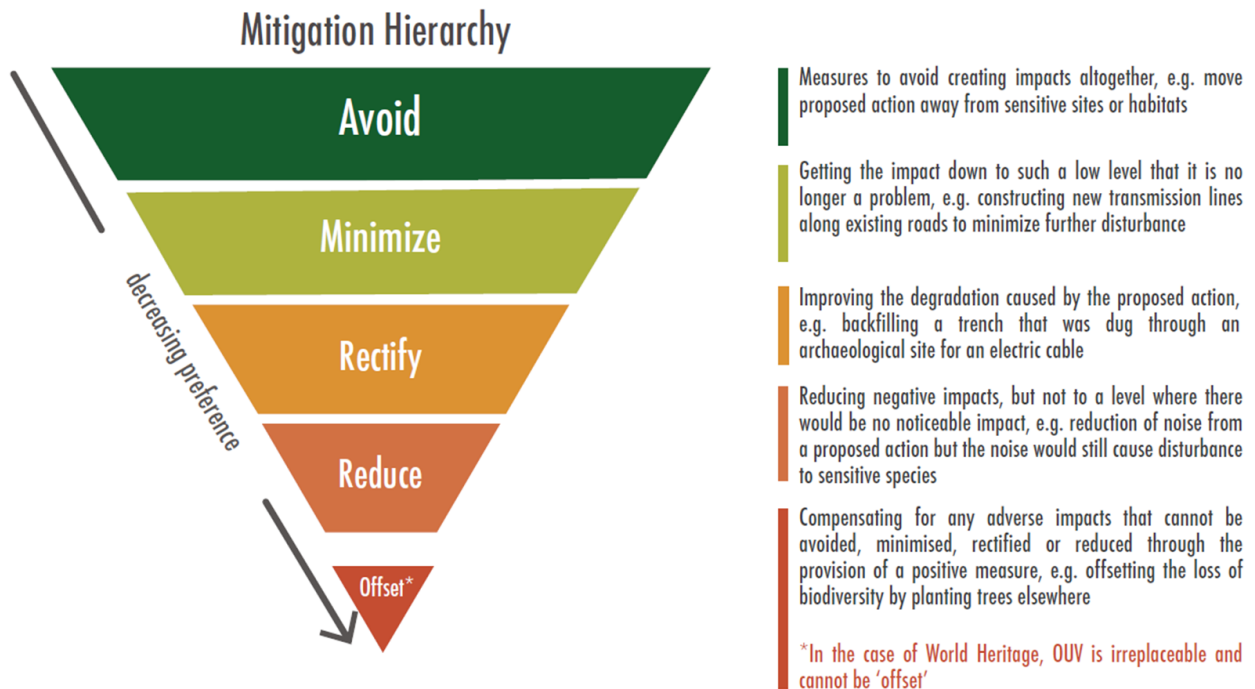
1 Introduction

- 1.1** The Flow Country World Heritage nomination was submitted to UNESCO on February 1st 2023. As such it has changed from being on the UK's tentative list of potential World Heritage Sites, to being a 'candidate' Site. This planning position statement sets out the Council's position with regards to proposed developments within the candidate Site, or setting thereof, for the period until the Site is either inscribed on the World Heritage List or rejected.
- 1.2** The need for this document results from the lack of precedent, with no site in Scotland previously nominated for wholly natural World Heritage criteria, nor one in a location where there is so much development pressure, specifically from onshore wind energy and electricity transmission infrastructure.

- 2.1** As The Flow Country would be the first UNESCO World Heritage Site within Highland it is important to explain a number of key terms used within World Heritage:
- 2.2 OUV** – Outstanding Universal Value – is to hold a significance which is so exceptional as to transcend national boundaries and to be of common importance for present and future generations of all humanity. To express OUV a natural World Heritage Site must meet a) one or more specific criteria of natural value, b) a threshold of wholeness, called integrity, c) a threshold of effective protection and management. A significant negative impact, or incremental damage to any of these, can lead to a Site not being inscribed, or if already a Site, being placed on the World Heritage in danger list.
- 2.3 Integrity** – The integrity of a World Heritage Site is a measure of the wholeness and intactness of its natural and/or cultural heritage and its attributes. For a property to maintain its integrity it must:
- a. include all elements necessary to express its outstanding universal value
 - b. be of adequate size to ensure the complete representation of the features and processes which convey the property's significance (as laid out in the attributes)
 - c. not suffer from adverse effects of development and/or neglect.
- 2.4 Mitigation and Mitigation Hierarchy** – The mitigation hierarchy indicates the order in which the impacts of development should be considered and addressed. These are: i. Avoid – by removing the impact at the outset ii. Minimise – by reducing the impact iii. Restore – by repairing damaged habitats iv. Offset – by compensating for the residual impact that remains, with preference to on-site over off-site measures.

2 Definitions

Figure 2.1 Mitigation hierarchy (Source: UNESCO guidance for Heritage Impact Assessments, 2022)



2.5 Note that not all levels of the hierarchy may necessarily be suitable for and capable of delivering full and appropriate protection of the Site from any particular case and effect of proposed development, in the context of complying with the World Heritage convention. Specifically, UNESCO state that "in the case of World Heritage, OUV is irreplaceable and cannot be offset", UNESCO guidance for Heritage Impact Assessments (2022).

2.6 Site – means The Flow Country Candidate World Heritage Site, identified by [the boundary submitted to UNESCO](#) on 1 February 2023.

2.7 Zone of Influence – this is the area surrounding the Site where hydrological disturbance may impact the habitats within the site or where bird species that are attributes of the OUV may be impacted by development. For bird species this is defined as the territory or disturbance distances specified for the Caithness and Sutherland Peatlands Special Protected Area (SPA) and Ramsar.

- 2.8 Buffer** - The proposed Flow Country World Heritage Site does not have a buffer but rather, much as with Special Area of Conservation (SAC) and Special Protection Area (SPA) designations, any activity outwith the Site that impacts the OUV within the boundary would be considered to impact the OUV as a whole.
- 2.9 Setting** – means the area around the Site and is considered by UNESCO to be defined by the existing landscape character, including the composition and extent of existing developments.
- 2.10 Development** – means construction, engineering, mining or other operations, or the making of any material change in the use of any buildings or other land.
- 2.11 Management Plan** – means the draft Management Plan prepared for the Site. The key policies are provided in Appendix 1. [Note: the draft Management Plan was completed prior to the release of NPF 4 and will be updated and consulted on further in due course, should the Site be inscribed on the World Heritage list].

3 Background and National Policy Context

- 3.1** The Site's bid for World Heritage status has the full support of The Highland Council, the Scottish Government and the UK Government. Following an assessment mission, scheduled for mid-2023, the bid will be considered at the UNESCO World Heritage Committee in mid-2024 (July) with a decision being made at that time.
- 3.2** If Development(s) that would threaten the Outstanding Universal Value (OUV) of the Site are granted, between submission of the bid and UNESCO's decision, the bid could be seriously undermined and the Site could be compromised. Whilst the Site is not yet inscribed on the World Heritage List, consideration of the effects of Development on the valuable natural habitats, species and ecosystems of the Site remains important. The only effective and appropriate means of seeking to avoid adverse outcomes for the Site is to fully assess the effects of Development. The appropriate means of doing so is on the basis of the World Heritage nomination documentation, using World Heritage specific national planning policy content in NPF4 and Guidance and Toolkit of UNESCO.
- 3.3** The values that make the Site so special and important are expressed as criteria and attributes in the table below. Protecting and preserving the wholeness of the Site is important from the point of view of it retaining its integrity. The nomination to UNESCO evidences the OUV considered to be held by the Site, whilst National Planning Framework 4 (NPF4) (now part of the Development Plan following its adoption and publication by Scottish Ministers on 13 February 2023) acknowledges that the Site is internationally recognised as accounting for a significant proportion of the world's blanket bog habitat and that it is proposed for World Heritage status.
- 3.4** NPF4's Policy 1 (Tackling the climate and nature crises), Policy 3 (Biodiversity), Policy 4 (Natural places) and Policy 5 (Soils) – together with a range of policies and other provisions of the Highland-wide Local Development Plan, Caithness and Sutherland Local Development Plan and associated Supplementary Guidance documents – provide strong policy context for considering potential effects on the natural resources to be found in the Site and for seeking

3 Background and National Policy Context

to safeguard and bolster their value. NPF4's Policy 7 (Historic assets and places) in part I) sets out that development proposals affecting a World Heritage Site or its setting will only be supported where their OUV is protected and preserved.

- 3.5** It is important to understand the OUV and the integrity of the Site before outlining how these will be protected from inappropriate Development.

4 Site Values

Outstanding Universal Value (OUV)

4.1 OUV is based on three pillars: the criteria, setting out the values that make the property (place) so important; the integrity that defines how complete or whole the values are within the defined area; and the protection and management arrangements, particularly the legal and policy framework that protects the Site. In terms of this position statement, the criteria, and the attributes that the values can be broken down into, and integrity are the most important factors.

Criteria

4.2 The Flow Country is being nominated on the basis of criteria ix and x:

ix) to be outstanding examples representing significant on-going ecological and biological processes in the evolution and development of terrestrial, fresh water, coastal and marine ecosystems and communities of plants and animals.

4.3 The Flow Country is the most extensive and diverse example of an actively accumulating blanket bog landscape found globally.

x) to contain the most important and significant natural habitats for in-situ conservation of biological diversity, including those containing threatened species of outstanding universal value from the point of view of science or conservation.

4.4 The Flow Country contains an exceptional example of the biodiversity found within a blanket bog landscape. The geographical position of The Flow Country and the diversity of habitats result in biological associations unlike any other found globally. Furthermore, the scale and connectivity of the property afford resilience to the ecosystem and the species it contains.

4.5 These criteria are usefully broken down into attributes, allowing a greater understanding of what makes up the OUV. If any of these attributes are compromised then the OUV is impacted. The attributes are outlined in the table on the following pages.

Attributes of The Flow Country Property (the Site)

Table 1 Site attributes

Attributes	Description
Criteria ix. - Outstanding example representing significant on-going ecological and biological processes in the evolution and development of terrestrial, fresh water, coastal and marine ecosystems and communities of plants and animals	
a. most extensive near continuous example of natural, actively accumulating, blanket bog ecosystem found globally	Persistent rain fed wetness and low rates of evaporation across The Flow Country lead to widespread, year round waterlogged ground conditions which are ideal for the growth and preservation of peat forming plants. This ongoing process (paludification) began around 9,000 years ago and is key in the formation of blanket bog. Unlike other bog types, which are confined by topography, this allows blanket bog to mantle entire landscapes. The Flow Country is one of only a few locations globally where conditions exist that are conducive to blanket bog formation, and combines a quality, extent and connectivity of this habitat exceeding that of any other known blanket bog.
b. climatic, topographic gradients and geological diversity: bog macroform diversity	The scale of the nominated property, alongside the gradients in climate and topography, and the diversity of the underlying geology, provide the setting for subtle variations in processes which result in a huge diversity in the character of the blanket bog. These factors control the development of complex systems of hummocks, moss lawns, hollows and pools, and the associated plant species, which produce surface patterning

4 Site Values

Attributes	Description
	that has been classified into 15 site-types. No other blanket bog in the world contains such a diverse collection of surface patterning within a single area.
c. archive it stores (4 th dimension)	Delving deeper, the peat, which has been forming for over 9,000 years, reaches thicknesses of over 8 m, providing an exceptional archive and providing a 4 th dimension to The Flow Country blanket bog. The processes responsible for the development of the blanket bog system and the ecosystems it supported can be scrutinised back through time across the vast area it covers using pollen records; plant sub-fossils (e.g. hazelnuts, pine cones, pine stumps); lake sediment records (midge and diatom (alga) remains); tephra (ash) layers blown south from Icelandic volcanoes; charcoal (indicating in situ burning).
d. natural laboratory – ongoing scientific and educational use	The exceptional nature of The Flow Country makes it the ‘type site’ for blanket bog study and it continues to be used as a ‘test bed’ for peatland research globally. The diversity of features related to altitudinal and climatic gradients across the region and the depth of archive provides a huge scope for research. Furthermore, the breadth of existing studies provides a fantastic foundation for future research.
e. carbon sequestration and storage	Globally peatlands are the largest natural terrestrial carbon store. Covering only 3% of the world’s land area, they hold nearly 30% of all the carbon stored on land. In blanket bog, year-round waterlogged conditions slow the process of plant

Attributes	Description
	<p>decomposition such that the dead plants accumulate to form peat, and thereby sequester carbon from the atmosphere. Over thousands of years this plant material builds up and becomes several metres thick producing a valuable carbon store. The Flow Country provides a superb example of ongoing sequestration, alongside carbon storage demonstrated by peat thicknesses which reach over 8 meters.</p>
<p>f. water filtration and the impact on the water quality of associated riverine habitats</p>	<p>The catchments draining The Flow Country sustain exceptional water quality, resulting from the natural filtration of rainwater as it slowly seeps through these vast peatlands. The superb water quality is critically important in sustaining globally important populations of the freshwater pearl mussel in rivers which drain from The Flow Country. European eel (classed by the IUCN as Critically Endangered) are also recorded from these catchments. Furthermore, the rivers of The Flow Country are maintaining strong populations of Atlantic salmon which are in global decline.</p>
<p>Criteria x. - Contains the most important and significant natural habitats for in-situ conservation of biological diversity, including those containing threatened species of outstanding universal value from the point of view of science or conservation</p>	
<p>a. species associations</p>	<p>The diverse range of habitats that The Flow Country contains supports an exceptional and specialised blanket bog biodiversity, and holds biological associations unlike any other blanket bog found globally. This is a consequence of the overlapping distributions of species typical of both arctic and</p>

4 Site Values

Attributes	Description
	<p>temperate climatic zones, and is further influenced by altitudinal and climatic gradients and geological diversity found across the nominated property. Furthermore, the scale and connectivity of the nominated property provides resilience to species it contains.</p>
<p>i. birds</p>	<p>The diversity of environments within the blanket bog of The Flow Country, and the patchwork of connected landscape elements within the wider setting (farmland, coastal, etc.), supports a distinctively special assemblage of birds. The precise combination of species, with arctic-alpine and temperate and continental elements is not found anywhere else in the world and include; red-throated diver, black-throated diver, common scoter, Eurasian wigeon, golden plover, Eurasian greenshank, dunlin, wood sandpiper, golden eagle, merlin, hen harrier and short-eared owl.</p>
<p>ii. plants</p>	<p>The floristic composition of The Flow Country blanket bog, and associated wet heath, is not found anywhere else globally, and represents a highly Atlantic influence on plant distribution and development. Key plants of importance are; dwarf birch, alpine bearberry, bogbean, bog hair-grass, water lobelia and bog orchid, marsh saxifrage and 29 species of Sphagnum (over 10% of global Sphagnum flora).</p>
<p>iii. genetic diversity</p>	<p>The Flow Country occupies a position at the western extreme of the Eurasian landmass. As such it is a haven of locally adapted genetic diversity. Many species here are isolated from</p>

Attributes	Description
	<p>their continental relatives, which means that local lineages have developed. Whilst small, isolated populations frequently suffer from inbreeding depression, the large size of The Flow Country means that this not a significant issue here.</p> <p>Furthermore, many species operate as metapopulations: groups of smaller populations between which individuals can move. Not only does this mean that genes can flow between populations, it also means that individuals can recolonise sites in the event of short-term localised extinction, as has been demonstrated with newts. Given models that suggest droughts will increase in both frequency and intensity in the north of Scotland, the large number of waterbodies in The Flow Country will greatly reduce the likelihood of population loss. This makes it a valuable refuge for wildlife of many species at both a population and a genetic level.</p>

Integrity

- 4.6** The Site demonstrates a high level of integrity for the interlinked criteria ix) and x). It contains all the key elements required for the blanket bog ecosystem, and representative biodiversity to demonstrate Outstanding Universal Value. It is of sufficient scale to incorporate all these features, and whilst some areas have suffered from adverse effects of development and/or land management decisions in the past, it is in good and improving condition. Because criteria ix) and x) are very closely linked for this nomination, they are treated together when considering integrity.

4 Site Values

4.7 The sheer size of the area, its ecological connectivity, good condition and relative isolation ensure that the conditions of integrity are robustly met, in terms of both wholeness and intactness. There are no known areas, within the wider Flow Country area, that would contain additional physical elements or characteristics not found within the proposed boundary of the Site. The property as it is proposed in the submitted nomination contains all elements that would be expected of a blanket bog landscape, in an area that is the best and most extensive example of its kind in the world.

5 Proposed New Development In and Outwith the Site

Policy Provisions

5.1 What is laid out above provides a framework for understanding the key elements of the proposed Flow Country World Heritage Site. The following provisions within the development plan provide strong policy context for considering potential effects on the natural resources to be found in the Site and for seeking to safeguard and bolster their value (depending on the type of development proposed, other policies will also apply):

NPF4:

5.2 Policy 1 (Tackling the climate and nature crises), Policy 3(Biodiversity) and Policy 5 (Soils).

5.3 Once inscribed, Policy 7I of NPF4 will be directly applicable:

5.4 Policy 7I: *Development proposals affecting a World Heritage Site or its setting will only be supported where their Outstanding Universal Value is protected and preserved.*

5.5 Whilst Policy 7I is not directly applicable until inscribed, it is recommended that its principle should be followed whilst the area is a candidate Site. In order to address this policy, any Development must therefore consider if the actions involved would result in any aspect of the OUV being impacted, notably the attributes and integrity. To facilitate this process UNESCO have produced a [Guidance and Toolkit for Impact Assessments in a World Heritage Context](#).

Highland-wide Local Development Plan:

5.6 Vision for Caithness and Sutherland area that by 2030 it will be a place of outstanding heritage: safe in the custody of local people, including the The Flow Country having been inscribed on the World Heritage Site list and enjoying the support of local communities, land managers and visitors alike. Policy 28 Sustainable Design; Policy 36 Development in the Wider Countryside; Policy 55 Peat and Soils; Policy 57 Natural, Built and Cultural Heritage; Policy 58 Protected Species; Policy 59 Other Important Species; Policy 60 Other Important Habitats and Article 10 Features; Policy 63 Water Environment; Policy 67 Renewable Energy Developments; Policy 69 Electricity Transmission Infrastructure; Policy 72 Pollution.

5 Proposed New Development In and Outwith the Site

Caithness and Sutherland Local Development Plan:

5.7 Vision for Caithness and Sutherland including the outcome by 2035 for Environment and Heritage: High quality places where the outstanding environment and natural, built and cultural heritage is celebrated and valued assets are safeguarded. Elements of the accompanying strategy acknowledging the Flow Country, seeking to protect and enhance the unique natural environment and recognising the international importance of Caithness and Sutherland's peatland resource and that it is a vital carbon store, with signposting of the HwLDP policies that provide safeguard for these features and resources.

Supplementary Guidance documents:

5.8 Historic Environment Strategy SG; Onshore Wind Energy SG; Highland's Statutorily Protected Species SG; Sustainable Design SG.

Development within the Site

5.9 Significant damage to deep peat and associated biodiversity within the Site would negatively impact on OUV. Whilst 'significant' is subjective, factors of scale, permanence, intensity of impact and other factors must be considered, but if a proposed Development would cause damage of any appreciable size that could not be remedied quickly then that would be considered a negative impact on OUV. Moreover, because OUV is a 'whole Site' concept, damage to one part of the Site is considered as damage to the whole. In this instance, candidate World Heritage status should be considered a material consideration.

5.10 A further consideration is that the scale of the habitat encompassed within the Site also forms an important element of the OUV, and relates to the concept of integrity, as set out above. As such, Developments proposed within the Site boundary that would impact any other elements of the OUV would also lead to an irreversible degradation of the scale of the high-quality peatland within the Site. Although mitigation can be considered, [offsetting is](#)

5 Proposed New Development In and Outwith the Site

[not considered permissible by UNESCO](#), and in any case involving a reduction of scale of the site, mitigation would be challenging. Specific policies laid out in the [draft Management Plan](#), as agreed by the members of the Steering Group⁽¹⁾, reflect this.

5.11 This does not mean that Development cannot be permitted within the Site. There are areas included within the Site that do not express the values of the blanket bog landscape or the biodiversity it holds and whilst these areas are often small (e.g. along the floors of lesser valleys or around isolated building) and disconnected from infrastructure, they may be suitable for some Development. More generally, Developments that are assessed not to pose a risk to the OUV could be accommodated.

5.12 Further to local considerations, UNESCO asks State Parties to the World Heritage Convention (in this case the UK Government's Department for Culture, Media and Sport) to "inform the World Heritage Committee of their intention to undertake or to authorize in an area protected under the Convention, major restorations or new constructions which may affect the Outstanding Universal Value of the property"⁽²⁾. They also ask that "Notice should be given as soon as possible (for instance, before drafting basic documents for specific projects) and before making any decisions that would be difficult to reverse, so that the Committee may assist in seeking appropriate solutions to ensure that the Outstanding Universal Value of the property is fully preserved". Such a commitment clearly demonstrates the importance with which the OUV of a Site should be considered and highlights the need for following their Impact Assessment Process (for major proposals) prior to the submission of planning applications.

1 The Steering Group includes representatives from The Highland Council, NatureScot, Historic Environment Scotland and Scottish Government, amongst other organisations and agencies.

2 paragraph 172 of the Operational Guidelines for the Implementation of the World Heritage Convention, 2021.

5 Proposed New Development In and Outwith the Site

Development outwith the Site

5.13 Consideration must be given to development outwith the Site that could impact the OUV.

Development close to the Site boundary has the potential to alter the hydrology within the Site and result in the degradation of the habitats and ecosystem services. In addition to the globally important blanket bog habitat the Site supports a unique and distinctive assemblage of birds, with a combination of arctic-alpine, temperate and continental species not found anywhere else in the world. As birds are not a static feature of the OUV there is potential for developments within the zone of impact to detrimentally effect the ornithological attribute through directly causing mortality or displacement or indirectly impacting species through creating barriers to migration to feeding grounds.

5.14 Any developments within the zone of influence must be assessed utilising the UNESCO toolkit for impact assessments.

5.15 As yet there is no guidance for development within what would be termed the setting of the proposed Site but work on defining this important element of the Site is underway. The setting refers to the nature of the wider landscape in which the Site sits. As a broad guide, UNESCO consider the setting to be defined by the existing landscape character, including existing developments.

- 6.1** Any complex and/or national/major Development proposals with the potential to effect the Site and its OUV that are at *pre-application* stage as of February 2023 will be considered in this context, follow this planning position statement and will be expected to use the UNESCO Impact Assessment Guidance Toolkit.
- 6.2** Any planning application/application for consent under s36/s37 of the Electricity Act with the potential to effect the Site and its OUV being *determined* from the date of this planning position statement until the date of inscription or rejection will be considered in terms of its potential impact on the attributes of the Site and its integrity, and because the Site is now a candidate World Heritage Site, also in the context of Policy 7I in NPF4. Given the full support expressed from all tiers of government for the Site's World Heritage nomination, it is clear that the nomination should not be undermined by proposed Development.

6.3 For further information:

NPF4 - <https://www.transformingplanning.scot/national-planning-framework/adopted-npf4/>

UNESCO guidance for Heritage Impact Assessments -

<https://whc.unesco.org/en/guidance-toolkit-impact-assessments/>

Management Plan -

<https://www.theflowcountry.org.uk/world-heritage-site/site-boundary-and-documentation/>

Appendix 1 Key Policies

Key policies from the draft Management Plan that relate to development issues (or development mitigation measures)

Table 2 Key policies

Policy	Description
1.1	Oppose plantation woodland creation on blanket bog within the proposed Site boundary, following guidance from Scottish Forestry.
1.3	Evaluate any proposed plantation woodland creation adjacent to the Site boundary in respect of potential impact on the Site's OUV, and challenge if the likely impact is negative.
1.7	Oppose all national and major development proposals within the proposed Site boundary that would negatively impact on OUV.
1.8	Oppose any national and major development proposals in the setting that would negatively impact the OUV of the proposed Site.
1.9	Support national and major development proposals that would benefit the aims of this Management Plan, the Site's OUV or have related public benefit.
1.10	Oppose any local development proposal within the proposed boundary or setting that would negatively impact the OUV of the site.
1.11	Support local development proposals that would benefit the aims of this Management Plan, the Site's OUV or have related public benefit.
1.18	Oppose any attempt to establish any commercial peat extraction within the boundary area or immediate setting.

Policy	Description
1.31	Work proactively with the Local Authority, government agencies and businesses to influence strategy and policy in respect of The Flow Country to avoid potential future conflicts.
1.28	Oppose new 'private ways' that would negatively affect OUV, either through direct damage to blanket bog, by drainage or animal disturbances.



