

SNH Guidance : Instruction Note

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Notice Sub-Types

1. Instruction Note.

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INTRODUCTION

1. Like most public bodies, SNH is required by statute to take account of a range of other interests when discharging its remit. These duties are referred to as 'balancing duties' and reflect the Government's aim of achieving an integrated approach in which particular objectives are not pursued without reference to other interests. Exercise of our balancing duties requires us to be alive to other interests, and to demonstrate that we take them into account in an appropriate way, when advising, acting or taking decisions in pursuit of our remit.
2. Subject to a few exceptions (listed in paragraphs 28-34) our balancing duties apply in the discharge of all of our functions – for example in advising government on national issues, responding to planning or forestry casework, considering wildlife licences, responding to SSSI notices of intent, developing policy, undertaking projects, managing National Nature Reserves, or proposing a deer control agreement.
3. This paper offers guidance on how SNH's 'balancing duties' should be interpreted. It emphasises the importance of maintaining a rounded view of public interest, and of working co-operatively and in constructive partnership with others. It also offers pointers on the degree to which the balancing duties should influence SNH's advice, actions and decisions in differing circumstances.
4. **SNH views its balancing duties - which require it to be aware of, and take account of a range of other interests - as important in ensuring that natural heritage aims are fulfilled in a way compatible with society's wider needs. SNH will seek to understand the needs of others through liaison, consultation, and working in co-operation with relevant interests as appropriate.**

SNH'S GENERAL AIMS AND PURPOSES

5. SNH has general aims and purposes given by Section 1 of the Natural Heritage (Scotland) Act 1991. In relation to the natural heritage these are:
 - to secure the conservation and enhancement of; and

- to foster understanding and facilitate the enjoyment of, the natural heritage of Scotland; and
- to have regard to the desirability of securing that anything done, whether by SNH or any other person, is undertaken in a manner which is sustainable.

In relation to deer, these are:

- to further the conservation of deer native to Scotland, the control and sustainable management of deer in Scotland, and keep under review all matters, including their welfare, relating to deer

This last became an additional purpose for SNH upon the merger with the Deer Commission for Scotland in 2010¹.

BALANCING DUTIES

6. These general aims and purposes are qualified by ‘balancing duties’, described below. The balancing duties do not override the general aims and purposes for the organisation. They are designed to ensure that, where appropriate, we do not focus upon our primary aims and purposes to the exclusion of all other considerations. The importance which should be placed on these interests, relative to our aims and purposes, is a matter for our discretion.

7. In relation to the natural heritage, Section 3 of the 1991 Act states:

‘...it shall be the duty of SNH in exercising its natural heritage functions to take such account, as may be appropriate in the circumstances, of:

- actual or possible ecological and other environmental changes to the natural heritage of Scotland;
- the needs of agriculture, fisheries and forestry;
- the need for social and economic development in Scotland or any part of Scotland;
- the need to conserve sites and landscapes of archaeological or historic interest;
- the interest of owners and occupiers of land; and
- the interests of local communities.’

In relation to deer, Section 1(2) of the Deer (Scotland) Act 1996 (as amended) states:

‘...it shall be the duty of SNH, in exercising its deer functions, to take such account as may be appropriate in the circumstances of:

- the size and density of the deer population and its impact on the natural heritage;
- the needs of agriculture and forestry; and
- the interests of owners and occupiers of land; and
- the interests of public safety; and
- the need to manage the deer population in urban and peri-urban areas.

8. While the balancing duties deriving from the two Acts, as noted above, are different for SNH’s natural heritage and deer functions, all the interests listed are considered

¹ this purpose is set out in Section 1(1) (a) of the Deer (Scotland) Act 1996 and was originally the purpose of the Deer Commission for Scotland. It became an additional purpose for SNH as a consequence of the Public Services Reform (Scotland) Act 2010 which brought about the merger of DCS with SNH, with effect from 1 August 2010.

important. **Therefore (subject to the exclusions listed in paragraphs 28-34), as a matter of policy SNH will exercise all its balancing duties, as set out in paragraph 7, in relation to all its activities, regardless of whether these activities are ‘natural heritage functions’ or ‘deer functions’.**

9. SNH is not alone in having balancing duties. Most public bodies are required to take other interests, including those relating to the natural heritage, into account in fulfilling their remits. SEPA is required to have regard for the natural heritage, archaeological and historic interests, social and economic needs, and freedom of public access². Indeed all public bodies in Scotland have specific statutory duties to have regard to the desirability of conserving the natural beauty and amenity of the countryside³; to further the conservation of biodiversity⁴; and to act in a way best calculated to deliver greenhouse gas emission reduction targets and adaptation to climate change⁵.

EXERCISE OF BALANCING DUTIES

10. Exercise of our balancing duties requires us to be alive to other interests, and to take them into account in an appropriate way, when advising, acting or taking decisions in pursuit of our remit. Understanding and taking account of other interests does not mean that SNH staff are expected to become experts on socio-economic or other benefits. Simply, as public servants, our role is to have a general understanding of how our work relates to the many and varied interests of society, and to use that understanding in a way that ensures our advice, actions and decisions in relation to the natural heritage are reasonable and in the public interest.
11. Consideration of balancing factors is a ‘duty’ on SNH. That means we are statutorily required to consider the extent to which it is appropriate to take these factors into account, and to act accordingly in any advice, action or decision. Potentially, any advice, action or decision by SNH could be subject to judicial review if we ignored our balancing duties. It is therefore important, where we go through a process of taking account of other interests, and whether or not that leads us to change our advice, actions or decision, that we document the process and our assessment of the relevance of these interests. It is also important that we communicate to others where exercise of our balancing duties leads to modification of our advice, actions or decisions, so as to demonstrate that we are being responsive to these wider interests.
12. Conversely, SNH could be challenged if we take balancing factors into account in inappropriate circumstances⁶. Paragraphs 28-34 below set out certain circumstances in which balancing factors should not influence our advice or action, either because they are specifically excluded for that function, or because the legislation surrounding that function (e.g. notification of Sites of Special Scientific Interest) is prescriptive as to the factors to be taken into account.

² Environment Act 1995, Section 32

³ Countryside (Scotland) Act 1967 Section 66

⁴ Nature Conservation (Scotland) Act 2004 Section 1

⁵ Climate Change (Scotland) Act 2009 Section 44

⁶ SNH was once taken to judicial review, over the Cairngorms Funicular project, when non-government organisations asserted that SNH had taken socio-economic factors into account where it was illegal to do so. The judicial review upheld SNH’s decision-making, and demonstrated the value of good documentation of the decision process.

13. Having balancing duties provides SNH with a legal basis for liaison with other interests with a view to understanding them. However it does not of itself provide us with any increase in power over these other interests. Key points are

- balancing duties do not override our general aims and purposes;
- they are nonetheless part and parcel of our statutory duties;
- they apply to nearly all of our advice, actions and decisions; however
- certain activities are excluded from the balancing duties (see paras 28-34);
- the key to implementing the balancing duties lies in liaising with and understanding other interests;
- professional judgement is always crucial but staff are not expected to become experts on the interests of others;
- we should document the process of taking account of other interests, and our assessment of their relevance, whether or not that leads us to change our advice, actions or decision;
- we should communicate to others where balancing considerations have led to changes in our advice, actions or decisions.

ELEMENTS OF BALANCING DUTIES

14. The following paragraphs may be useful in shaping consideration of each element of the balancing duties. A number of references are included to discussions during the passage of the 1991 Act, which may help to clarify the intention behind the words. However, in the case of any legal challenge, the Courts will be free to establish their own interpretation.

'Take such account as may be appropriate'

15. Consideration of these balancing interests is a statutory requirement on SNH, but the wording of the legislation is that SNH should 'take such account as may be appropriate in the circumstances' of other interests in exercising its functions. During the passage of the 1991 Act the Government of the day indicated why the balancing duties had been included. It said that they underlined its commitment that "*SNH will work co-operatively and in partnership with all relevant interests*", but also stressed that SNH had great discretion in exercising these duties:

"It will be for SNH to judge in each case what the balance should be between the different needs and interests as set out in the clause ... SNH is expected to take only appropriate account of those various interests and needs. It cannot override its primary aims and purposes ..."

'To take account' of an interest means to recognise and apply one's mind to that interest and consider its impact on the matter in hand. 'To take such account as may be appropriate in the circumstances' of an interest implies that the importance which should be placed on these interests, relative to SNH's aims and purposes, is at SNH's discretion.

'Actual or possible ecological and other environmental changes'

16. This duty relates to a core element of SNH's work: understanding the dynamism of natural systems and the effect of human interaction upon them. Its inclusion in the balancing duties works to ensure that SNH's decisions are based on good science and take account of likely changes in the natural heritage. The significance of this duty is much heightened by climate change and the expectation of substantial changes in average temperatures and precipitation patterns in Scotland by mid-century.

17. SNH meets these requirements through understanding research and monitoring results and by keeping in touch with others' thinking on environmental change. At the local level, SNH Area staff should maintain an understanding of the changes likely as a consequence of climate change, which should be available through advisory staff.

'Needs of agriculture, fisheries and forestry'

18. SNH must respect the needs of agriculture, fisheries and forestry. These needs are reflected in Government and European Union policies for these sectors, for example in the Scottish Forestry Strategy. Where possible SNH should exercise its remit in a way which enables the management of natural heritage interests to be integrated with these mainstream uses of land and water.

'Need for social and economic development'

19. Closer integration of environmental and socio-economic considerations has been the focus of much of the work SNH has done in pursuit of the sustainable management of the natural heritage. The present Scottish Government (from 2011) has identified sustainable economic growth in Scotland as its over-arching purpose. Social and economic development can embrace a wide range of activity from built development serving community or business needs to energy, agriculture, forestry, sporting (including field sports) and tourism development. There are also significant social and economic benefits associated with the natural heritage which should be also taken fully into account.

20. In understanding economic interests, we should draw from national economic strategies and related documents, the priorities identified by the enterprise networks (Scottish Enterprise and Highlands and Islands Enterprise), and by local authorities, and the key concerns of industry representative bodies. In understanding social interests, we should draw from local authorities, from community planning organisations, and from education and health organisations. Regular liaison with these bodies is therefore one way in which we can take account of these interests.

'Need to conserve archaeological or historical interest'

21. SNH maintains a concordat with Historic Scotland⁷. It emphasises the importance we attach to areas of archaeological and historic interest, not least because they can aid our understanding of our forebears' interaction with the natural heritage. In our own land management (e.g. of National Nature Reserves) we should ensure that such

⁷ [A Concordat between Historic Scotland and Scottish Natural Heritage](#)

areas are conserved, and in our natural heritage advice, we should avoid compromising others' efforts in this respect.

'Interests of owners and occupiers of land'

22. Caring for the natural heritage is a shared concern. Much of SNH's work is guided by the voluntary principle and involves working with others with an interest in land or water. Owners and occupiers have long been recognised as among SNH's most important partners in this respect, both within designated areas and the wider countryside. At a local level, SNH should be aware of the main interests of owners and occupiers in any land affected by SNH's actions or advice. At both the national and local level, we should maintain good links with representative bodies such as Scottish Land & Estates, NFU Scotland, the Scottish Crofting Federation and Scottish Environment Link. Where land is owned or managed by a community, we should understand and recognise that community's objectives and ambitions for its use and development.

'Interests of local communities'

23. There is no clear definition of what constitutes a 'local community'. However, during passage of the 1991 Act, the Government favoured a fairly loose interpretation which was not "limited to rural centres of population" but which included "those living in the country in isolated locations". The term does not however include 'communities of interest' such as the membership of national voluntary organisations who may share a common vision and aims.

24. At a local level, for any area affected by SNH's actions or advice, SNH should be aware of the main interests in land and water which communities living in or near the area have, whether as the basis for employment, for its recreational or sporting opportunities, or for its landscape setting. Contact with local authorities, community planning partnerships, and community councils should provide a basis for this understanding.

25. However it is not practical, with the resources available to SNH, to understand or represent the range of views which those within a community may have on any specific land use or development proposal; this is a role for a local authority in representing its electorate.

'Size and density of the deer population and its impact on the natural heritage'

26. At a national scale it is clear that the distribution of roe, red, sika and fallow deer populations has changed significantly in recent decades and that in some areas deer numbers need to be reduced in order to reduce the impacts of grazing, trampling or browsing. Within or near sites designated for their biodiversity interest, controlling levels of grazing may be important for the conservation of that special interest. SNH should therefore take account of the effect of a proposal on deer populations and in turn, the effect of any change on habitats. But deer populations in many areas are also an economic resource, used as a basis for sport and related estate income. SNH should therefore take account of any effect a proposal may have on the economic interests of land managers.

27. There may be circumstances in which pursuit of SNH's general aim for the sustainable management of deer, taking account of the social and economic benefits deriving from deer, may lead to differing advice on deer management from that reached in pursuing SNH's general aim to conserve and enhance the natural heritage. Where such a potential conflict is identified and not readily resolved, the lead advisors on, respectively, deer management and management of the affected habitats, should meet to agree the advice most appropriate in the circumstances; failing which the matter should be remitted to the relevant operational Director.

EXCLUSIONS FROM BALANCING DUTIES

28. There are five general areas of our work, listed here, in which it is not appropriate to take any of the balancing duties into account. The circumstances in which balancing duties should or should not be applied when giving advice on development casework are discussed in paragraphs 40-43.

(i) Special Functions

29. Some of the functions undertaken by the JNCC on SNH's behalf are exempt from all but part (a) ('actual or possible ecological and other environmental changes). These relate to:

- the provision of advice and dissemination of knowledge on GB and international nature conservation matters;
- the establishment of common GB standards for monitoring and research; and
- the commissioning or support of research relevant to these matters.

30. Staff should, however, note that:

- the exemption only relates to the work of JNCC. Where SNH chooses to act upon JNCC's advice its further actions will be subject to all of the balancing duties.
- proposals made to both the Quinquennial Review and any ad-hoc amendments to schedules 5 (listed animals) and 8 (listed plants) of the Wildlife & Countryside Act 1981 are subject to all of the balancing duties.

(ii) Notification of SSSIs

31. Section 3 of the Nature Conservation (Scotland) Act 2004 states that if SNH is of the opinion that a site is of special interest by reason of any of its natural features, it must notify it as a Site of Special Scientific Interest. SNH cannot therefore take other considerations into account when notifying SSSIs, and the notification process is therefore exempt from the balancing duties. SNH is however required to consider any objections subsequently raised to the notification, whether on scientific grounds or otherwise. If there are objections on the basis that the site does not warrant being judged as of special interest, SNH should consider whether the comment should trigger a re-evaluation of the site, or whether any alterations to site boundaries or lists of Operations Requiring Consent are justified. SNH will not withdraw the notification if the scientific case for notification is sound. If there are objections on non-scientific grounds, these should not affect the notification itself, though they may well guide the extent of liaison and negotiation over management requirements before the notification is confirmed.

(iii) **Proposing Natura sites**

32. The process of selecting and managing Natura sites (Special Protection Areas for birds, and Special Areas of Conservation for habitats) is governed by EU Directives, translated through to UK legislation in the Conservation (Natural Habitats &c) Regulations 1994. There are parallels with SSSI notification in terms of the criteria which can be used in selecting sites. The 1996 judgement by the European Court of Justice on Lappel Bank confirmed that ecological requirements should not be balanced against economic and recreational interests in designating and defining the boundaries of SPAs; such decisions have to be made on ecological criteria. The same principle applies to the designation and boundary definition process for SACs. So neither the competent authority (in Scotland, The Scottish Government) nor its conservation adviser (SNH) can take non-ecological considerations into account before submitting proposed Natura sites to Europe.

(iv) **Advising on projects or plans which may affect Natura sites**

33. Stringent restrictions are in place to prevent development which would adversely affect any Natura site. However, the Habitats Directive allows a Member State, in certain circumstances, where there is an overriding public interest, to approve a plan or project when it is not possible to demonstrate that there will be no adverse effect on the site⁸. Such decisions are taken by Government or local authorities, not SNH. In advising on such development, SNH should always make clear where it has not been demonstrated that there will be no adverse effect on the site, and should lodge an outright objection so as to trigger review by Scottish Ministers.

(iv) **European Protected Species**

34. The EU Habitats Directive requires a 'system of strict protection' for all populations of species listed on its Annex IV which occur naturally in GB. This law is transposed into Scottish law through the Habitats Regulations 1994 (as amended) which lists these 'European protected species' (EPS) on its Schedules 2 and 4. Any of these animals or plants found in Scotland are fully protected even when they occur outside a protected area. The law details numerous possible offences, most requiring a motive – deliberateness or recklessness. However, some offences require no motive (such as damaging or destroying a breeding site or resting place of such a species). If a proposal is likely to result in an offence being committed against an EPS, a licence to derogate from the requirements of the Directive is required to carry out the work legally. SNH is the licensing authority responsible for granting these licences. No licence can be issued unless we are satisfied that three specific, legal tests have been passed.

BALANCING DUTIES IN MANAGING NATURA SITES

35. EU Member States are required to establish the necessary conservation measures and avoid deterioration of natural habitats or significant disturbance of qualifying

⁸ Guidance on the circumstances under which public interests may be taken into account is contained within Scottish Office Circular 6/1995 as updated in June 2000.

Guidance to staff on responding to casework relating to Natura 2000 sites is contained in SNH's Natura Casework Guidance and in Development Management and the Natural Heritage – A guide for staff.

species on Natura sites to ensure that they continue to contribute to the Favourable Conservation Status of the relevant habitat or species. At a site level, this means meeting the conservation objectives for the designation. The decision on what the conservation objectives should be for a site must be based purely on the ecological consideration of what is needed to contribute to the maintenance or achievement of Favourable Conservation Status for the qualifying interest(s) at EU biogeographical level. The decision on conservation objectives should not take into account wider socio-economic interests. However, the management measures put in place to achieve the conservation objectives may well be influenced by other considerations.

36. In developing and agreeing plans to put in place conservation measures for Natura sites, a range of options may be considered including different timescales, funding mechanisms and types of practical management. In deciding which approach is most likely to achieve the conservation objectives, account should be taken of the full range of factors affecting the deliverability of the plan. This includes the acceptability of the plan to key stakeholders as well as the effects on environmental, social and economic interests within and outside the site itself. The key points made in paragraph 51 on understanding other needs and interests are pertinent here.

BALANCING DUTIES IN SNH POLICY

37. In developing statements on SNH's approach, account should be taken of balancing factors, to the extent that is appropriate, such that that consideration is integrated within the approach. Such statements of our approach should articulate the balancing of factors which we think appropriate. Exercise of our balancing duties should therefore be part and parcel of applying our published approach.

38. For example:

- our policy on ['Land and Communities : Openness in Ownership'](#) sets out SNH's intent, where it owns and manages land as a National Nature Reserves, to consult with and take account of the needs of local communities, and to seek to optimise the local employment which a Reserve generates, and to use the Reserve where possible to support local sustainable development.

39. Equally, where we make inputs to the development of joint approaches, or to the policy of other organisations, our natural heritage advice should take account of balancing factors. For example:

- ['Scotland's Wild Deer: a National Approach'](#), published by Scottish Government in 2008, is a joint approach to the management of deer, agreed by a range of government agencies and stakeholder organisations including SNH, which recognises the social and economic values of deer as well as the need for careful management to meet conservation and forestry needs.

BALANCING DUTIES IN PLANNING ADVICE

40. When SNH offers natural heritage advice to a planning authority, Government, or any other body charged with giving consent for development, it will be for the decision-making body to weigh any adverse environmental impacts of the proposal against its understanding of the social and economic benefits of the proposal. Apart from the exceptions for Natura sites and European Protected Species, SNH must apply its balancing duties in all its work, so the preparation of this advice should take account of other interests as appropriate. In the vast majority of cases where we provide such advice there is no need to document how we apply our balancing duties. The Development Management guidance for staff sets out how to apply them, and hence be proportionate when giving advice.

41. There are very limited and specific circumstances in which SNH might decide not to object to a proposal that raises natural heritage issues of national interest. This is where its significant public benefit and importance has already been established and agreed. Examples of this would include where a clear allocation has been made for a proposal in an up-to-date, adopted development plan, where a proposal has been identified as a National Development in the National Planning Framework or consented in principle through an Act of Parliament.

42. If SNH's advice takes the form of an outright objection to the proposal, it is in effect recommending that the application should be refused. In such cases SNH has concluded that we should document the issues considered when applying our balancing duties. It is important that we document the wider issues involved for any of the following scenarios:

- In cases where there is the potential for adverse impacts that raise issues of national interest affecting SSSIs or within NSAs, where SNH wishes to object outright and so trigger a notification to Scottish Ministers if the planning authority is minded to approve. The balancing duty assessment should be made by the Unit Manager;
- in cases not affecting SACs, SPAs, SSSIs or NSAs (sometimes referred to as 'wider countryside cases') which would raise natural heritage issues of national interest, where SNH is considering objecting outright. The balancing duty assessment should be made by the Unit Manager and signed off by a Director; and
- where SNH is unlikely to object to a development proposal because of the wider benefits it will deliver and the priority it has been given (as highlighted in paragraph 41 above), despite the likely adverse impacts of national interest on the natural heritage. The balancing duty assessment should be made by the Unit Manager and signed off by a Director.

Where SNH decides not to object, we will still draw attention to the impacts of the proposal and the ways in which such impacts can be mitigated and/or compensated for. Our advice should be informed by SNH's balancing duty.

43. This requirement to document the application of SNH's balancing duties applies to planning consultations and to other types of development management consultation where different consent processes are involved – for example, for renewable energy development consented under the Electricity Act (Scottish Government) or forestry (FCS). However, SNH's balancing duties do not apply to objections on the grounds of adverse effects on Natura sites or on the Favourable Conservation Status of a European Protected Species – so there is no need to document the contribution of the proposal to wider interests in these cases.

DOCUMENTING THE APPLICATION OF SNH'S BALANCING DUTIES

44. We will document the application of our balancing duties to provide an internal record of what we knew and considered at the time we made our decision. It helps us keep an eye on the 'proportionality' of our response. SNH is not expected to have expert knowledge in wider socio-economic issues – others who contribute to the planning process will have more understanding of these areas – but it puts on record what we did know at the time.

45. The Application of Balancing Duties information form identifies key questions relating to the other interests that SNH should take into account when applying its balancing duties – ensure you use a version of the form with the same version number as this guidance. The form is geared towards use in the planning casework context where there are potential adverse impacts that raise natural heritage issues of national interest. However, the questions in the form cover the whole range of factors relevant to SNH's balancing duties and set out in Section 3(1) of the Natural Heritage (Scotland) Act 1991 and Section 1(2) of the Deer (Scotland) Act 1996. The purpose of completing an Application of Balancing Duties information form is to document that other interests have been taken into account in SNH's advice and to inform the decision by SNH management whether or not to object to a development proposal.

46. The Application of Balancing Duties information form includes guidance on its completion. This outlines the information that should be provided in response to each question. This is supported by the commentary on each element of SNH's balancing duties, provided earlier in this document in paragraphs 14 to 27. It is important to take a proportionate approach when completing the form – it should draw on the information in the proposal and other information that is readily to hand.
47. If natural heritage issues of national interest are likely to arise, the [Application of Balancing Duties information form](#) must be completed by an appropriate case officer, deploying advice if required from other Area colleagues, or from staff in Director Support – Operations and Planning & Renewables Unit. Once the form has been completed, it should be passed to the Unit Manager for them to make their balancing assessment and, if necessary, endorsement by a Director. In order to ensure this process can happen as quickly as possible, the case officer must alert key colleagues as early as possible that an Application of Balancing Duties assessment will need to be done. The key people to inform are:
- The Area Manager
 - Director Support – Operations if natural heritage issues of national importance out with SSSIs or NSAs are likely to arise

REFERENCES IN THE RESPONSE LETTER

48. There is generally no need to make any reference in the response letter to the completion of an Application of Balancing Duties information form and the subsequent assessment. This is an internal process to document that SNH has applied its balancing duties, as set out in the Natural Heritage (Scotland) Act 1991 and Section 1(2) of the Deer (Scotland) Act 1996. Others involved in development should expect SNH to apply its balancing duties to all its work, including consideration of development proposals.
49. However, in some circumstances there may be justification for a reference in the response letter to the fact that SNH has applied its balancing duties and these have had a bearing on a decision. This is mainly the case where the decision may be seen as controversial. SNH might decide not to object to a proposal because its significant public benefit and importance has already been established and agreed. Examples of this would include where a clear allocation has been made for a proposal in an up-to-date, adopted development plan, where a proposal has been identified as a National Development in the National Planning Framework or consented in principle through an Act of Parliament.
50. The assessment form itself should not be appended, even where there is a reference in the response letter to SNH having applied its balancing duties. However, a request may nonetheless be received for the Application of Balancing Duties information form and the summary of SNH's assessment to be made available to any party. Under the terms of Freedom of Information legislation and guidance, SNH would make available an Application of Balancing Duties information form, the summary assessment informing the eventual decision and any other documentation. Also, at any PLI or hearing called to consider the case, it is likely that an Application of Balancing Duties information form would be called for and listed as an SNH document. Care should be exercised that commercially sensitive data is not used in the Application of Balancing

Duties exercise that might subsequently enter the public domain through Fol. As a general rule, only information in the public domain should be used for the Application of Balancing Duties assessment – e.g. information in an Environmental Statement or other documents accompanying a planning application.

Understanding other needs and interests

51. SNH's commitment to working in partnership does not derive simply from the need to implement our balancing duties; it has far wider benefits. However, partnership working is certainly one of the best ways of contributing to our understanding of the interests of others. At the national level, this may involve regular liaison with national bodies which represent different interests. Similar liaison with local or regional representatives should be pursued at Area level. Opportunities should be taken to attend events which raise our awareness of the social and economic context. Such interchange stimulates and helps SNH to integrate thinking about other interests into its own approach and decision-making, in a way which should minimise casework burdens further along the line. One of the best ways of encouraging a balanced and integrated approach to decision-making by other agencies is to demonstrate – and to communicate to others – that SNH does so itself.

References:

All legislation from the Office of Public Sector Information

http://www.opsi.gov.uk/legislation/about_legislation

First issued:

October 1999

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