

<b>Issue 61</b>	<b>Other Important Habitats</b>	
<b>Development plan reference:</b>	Policy 61 (para 21.6, Page 107)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number)</b>		
The Mountaineering Council of Scotland (MCS) (2), Brenda Herrick (5), Royal Society for the Protection of Birds Scotland (RSPB) (78), Scottish Natural Heritage (SNH) (118), Jones Lang LaSalle for Scottish and Southern Energy Plc and its Group Companies (SSE) (268), Scottish Wildlife Trust (285).		
<b>Provision of the development plan to which the issue relates:</b>	Seeking to safeguard the integrity of features of the landscape which are of major importance because they serve as habitat 'stepping stones'. Regard also given to other habitats which are not necessarily protected as nature conservation sites (listed).	
<b>Council's summary of the representation(s):</b>		
<p>The Mountaineering Council of Scotland (2) feels that Stepping stones and corridors (as in Article 10) are important features of the landscape. Their importance highlights the extra challenge faced by habitats and species that are high altitude specialists and not well adapted to dispersal or competing with more generalist lower altitude biodiversity. For much of this high altitude biodiversity, there is little opportunity to migrate and disperse which adds to the need to conserve these features where they currently occur.</p> <p>Brenda Herrick (5) feels that these policies are excellent but should have been put in place before now.</p> <p>The Royal Society of the Protection of Birds (78) feels that this policy should include reference to the creation of habitats and not just their safeguarding.</p> <p>Scottish Natural Heritage(118) feel that there is no need to include "principal importance" in the 4<sup>th</sup> bullet point as by definition they are of principal importance. They also feel that there should be consistency between this Policy and Policy 61 regarding the Biodiversity Action Plans and lists.</p> <p>Scottish and Southern Energy PLC(268) feel that this policy is unclear in its drafting and accordingly in how it may be applied in assessing development proposals. The policy, by way of its title, is habitat related. However the policy seeks to introduce landscape considerations that would be very difficult to quantify or measure. The first paragraph of the policy should be removed in order to add more clarity as to how the policy will be applied. The policy currently gives advice which is contrary to the SPP regarding Local Plan preparation; particularly paragraph 17 which requires that Local Development Plans contain policies and proposals that will achieve predictable outcomes.</p> <p>The Scottish Wildlife Trust (285) request that satisfactory mitigation should include compensatory habitat creation and the provision of a multifunctional</p>		

green network. They feel that a long term management agreement and monitoring programme may be necessary where new habitats have been created.

**Modifications sought by those submitting representations:**

Include creation of habitats and not just their safeguarding (78).

Remove “principal importance” from bullet point 4 (118).

Given the context, substitute the word mitigation for compensation(118).

There should be consistency between this Policy and Policy 60 regarding the Biodiversity Action Plans and lists(118).

The first paragraph of this policy should be removed in order to add more clarity as to how the policy will be applied (268).

Include reference to provision of compensatory habitat creation as appropriate mitigation(285).

**Summary of responses (including reasons) by Planning Authority:**

The Council also feel that this policy should include references to the creation of habitats and not just their safeguarding(78). The wording “principal importance” should also be removed from bullet point 4 as it does not add any value in this instance.

Scottish Natural Heritage (118) felt that given the context the word mitigation in the last sentence should be substituted for compensation. However the Council feel that the current wording should remain albeit to state that “we will seek to ensure that satisfactory mitigation measures are put in place”. The Scottish Wildlife Trust(285) suggests that compensatory habitat creation should be stated as being possible appropriate mitigation. The Council feel that the form of mitigation suggested should be based on a case by case basis and should therefore be dealt with as a planning condition rather than laid down specifically in policy.

Scottish Natural Heritage(118) feels that this policy needs to be consistent with Policy 60. The Council feels consistency already exists between this Policy and Policy 60.

Scottish and Southern Energy Plc (268) suggest that the first paragraph of this policy is removed. However the Council feel that this paragraph should be retained as it reflects the wording of the The European Habitats Directive (92/43/EEC).

Scottish and Southern Energy PLC(268) feel that this policy currently gives advice which is contrary to the SPP particularly paragraph 17 which requires that Local Development Plans contain policies and proposals that will achieve predictable outcomes. The Council feels that this policy is aligned with the SPP principle of creating a Plan which is prepared in a predictable manner. Para 17 of the SPP does place an expectation on local authorities to prepare

development plans that contain policies which achieve predictable outcomes. The Council feel that this policy does that as it will seek satisfactory mitigation where development is judged to be more necessary than retaining certain important habitats.

**Any further plan changes commended by the council**

The title of the policy should be renamed "Other Important Habitats and Article 10 Features for clarity.

The wording in the second paragraph should read "nature conservation site designations (such as...).

The term Other Important Habitats should be clarified and reference should be made to "Other Important Habitats" rather than "Other Habitats" in the final paragraph.

**Reporter's conclusions:**

Added by Reporter at later date.

**Reporter's recommendations:**

Added by Reporter at later date.