



Scottish Natural Heritage
Dualchas Nàdair na h-Alba

All of nature for all of Scotland
Nàdar air fad airson Alba air fad

Planning for Development Our Service Statement

April 2015 Version 1



Introduction

Marine and terrestrial planning processes help to deliver the Scottish Government's purpose of creating a more successful country, with opportunities for all to flourish through increasing sustainable economic growth. Scotland's Economic Strategy recognises that investment in protecting and enhancing our natural assets is fundamental to a cohesive and resilient economy.

The purpose of this service statement is to outline how Scottish Natural Heritage (SNH) will engage in the planning system to support this objective. It applies to our involvement in the planning system and other regulatory systems relevant to development on land and at sea. This includes our advice on applications under the Electricity Act and licenses under the Marine (Scotland) Act.

Our role in the planning system

SNH is the leading organisation in Scotland that seeks to inspire, enthuse and influence others to manage our natural resources sustainably. In the context of the planning system, we do this by providing advice on the effects of plans, policies and development proposals on Scotland's natural heritage. This includes our landscape and seascape, biodiversity, geo-diversity and the public enjoyment of the outdoors.

We are a statutory consultee for some planning applications, all marine licence applications and for all environmental statements. We are also the licensing authority for certain protected species issues that may arise as a result of development proposals. As a key agency, we contribute to development plans and other national and regional spatial plans affecting land and sea.

We do not determine planning applications or other development consents. That is the role of planning authorities, Scottish Ministers and other regulators, hereinafter referred to as 'consenting authorities'. They take account of our advice, but it is for them to make decisions about development proposals on the basis of relevant plans and policies.

Our vision and objectives

Our vision is that people value Scotland's natural assets because they generate benefits for all, sustaining us and improving our economy, health, lifestyles and culture. We engage with the planning system in order to get the most from nature and improve the public benefits generated by the sustainable use of Scotland's natural assets. To help achieve this we will:

- help decision makers understand the impacts of development on our natural assets;
- enable others to achieve the right development in the right place;
- support high-quality development which maximises benefits to people and nature;
- help deliver a faster, more efficient planning & consenting process;
- exercise our functions in a way that contributes to achieving sustainable economic growth.

In order to achieve these objectives we will:

- share our knowledge and skills to build the capacity of others to plan for development that minimises impacts on our natural heritage;
- engage upstream in strategic planning, Strategic Environmental Assessment and with individual development proposals at an early stage;
- target advice on plans and proposals that could have impacts on Scotland's natural heritage that raise issues of national interest;
- provide advice that is proportionate, enabling, clear and unambiguous;
- ensure that our advice complements the advice of other key agencies.

Regulatory reform

Our service aligns with the principles of better regulation and the requirements of the [Scottish Regulators' Strategic Code of Practice](#). Our advice and guidance will be:

Proportionate: Our level of engagement and the scope and detail of our advice will be in proportion to the nature, scale and importance of the potential impacts a plan or proposal might have on the natural heritage.

Consistent: This service statement provides the basis for delivering a national service locally. Our advice will be evidence-based and our approach and level of service will be consistent across Scotland.

Accountable: We provide annual Planning Performance Reports to the Scottish Government detailing our contribution to the planning system. These are published on our website.

Transparent: The internal guidance that frames our advice, for example [Development Management & the Natural Heritage](#) and [Identifying Natural Heritage Issues of National Interest in Development Proposals](#) are published on our website. Our advice to planning authorities and the Scottish Government on specific plans and proposals is published on local authority and Scottish Government websites.

Targeted: We will target our efforts on plans and proposals that could have impacts on Scotland's natural heritage that raise issues of national interest.

Building capacity to support sustainable use of our natural assets

Scotland's natural heritage is a shared resource and we all have a responsibility for its stewardship. All public bodies in Scotland have a statutory duty to further the conservation of biodiversity. Scottish Planning Policy and the National Marine Plan set out a range of policies relating to the sustainable use of environmental resources that decision-makers should take into account.

To help them do this, we publish a range of [research, guidance and good practice related to development and the natural heritage](#). We also engage with our key partners at the national and local level to provide opportunities for planners, developers, agencies and others to share knowledge and practice in dealing with natural heritage issues. This includes our series of [Sharing Good Practice events](#) and our contribution to joint initiatives such as the Environmental Impact Assessment (EIA) Forum.

Spatial planning

We support the plan-led approach to development. By engaging early in the plan-making process we can help guide development to the right places and reduce the risk of problems or delays later.

National plans

We will:

- help implement the current National Planning Framework (NPF) and provide advice and information to support the next NPF review;
- provide advice and information to support and help implement other national plans such as the National Marine Plan, the National Renewables Infrastructure Plan and the Tourism Development Framework for Scotland;
- have regard to national plans in contributing to regional/ local plans and advising on development management.

Strategic & local development plans

We will:

- work as an active partner throughout the plan-making process;
- provide data and information on the natural heritage to support site assessment and development delivery;
- promote the benefits provided by ecosystems (including recreation and enjoyment of nature) and show how nature and landscapes are key components of the distinct characteristics and strengths of a place;
- promote green networks and green infrastructure as an integral component of successful place-making;
- seek opportunities for implementing priority routes in the National Walking and Cycling Network and delivery of the Central Scotland Green Network;
- facilitate Habitats Regulations Appraisals and Strategic Environmental Assessments that are proportionate and integrated with the plan-making process;
- support development frameworks, development briefs and masterplans that maximise the benefits from natural assets;
- use action programmes to prioritise our contribution to implementing the plan;
- provide information to the Directorate for Planning and Environmental Appeals, where required, to support efficient plan examinations;
- help to ensure effective integration between marine and terrestrial plans within the coastal zone.

Regional marine plans

We will:

- provide advice and information on the natural heritage to support Marine Planning Partnerships and work as an active partner throughout the plan-making process;
- promote the benefits provided by ecosystems and show how nature and seascapes are key components of the distinct characteristics and strengths of Scotland's seas;
- help to ensure effective integration between marine and terrestrial plans within the coastal zone.

Strategic Environmental Assessment and Habitats Regulations Appraisal

Strategic Environmental Assessment (SEA) is required for all public sector plans, programmes and strategies. We will work with strategic planners at an early stage to help them ensure that environmental issues are taken into account in their preparation and implementation. Habitats Regulations Appraisal (HRA) is a requirement for many plans on land and sea that relate to development. The process ensures that plans will not lead to development that could have an adverse effect on Natura sites. We will work with public bodies at all stages to help ensure that assessments are proportionate and integrated with the plan-making process.

A range of [guidance on environmental assessment](#) is available on our website to support consenting authorities and developers.

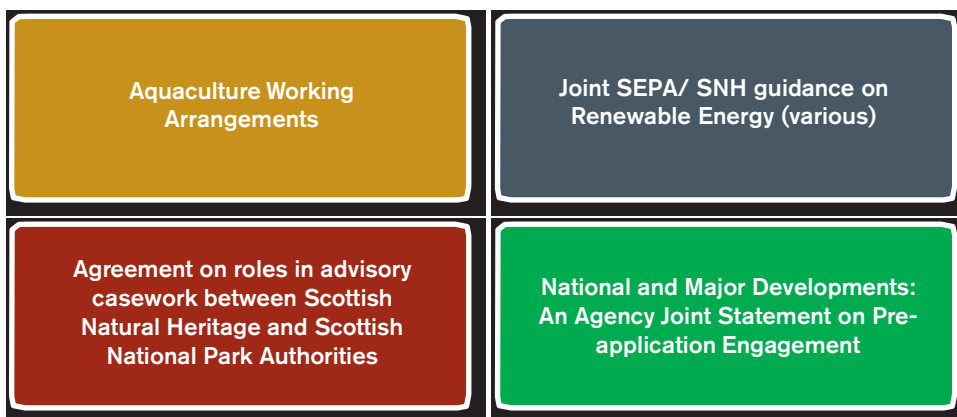
Development management

Our role in development management is to provide advice to decision-makers on the impact of development proposals on the natural heritage. By working with others, we aim to help good development happen in the right places.

Working with other key agencies

Where a case raises issues of joint interest we will work closely with other key agencies (see Figure 1) to solve problems and, where possible, enable a proposal to be progressed. We will ensure that our customers receive complementary, rather than contradictory, advice.

Figure 1. Protocols relevant to joint-key agency working on development proposals



Targeted engagement

We will target our efforts on development proposals that could have impacts on Scotland's natural heritage that raise issues of national interest. We are a statutory consultee on some developments and will also engage with a small number of other cases that could, individually or in combination with others, raise issues of national interest. In addition, there will be some cases where our advice can help to align the planning process with the species licensing process. We have set out our priorities for engagement in ['How and when to consult SNH – checklist'](#).

We will not respond to consultations that do not meet the criteria set out in the checklist. For these cases we expect our customers to use relevant guidance on our website.

Note: If we choose not to engage with a particular development proposal, this does not mean that we support the proposal, or that there are no impacts on the natural heritage that developers and consenting authorities should take account of.

Early engagement

We seek to engage with developers and consenting authorities in an open, positive way from the earliest stages in the planning process. We want to help provide relative certainty as soon as possible in the development process. Our aim is to use guidance and advice to inform development proposals and provide an early steer on the likely impacts on natural heritage assets so that developers can make key decisions as to how to take their proposal forward. If there is a possibility that SNH will object to a proposed development, we will make this known as soon as possible.

We will participate in early discussions with developers and consenting authorities on those cases that match our priorities for engagement set out in ['How and when to consult SNH – a checklist'](#). We expect consenting authorities to coordinate pre-application discussions and to involve the relevant agencies. This is in line with the [Key Agency Joint Statement on Pre-application Engagement](#).

We will provide an early steer on the likely impacts of a proposed development and, where appropriate, provide advice on the location, design or management in order to maximise the benefits to people and nature and minimise the impacts on the natural heritage.

For national and major development, we encourage the use of processing agreements as a framework for processing an application. Where they are used, we will provide advice to help the applicant and consenting authority frame the agreement and apply a realistic timescale for the application process.

Environmental Impact Assessment and Habitats Regulations Appraisal

EIA and HRA are key processes that help ensure that decision-makers take full account of the impacts of development on the environment. We encourage early engagement with SNH on the scope and preparation of EIAs and HRAs so that delays and holding objections at the application stage can be avoided.

Early engagement in these processes provides a key opportunity for us to help the applicant provide the information that decision-makers need. Our [guidance on EIA and HRA](#) will help developers and their consultants draw on good practice and carry out assessments to a high standard. We will advise on the key surveys/information necessary to inform the decision and ensure that the content of the assessment is proportionate to the scale and complexity of the likely impacts arising.

Our advice on development proposals

We will try to provide advice that will enable the proposal to be progressed. This means providing advice, where appropriate, that helps consenting authorities and developers demonstrate that significant effects on natural heritage assets can be overcome by siting, design or other mitigation and comply with relevant regulations. We expect the plan-led approach and early engagement to avoid or minimise most significant impacts on the natural heritage.

Our advice will be proportionate, enabling, clear and unambiguous. We will:

- focus on the greatest opportunities for, or threats to, the natural heritage. This means that the scope and detail of our advice will be in proportion to the nature, scale and importance of the potential impacts a proposal might have on the natural heritage;
- ask for information only where it is necessary to enable a decision;
- object only where we identify impacts on the natural heritage that raise issues of national interest;
- recommend planning obligations (conditions and legal agreements) and licence conditions only where they are needed to overcome an SNH objection;
- take into account other interests in line with our statutory balancing duty.

When we do not object, this does not mean there are no impacts on the natural heritage that decision-makers need to take account of. Consenting authorities may choose not to grant consent for a development on the basis of our advice on the nature, scale and importance of the impacts, even though SNH has not objected. This is for the consenting authority to determine within the context of relevant plans and policies.

If a consenting authority is minded to grant permission against our advice, they will sometimes need to notify Scottish Ministers in line with relevant procedures. In addition, we notify Scottish Ministers of all cases on which we have made an outright objection.

Service levels

All consultations and written requests for advice in relation to development proposals should be sent to the relevant [SNH Area Mailbox](#) or marineenergy@snh.gov.uk for marine energy proposals. In the interests of an efficient planning system, we will seek to provide our service to a timescale that best suits the needs of our customers. However, in order to effectively manage our limited resources we have set out [guidance for developers and consenting authorities](#) on how we will engage at each stage of the consents process. We will apply a set of minimum service standards in the absence of a specific deadline. There may be occasions where we will need to ask for extensions to response deadlines, but our aim is to avoid this through good pre-application engagement.