

**South Lanarkshire's Biodiversity Assets:
Guidance on the conservation of biodiversity within the planning system in South Lanarkshire.**

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1. Introduction

South Lanarkshire Council, with the support of the South Lanarkshire Biodiversity Partnership, has developed the following good practice guidance for developers, consultants and other individuals/ organisations involved in the planning process.

South Lanarkshire supports a range of species and habitats, some of which are nationally or internationally important. Sites designated as Special Areas of Conservation, Special Protection Areas, Sites of Special Scientific Interest and National Nature Reserves and species protected by the EU Habitats Directive or Wildlife & Countryside Act 1981 all receive strict protection in national and international law.

Good Practice Step 1

Scottish Natural Heritage (SNH) has made advice on the protection of designated sites and protected species available on its website at <http://www.snh.gov.uk/planning-and-development/advice-for-planners-and-developers/>.

If your proposal is likely to impact on a protected site or species, you should refer to SNH's published guidance and engage the services of a suitably qualified ecological consultant at the earliest possible stage.

However, many of South Lanarkshire's most valuable assets fall outwith these designated sites and rely upon the planning system to conserve and protect them. The purpose of this guidance is to set out a process which can be used to ensure development proposals take proper account of non-designated sites/habitats in South Lanarkshire and that their conservation is promoted through the Planning System. This will also help South Lanarkshire Council fulfil its 'biodiversity duty' under the Nature Conservation (Scotland) Act 2004. It is **not** suitable for use when considering impacts upon species, commercial crops and special cases such as habitat management for red squirrels. **It should be noted that this process is separate from any assessments made as part of an Environmental Impact Assessment, as it focuses on the value of the habitat to South Lanarkshire not a national or international context.**

The process involves the following stages:

- Identifying Biodiversity Assets.
- Assessing biodiversity impacts.
- Identifying where mitigation work should take place.

2. Identification of Biodiversity Assets

Traditionally, locally important sites were referred to as Local Wildlife Sites (LWS), Sites of Importance for Nature Conservation (SINCs) or Local Nature Conservation Sites (LNCS). A suite of SINCs were inherited by South Lanarkshire Council from the pre-existing district councils when they were amalgamated in 1996. However, the coverage was incomplete with large parts of South Lanarkshire (notably much of rural Clydesdale) having no identified SINCs. Additionally, a review of the SINCs in 2012 highlighted a number of issues, including an unclear criteria for site selection, changes in land use, loss of sites entirely or major encroachment upon site boundaries and sites in a poor ecological condition.

As the old SINC list is no longer fit for purpose and limited resources prevent the intensive procedure required to identify new SINCs, the South Lanarkshire Biodiversity Partnership determined that a new site selection process was required. A lack of biological data and recent changes in conservation practice (particularly the shift from species and sites to a focus on ecosystems and habitat networks) mean that a new approach is required. South Lanarkshire Council and the South Lanarkshire Biodiversity Partnership have therefore developed a "Biodiversity Assets" approach, whereby habitats are conserved at a landscape scale and greater priority is placed on the conservation and enhancement of habitats/ ecosystems deemed to be irreplaceable within the short-medium term.

These "Biodiversity Assets" have been mapped using currently available data (Figure 1)*. A GIS layer showing this information is available to planners within SLC and is also available to developers and their consultants via the Council website at www.southlanarkshire.gov.uk.

**It is acknowledged that the data used to generate the GIS layer may have limitations in terms of resolution and accuracy. Therefore the map acts as an early warning system only and it is expected that surveys will be conducted by applicants to ensure impacts are limited. "White space" on the map DOES NOT indicate that no habitats of importance are present, merely that survey data may be lacking for that area. Small, locally important sites which may have been designated as a SINC in the past will still be eligible for designation as a Local Nature Reserve.*

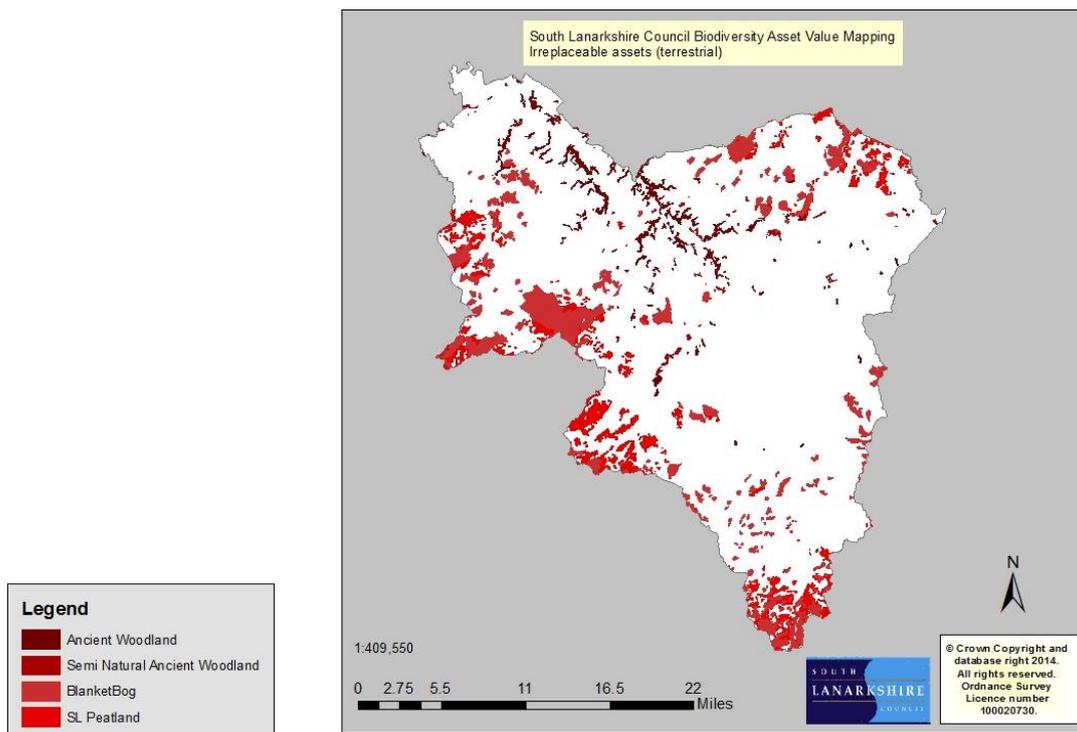


Figure 1: Biodiversity “Irreplaceable” Assets map

Biodiversity Assets – ‘Irreplaceable Ecosystems’

“Irreplaceable” ecosystems are currently identified as:

- Peatland habitats (replacement time 1000-5000 years; DEFRA, 2012)
- Ancient woodland (replacement time 500-2000 years; DEFRA, 2012)
- Freshwater systems

Policy 15 (Natural and Historic Environment) and Policy 17 (Water Environment and Flooding) of the LDP and Policies NHE11 (Ancient Semi-natural Woodland) and NHE15 (Peatlands) of the Natural & Historic Environment Supplementary Guidance set out the Council’s approach to the protection of these ecosystems when dealing with development proposals.

Good Practice Step 2

You should use the map to determine whether any irreplaceable ecosystems could be affected by your development proposal. All development proposals should be designed from an early stage to ensure that the requirements of the above policies will be met during both construction and operation.

Where impacts on irreplaceable ecosystems are genuinely unavoidable and justifiable within the context of the above policies, Good Practice Step 4 should be followed.

Biodiversity Assets – Other habitats of importance

A number of other habitats are recognised as being of importance and as such are also of concern.

Policy 15 of the LDP and Policies NHE (*woodland*) and NHE20 (*biodiversity*) of the Natural & Historic Environment Supplementary Guidance set out the Council’s approach to the protection of these habitats when dealing with development proposals. Supplementary Guidance documents covering Wind Energy, Green Network and Greenspaces, Greenbelt and Rural Area and Environment (including Climate Change) are also available and should be referred to as appropriate.

Good Practice Step 3

You should use the map to determine whether any other habitats of importance could be affected by your development proposal. All development proposals should be designed from an early stage to ensure that impacts on important habitats are minimised the fullest possible extent during both construction and operation.

If the development is likely to impact on any habitats of importance, Good Practice Step 4 should be followed.

3. Assessing biodiversity impacts

Applications for planning permission for development proposals which could impact on a Biodiversity Asset (either an irreplaceable ecosystem or other habitat of importance) should be accompanied by an appropriate ecological survey and impact assessment.

Good Practice Step 4

An ecological survey which shows the location, quality and extent of the current habitats on site and makes an assessment of their condition should be submitted to the planning authority alongside the application. This will provide baseline information on the extent and the quality of the Biodiversity Assets affected by the proposal.

An assessment of the impacts of the development on the Biodiversity Assets recorded should also be provided. This assessment should be carried out using the Habitat Impact Calculator (see below). It should provide:

- a. a 'biodiversity value' for the site as it exists**
- b. a 'biodiversity value' for the developed site.**

Where a negative effect on the site's biodiversity value due to development is predicted, compensation and/or enhancement will be required. The calculator should also be used to assess proposed mitigation work, in conjunction with the Mitigation Decision Making tool (see below), and the results of this assessment provided to the Council.

All losses of biodiversity assets must be reported to the Council and will be reported through the South Lanarkshire State of the Environment Report.

Habitat Impact Calculator

In line with the Natural Capital and Biodiversity Trading/Offsetting approach (for more information see Scotland's 2020 Challenge) South Lanarkshire Council, informed by the South Lanarkshire Biodiversity Partnership, has developed a simple Habitat Impact Calculator. This tool enables an assessment of the current ecological importance of a site to be assessed. It also allows proposals for habitat alteration/improvement to be assessed to determine whether proposals are likely to have a negative or positive impact upon the site.

The tool assigns habitats a score based on their importance when in favourable condition. These scores have been generated by the Biodiversity Partnership through a workshop session. Scores for each habitat type on-site are combined and multiplied by area, giving an overall site score. Assessment of proposals which would alter the habitat composition of the site can then be made by tallying the combined scores of the proposed habitats. Any proposals which result in a reduced score would be viewed negatively, whilst those which generate a higher habitat score would be encouraged.

There may be a temptation to "trade-off" one habitat type against another. The Biodiversity Assets approach should minimise this risk by giving highest scores to the priority habitats. Each site will still be considered on a case by case basis to ensure the best outcome is achieved.

The tool does not take into account the cost of habitat restoration, as it is assumed that impacts will require to be mitigated against regardless of cost. Should mitigation prove to be prohibitively expensive, consideration should be given as to whether the development should be permitted to go ahead in its proposed form. Alternative solutions may

include new habitat creation or off-site mitigation. A worked (hypothetical) example of the Habitat Impact Calculator is given below in Box 1:

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Box 1: Worked example of habitat impact calculator.

The following scenario demonstrates how the assessment tool works in a hypothetical planning scenario. The scenario is deliberately simple to ensure clarity. The current habitat on site is assigned scores, utilising the habitat matrix. This score is multiplied by the area of habitat on-site. The scores are totalled to give an overall score for the site (3100 in this case).

Proposals for habitat management can then be assessed. For example proposal 1 would result in the loss of 2 ha of bog but restore the remainder to a better condition, thus resulting in a slightly higher score (although the loss of such habitat would have been strongly discouraged under the biodiversity assets approach). 50ha of commercial conifer plantation will also be lost but 25ha of grassland mosaic will be created, plus all of the grassland mosaic habitat on site will be improved for biodiversity. This proposal therefore scores 5190. As this is greater than the current site, the proposals would be judged as being sufficient to mitigate for the impact of the development on-site.

In contrast, proposal 2 will result in the loss of 5ha of bog, with the remainder left in its current condition. Although no commercial forestry or grassland mosaic habitat has been lost from the site, the proposal scores less than the current site score, indicating that it is unacceptable in its current form.

Current					
habitat	matrix score	area	total		
bog	60	10	600		
conifer plantation	1	100	100		
grassland mosaic	48	50	2400		
Total		160			
				grand total	3100

Proposal 1					
habitat	matrix score	area	total		
bog	80	8	640		
conifer plantation	1	50	50		
grassland mosaic	60	75	4500		
infrastructure	0	27	0		
		160		grand total	5190

Proposal 2					
habitat	matrix score	area	total		
Bog	60	5	300		
Conifer	1	100	100		
Grassland mosaic	48	50	2400		
infrastructure	0	5	0		
		160		Grand total	2880

Mitigation Location Decision Making

South Lanarkshire Council supports the use of the mitigation hierarchy when considering development proposals (Figure 2). Therefore proposals which avoid causing damage or enhance existing sites will be favoured over those which are likely to have a negative impact.



Figure 2: The Mitigation Hierarchy

However, where impacts are unavoidable, it may be necessary to consider mitigation, offsetting or compensatory works. In such situations, a principle of no *net* loss should be adopted. It is important to note that some habitats cannot be recreated (such as peatland, see section 2) and therefore their destruction should be avoided (i.e. a no loss presumption). Where there is an overriding public interest and damage is permitted or should an irreplaceable habitat be damaged, it is insufficient to propose restoration of an equivalent area elsewhere, as this does not compensate for the loss of the original piece of habitat. Such proposals would only be acceptable if a significantly larger area than that which is being lost is restored to a good ecological status. Where one habitat is being replaced by another, the habitat impact calculator should be utilised to assess what is required to adequately compensate for the loss of the original habitat.

Consideration should also be given to whether on or off-site options are more appropriate. Where ecological damage takes place within the authority boundary, South Lanarkshire Council is keen to ensure that mitigation for such damage also takes place within the area (that is to say that another part of the country does not benefit from damage caused to South Lanarkshire). The exception to this is compensatory planting for the loss of commercial forestry plantation, unless it can be demonstrated that the compensatory planting is of significant ecological or social benefit to South Lanarkshire. For example, a comparatively small area of native broadleaf woodland may be adequate compensation for the loss of a large conifer plantation. This approach is in line with the Scottish Government's Control of Woodland Removal Policy and the South Lanarkshire Biodiversity Partnership's Position Statement on habitat compensation.

To assist in the decision making process, a simple tool has been developed which identifies the general priorities for habitat mitigation in the South Lanarkshire area (Appendix 1). The tool makes several assumptions including:

- That a failure to avoid negative impacts means that mitigation is required.
- That habitat restoration is enhancement not mitigation
- That the start point is replacement of habitat, like for like.
- That the ecological considerations are different for different habitats.
- That the tool will be used in conjunction with the habitat impact calculator to ensure habitat "value" is taken into account.
- That financial compensation for loss of irreplaceable habitats will be considered only as a last resort.

The feasibility of habitat restoration/ creation is often subjective and related to a number of factors including on-site conditions, financial considerations, constraints such as land ownership or land use and the functionality of adjacent areas of habitat. As such, each site must be considered on a case by case basis to ensure the most appropriate options for that development are selected. Where mitigation looks to be non-viable, careful consideration should be given as to whether the development can proceed in its proposed form or whether the negative impacts are too great.

4. Implementation

Delivery of mitigation and off-sets can be secured through a variety of mechanisms within the planning system. Examples include conditions, Section 75 agreements, Section 69 agreements and habitat management plans (which may themselves be conditioned). The most appropriate mechanism will be site specific and should be discussed with the Planning Authority at an early stage.

5. Other sources of advice

Further information and advice can be found online:

www.southlanarkshirebiodiversity.co.uk

www.snh.gov.uk

www.southlanarkshire.gov.uk

<http://www.biodiversityplanningtoolkit.com/default.asp>

Planners can also access the “Frequently Asked Questions” guidance document, produced by the Countryside and Greenspace Service.

For ecological advice that cannot be addressed via the online sources please contact the Countryside and Greenspace Service at South Lanarkshire Council by emailing: CAG@Southlanarkshire.gov.uk.

For advice relating to Planning, please contact South Lanarkshire Council Planning and Building Standards.

6. References

DEFRA. (2012). Biodiversity Offsetting Pilots. Technical Paper: the metric for the biodiversity offsetting pilot in England. Available online at: www.defra.gov.uk

Scottish Government. (2013). 2020 Challenge for Scotland's Biodiversity. Available online at: <http://www.scotland.gov.uk>

Appendix 1: Mitigation Location Decision Making tool

Assumptions:

- Mitigation is required. The Environmental Statement should be referred to in order to ensure mitigation is for the impacted habitat/ species.
- Decision making start point is replacement, like for like.
- Ecological considerations are different for different habitats. Creation of some habitat types (peatland, ancient woodland) is not possible (irreplaceable biodiversity assets). However, restoration of a degraded habitat (e.g. afforested peatland) should be included.
- Sites which are used for off-site mitigation (off-sets) must be secure in order to ensure the mitigation remains effective.
- This tool is not to be used for the calculation of replacement of commercial conifer forestry (i.e. compensatory planting) as this is a crop, not a biodiversity habitat. The exception is where native broadleaf habitat is being considered as an alternative to commercial conifer.

1. Can you carry out work (restoration, replication) on-site?
 - a. Yes- go to question 2
 - b. No- go to question 3
2. Is it feasible¹ to do work on-site?
 - a. Yes- proceed with plan
 - b. No- go to question 3
3. Is it feasible to do mitigation work off-site, adjacent to the site?
 - a. Yes- proceed with plan
 - b. No- go to question 4
4. Is it feasible to do mitigation work off-site, within 10km of the site?
 - a. Yes- proceed with plan
 - b. No – go to Qu. 5
5. Is it feasible to do mitigation work off-site, within South Lanarkshire?
 - a. Yes- proceed with plan
 - b. No-go to Qu 6
6. Is it possible to carry out an appropriate level of equivalent mitigation on-site?
 - a. Yes- proceed but be aware may need to do mitigation off-site too.
 - b. No- question 7
7. Is it possible to carry out an *appropriate* level of *equivalent* mitigation within South Lanarkshire?
 - a. Yes- proceed with plan
 - b. No- Question 8
8. Is it feasible to do mitigation work off-site, in an adjacent local authority area?
 - a. Yes- proceed with plan
 - b. No- go to question 9
9. Is it feasible to do mitigation work off-site, within the CSGN area?
 - a. Yes- proceed with plan
 - b. No- go to question 10
10. Is it feasible to do mitigation work off-site, within Scotland?
 - a. Yes- proceed with plan
 - b. No- go to question 11
11. Is it possible to carry out an *appropriate* level of *equivalent* mitigation within the CSGN area?
 - a. Yes- proceed with plan
 - b. No- review whether it is acceptable to cause initial damage

Definitions and notes

Appropriate- the ecological benefit of the work must be equal to or greater than the losses. A principle of no net loss applies for the majority of habitats. For irreplaceable habitats (such as peatland and ancient woodland) no loss is preferred. Habitat restoration may be considered but a larger area of habitat than that which is being lost will require to be restored to compensate. For off-site work a correspondingly larger area of similar habitat must be restored/ created to compensate for the on-site losses. It is not acceptable to simply restore one bog in mitigation for destroying another one. With regard to the loss of crops such as commercial forestry plantation, a smaller area of high value woodland may be appropriate compensation (from a biodiversity and public benefit point of view). Alternatively restructuring of a uniform plantation may be considered to be more appropriate.

Compensation- if you can't mitigate like for like, compensation can be equivalent on or off-site. Cash payments are a last resort but may be accepted in some limited circumstances. Habitat banking is not currently supported by SLC.

Enhancement- restoration of a habitat to a higher condition than current. Enhancement may be considered appropriate compensation in some circumstances and may be preferable to mitigation in *some* situations.

Equivalent- use biodiversity asset scoring sheet to determine equivalence. A mosaic of habitats may be preferable to the creation of a single habitat, depending on equivalence levels.

Feasible- are there ecologically- appropriate conditions for habitat restoration or creation? Advice from ecologist should be sought regarding the "restorability" of a habitat. SLC, with advice from SNH where necessary, has final say on what is believed to be restorable habitat. Other viability considerations may include whether the scheme economically viable, is creation/ restoration possible within a reasonable time scale for the particular habitat, do you have the ability to act (i.e. are agreements in place with the necessary land owners), is the adjacent habitat functionality connected.

Mitigation- recreation or replication of a habitat on or off-site. **The long-term future of the mitigation off-set site must be secure.**

Networks- off-set schemes which create/ expand/ connect habitat networks are generally preferred, where ecologically appropriate.