

Issue No: 36

Issue: Natura 2000 sites

Contents Page

1. Schedule 4

Representation

2. Scottish Natural Heritage (E60/6)

3. Scottish Natural Heritage (E60/7)

4. Scottish Natural Heritage (E60/8)

5. Scottish Natural Heritage (E60/9)

Issue 36	Natura 2000 sites	
Development plan reference:	Spatial Development Framework 2: Environmental Action (pages 20,22,34)	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
E60/6, E60/7, E60/8, E60/9 Scottish Natural Heritage		
Provision of the development plan to which the issue relates:	Reference to Natura 2000 sites within the Proposed Plan	
Planning authority's summary of the representation(s):		
<p>E60/6 E60/7 E60/8 E60/9 Scottish Natural Heritage In relation to Strategy Support Measure 1 (page 20) (E60/6), Strategy Support Measure 2 (page 20), (E60/7), Strategy Support Measure 3 (page 22) (E60/8), Strategy Support Measure 8 (page 34) (E60/9)</p> <p>The Habitat Regulations Appraisal prepared by the Glasgow and the Clyde valley Strategic Development Planning Authority identifies proposals for further assessment at the Local Development Plan level.</p> <p>However, it is considered that the inclusion of a specific caveat within Strategy Support Measures 1, 2, 3 and 8 will ensure that further assessment at the Local Development Plan level is carried out for such proposals and that appropriate mitigation measures are secured at the Local Development Plan level.</p> <p>This inclusion would be consistent with the advice contained in Circular 1/2009 and also Scottish Natural Heritage's guidance of which reference is made in paragraph 10 of that Circular.</p>		
Modifications sought by those submitting representations:		
<p>E60/6 Scottish Natural Heritage In Strategy Support Measure 1 (page 20), the Strategic Development Plan should include the following wording to implement the findings of the Habitat Regulations Appraisal at the Local Development Plan level <i>for "Clyde Valley Woods Special Area of Conservation versus Carluke/Wishaw Community Growth Area, to be in accordance with this development plan, and as part of the Local Development Plan process, any proposal likely to have a significant effect on a Natura site, either alone or in combination with other plans or projects should be subject to an appropriate assessment. Appropriate mitigation should be identified where necessary to ensure that the development plan will not adversely affect the integrity of a Natura site."</i></p> <p>E60/7 Scottish Natural Heritage In Strategy Support Measure 2 (page 20) the Strategic Development Plan should include the following wording to implement the findings of the Habitat Regulations Appraisal at the Local Development Plan level for <i>"The Strathleven Corridor</i></p>		

including the Lomond Canal and the Clyde Waterfront Metropolitan Flagship Initiative and the Lomondgate Strategic Economic Investment Location versus the Endrick Water, To be in accordance with this development plan, and as part of the Local Development Plan process, any proposal likely to have a significant effect on a Natura site, either alone or in combination with other plans or projects should be subject to an appropriate assessment. Appropriate mitigation should be identified where necessary to ensure that the development plan will not adversely affect the integrity of a Natura site"

E60/8 Scottish Natural Heritage

In Strategy Support Measure 3 (page 22) the Strategic Development Plan should include the following wording to implement the findings of the Habitat Regulations Appraisal at the Local Development Plan level for *"Black Cart versus Glasgow International Airport, Clyde Valley Woods Special Area of Conservation versus Larkhall South Strategic Economic Investment Location and Inner Clyde Special Protection Area versus Clyde Gateway and Erskine Riverfront Strategic Economic Investment Location, to be in accordance with this development plan, and as part of the Local Development Plan process, any proposal likely to have a significant effect on a Natura site, either alone or in combination with other plans or projects should be subject to an appropriate assessment. Appropriate mitigation should be identified where necessary to ensure that the development plan will not adversely affect the integrity of a Natura site."*

E60/9 Scottish Natural Heritage

In Strategy Support Measure 8 (page 34) the Strategic Development Plan should include the following wording to implement the findings of the Habitat Regulations Appraisal at the Local Development Plan level for *"Inner Clyde Special Protection Area versus Green Network at Port Glasgow, to be in accordance with this development plan, and as part of the Local Development Plan process, any proposal likely to have a significant effect on a Natura site, either alone or in combination with other plans or projects should be subject to an appropriate assessment. Appropriate mitigation should be identified where necessary to ensure that the development plan will not adversely affect the integrity of a Natura site."*

Summary of responses (including reasons) by planning authority:

The Glasgow and the Clyde Valley Strategic Development Planning Authority rejects these modifications on the basis that

- their repetitive nature and the level of detailed prescriptive text is inappropriate for a Strategic Development Plan which is designed, in line with the legislation and spirit of the new Scottish Planning system and the Scottish Government's desire for a culture change in Planning, to be a concise and visionary document.
- 'Natura 2000' sites have a high level of European Union legislative protection which local planning authorities need to reflect in their Local Development Plans. It is therefore unnecessary to reiterate that protection and to repeat the same caveat four times within the Proposed Plan. Local Development Plans, under this legislative stricture, require to implement the necessary protection and to identify any necessary mitigation

measures associated with development.

- The Glasgow and the Clyde Valley Strategic Development Planning Authority notes Scottish Natural Heritage's concern at the lack of express reference to Natura 2000 sites within the body of the Proposed Plan and accepts the principle of finding a proportionate approach to this issue. The Glasgow and the Clyde Valley Strategic Development Planning Authority has sought to liaise with Scottish Natural Heritage to this end, but has not reached a resolution in the time available to meet the published deadline (its Development Plan Scheme) for submission of the Proposed Plan to the Scottish Ministers.

Reporter's conclusions:

Reporter's recommendations: