



Policy on Local Sites

Scope of This Policy

This policy sets out Scottish Wildlife Trust views on the selection of non-statutory local sites, and the management of local site systems, for the protection and enhancement of biodiversity and geodiversity. In the context of this policy Local Sites are defined as any non-statutory site recognised to be of importance in the local context.

Policy Headline

SWT believes that the creation and maintenance of Local Site systems provides a mechanism for the identification, enhancement and protection of locally important wildlife areas. They provide a necessary supplement to other voluntary and statutory conservation mechanisms, which on their own are inadequate to conserve Scottish wildlife. Local site systems can be used in the same way for important ¹earth science sites.

Policy Statement

Purpose of Local Sites

1. SWT believes that the primary purpose of Local Sites is to protect and enhance important areas of wildlife and geology. These should cover the full range of habitats, species and geology found in Scotland.
2. The majority of wildlife exists out with the statutory site framework. SWT believes that Local Sites provide a valuable and necessary addition to statutory networks and when combined can contribute to a broader and more effective means of conserving wildlife in Scotland.

The Selection of Local Sites

3. Sites can only be enhanced and protected if their value is recognised by the owners and authorities responsible for conservation, enhancement and development control. SWT believes that this value should be determined by an objective assessment based on a standard survey to a clear and consistent method. These same methods should be applied across Scotland to create a consistent and comparable national network.
4. SWT only surveys a site where there is written consent from the owner. However, SWT believes that Local Authorities should have the power to select sites and maintain them on a list, where there is sufficient information of the required quality.
5. SWT believes that all sites meeting the required standard should be selected and Local Site systems should not therefore aim to generate a minimum representative sample.
6. SWT believes that the current plethora of Local Site systems be re-evaluated, and systems based on common principles and standards be applied, using common terminology. This could still allow for

¹ Earth science covers geology and geomorphology.

local variation and be able to accommodate the differences between sites in the uplands and lowlands and rural and urban areas of Scotland.

7. SWT believes that survey and assessment criteria for biological sites should include evaluation of the sites area (extent), its links to surrounding habitats, the range and status of species it supports, the threats to the site and its current and potential management and use.
8. SWT believes that all Local Authorities in Scotland should take the responsibility for establishing and maintaining a list of Local Sites and protecting them through their development control policies. The management of the system, involving site selection and enhancement should be the responsibility of a partnership between the Local Authority, relevant statutory agencies, voluntary bodies, land owners and local experts. The existing LBAP partnerships provide a useful established mechanism to manage Local Site systems.

Information on Local Sites

9. SWT believes that Local Site systems are best established and maintained where they have the support of an adequately resourced Local Record Centre.
10. SWT believes that all information supporting the selection of Local Sites should be made available to individuals and organisations who wish to further the aims of conservation of the sites interest. Similarly, information should be used to support decisions which could impact on the interest of the site. Where there is a commercial gain, attempts should be made to recoup the cost of collecting and managing the information.

Positive Management of Local Sites

11. SWT believes that one of the most effective ways of securing and enhancing the interest of a site is to engage and support the site owner. The majority of sites exist because their owners value their interest. This can be enhanced by providing the owner with expert advice, information and additional resources.
12. SWT believes that the interest on sites can be enhanced by integrating Local Site systems into agricultural subsidy programmes, such as Land Management Contracts, LBAPs and other advisory and land management incentive schemes.

Protection from Inappropriate Development

13. SWT believes that the Scottish Executive should develop national planning guidance which stipulates the need for Local Site systems, promotes the values of these systems and provides guidance on how sites should be protected.
14. SWT believes that all Local Authorities should adopt and enforce robust policies which support a presumption against any development which could lead to the loss or deterioration of a recognised Local Site.
15. SWT believes that all Local Authorities should ensure that every local plan contains an inventory of Local Sites and identifies the boundary of sites on a proposals map.

Site Monitoring & Review

16. SWT believes that Local Site lists be reviewed every five years based on a sample survey and owner questionnaire. Ideally Sites should be resurveyed every ten years, as part of a rolling programme to ensure that up to date and relevant information is available.

Resourcing Local Site Systems

17. SWT recognises that selecting, enhancing and maintaining Local Sites requires a significant level of resourcing. SWT believes that the responsibility for resourcing should rest with the partnership who maintains the system. However, SWT also believes that Local Authorities should be provided with more resources from the Scottish Executive to meet their obligations. Resources should also be made available directly to site owners from relevant statutory agencies including Scottish Natural Heritage and SEERAD.

18. SWT recognises the history of voluntary support for Local Sites and encourages the continued involvement of expert volunteers. Their value should be accounted for in any assessment of resource provision and requirement.

SWT priorities for action

SWT will:

19. Contribute to the development and promotion of robust Local Site systems via development of national guidance to Local Authorities, working with CoSLA, SNH and other stakeholders.
20. Encourage SWT Regional Committees, Members Centres and staff to work in partnership with Local Authorities and Local Record Centres to progress the survey, assessment, notification, data management and monitoring of Local Sites.
21. Continue to press for greater recognition and support for the role of Local Sites in biodiversity, geodiversity, planning, agricultural and freshwater policies.
22. Continue to make the case for well resourced Local Record Centres as the principle means of collating and disseminating information on Local Sites
23. Encourage our member centres to advocate the protection and enhancement of Local Sites using the planning system. This will be supplemented by action at a national level where a development threatens multiple or nationally unique sites.
24. Campaign for more incentives for landowners to encourage the positive management of Local Sites.

For context and background notes to this Policy Statement, please see Appendix 1.

Cross-reference to other related SWT policies

25. This policy relates to the following SWT policies on Geodiversity and Natural Greenspace in Towns & Cities

Policy approved by Council 23/03/05

Policy to be reviewed 2008.

APPENDIX 1

Background notes to SWT's Policy on Local Sites: January 2005

Local Sites in context

Intensive agriculture and urbanisation has left much of Scotland bereft of biodiversity, leaving only pockets of natural and semi-natural habitat, which either support a wide range of species or particular types of uncommon flora and fauna. Such sites are a vital component in Scotland's overall biodiversity and an important starting point for future enhancement and therefore deserve a high level of protection. Geodiversity in the form of local geology/geomorphology provides soils and conditions that underpin local biodiversity.

Local Sites are areas identified for their high wildlife value and then officially recognised by local authorities through non-statutory designation in development plans. Most Scottish planning authorities have developed Local Site lists and in 2002 there were over 3,000 examples of these sites in 29 out of Scotland's 32 local authority areas. Currently local authorities designate Local Sites using their own assessment criteria for biological, geological /geomorphologic and community importance. These systems use a variety of terminology, with the most common being Wildlife Site, SINC (Site of Importance for Nature Conservation) or SINS (Site of Importance for Natural Science) and RIGS (Regionally Important Geological Sites).

Local non-statutory sites complement SSSIs and help to underpin national and international government conservation objectives through fostering and prioritising action at a regional and local authority level. Unlike SSSIs and European site networks, Local Site systems aim to identify all land of high nature conservation value in a geographical area, not just a representative sample. Whilst there are some local sites matching SSSI-level quality, others are identified because of their regional or community value.

It is important to recognize the multi-faceted nature of Local Sites as many provide opportunities for lifelong learning, access to greenspace, health and the economy. Whilst SSSIs & SACs identify nationally important sites for habitat, species and geodiversity conservation, Local Sites are often the most valued by people living in Scotland's towns and cities. In 2001 a national survey conducted by SWT discovered that the average size of a designated site was 30ha, with woodland proving to be the numerically commonest type of site followed by grassland and mire. Collectively, grassland marsh and woodland also represent the largest area of habitat to achieve local site status. In comparison only a few (under 25) geodiversity sites are represented in Scotland.

SWT & Other Site Systems

Soon after its inception in 1964 the Scottish Wildlife Trust began the work of listing wildlife sites. Protocols were subsequently developed for surveying, assessing and notifying (owners and local authorities) wildlife sites. This work has carried on in some form for forty years. In 1991, SWT instigated a more consistent approach to site identification, survey and assessment as detailed in its "Wildlife Sites Manual". The manual was last updated in 1996ⁱⁱ but has been supplemented by guidance notes on aspects of survey, data management and assessment procedures.

Wildlife Site surveys are carried out by professional surveyors and trained volunteers, assessments are carried out by local volunteer groups and systems are administered by a combination of SWT staff, other agencies and volunteers. Since 1994, SWT has developed and attempted to maintain a national database of Wildlife Sites. Other types of local sites are designated by local authority staff and recorded locally. Meanwhile, the parallel development by local authorities of their own site designation systems has left Scotland with a plethora of different sites systems, all with similar aims and objectives and nomenclature, but no overall consistency.

In 2001, 29 out of 32 local authorities had developed some form of Local Site system, with 23 systems making reference 'to wildlife sites'. At the time Highland, Shetland and Western Isles councils had no local sites systems in placeⁱ. RIGS currently are listed in West, Mid and East Lothian, Borders, City of Edinburgh, Fife, Dundee and Angusⁱ.

The Scottish Wildlife Action Programmes

Between 1997 – 2002 SWT managed the Scottish Wildlife Action Programme (SWAP) set out to identify, survey and assess sites across lowland Scotland. The programme enabled 1,294 sites to be surveyed of which 514 sites had acquired wildlife site status after 38,317 ha had been surveyed. Not all the surveyed sites that were assessed, but of those that were, 75% attained Wildlife Site status.

The report estimated that there could be as many as 10,000 sites worthy of survey in Scotlandⁱ. This information is now being supplemented and updated by SWT member centres in conjunction with local record centres. Whilst steady progress has been made, this is hindered by a lack of resources and an over dependence on local experts who can only offer their knowledge on a voluntary basis. It is clear that to be effective that local authorities will have to be in a position to support efforts to survey, assess and monitor sites, as well as facilitating the dissemination of management advice to land owners.

Current use of Local Sites systems

Planning

Local Sites are given recognition and protection through the planning system. The need to protect biodiversity and geodiversity is set out through government guidance NPPG 14 Natural Heritageⁱⁱⁱ. However, this only contains a short section on local designations, stating that:

A clear distinction should be made between local and national designations in the framing of development plan policies. The level of protection accorded to local designations will be a matter for the (local) planning authority.

Planning authorities should avoid the unnecessary proliferation of local designations. Where they are considered necessary, authorities should take account of the economic interests and aspirations of local communities, and should ensure that designation does not impose unreasonable restrictions on the ability of people to work or develop their land.

Development plans are created in accordance with planning legislation consolidated in The Town and Country Planning (Scotland) Act 1997. The parts of legislations relevant to the identification, survey and designation of local sites within development planning process are set out in Annex 1. Local sites are not mentioned specifically in legislation; however local authorities are clearly empowered to undertake the work necessary for their designation as part of their wider planning duties as they do for other types of designations.

In 2002, 13 out of 17 Structure Plans contained specific policies pertaining to the designated of Local Sites, with 10 of the plans making specific reference to wildlife site systems. Meanwhile, of the 62 Local Plans in operation, 54 had policies for the designation of local sites. 31 Local Plans made specific reference to wildlife sitesⁱ. It is also notable that the level of protection offered both in policies and practice has not been consistent between different local authorities, and this remains a continuing problem in certain areas.

The LBAP Process

Local Biodiversity Action Plans (LBAPs) are the principal means of fulfilling Scotland's policy obligations set out in the Convention on Biological Diversity, the 6th European Environmental Framework and the UK Biodiversity Action Plan. LBAPs now operate across every local authority area in Scotland and are the key driver of policy at a local level. In 2002, only 8 out of the 15 plans used local sites as a means of achieving their objectivesⁱ. This is despite the fact that the 1999 manual and guidance on LBAPs stated that a primary function of LBAPs should be to "identify targets for species and habitats appropriate to the local area, and to reflect the values of people locally"^{iv}. Even where LBAPs do make use of local sites in their strategy, the emphasis is not strong. This limited approach is perhaps not surprising given that the LBAP manual makes no specific reference to local sites. The Scottish Biodiversity Strategy 2004 does however acknowledge the role of Local Sites will play in meeting future objectives for the conservation and enhancement of species and habitat^v.

The Scottish Executive has recently provided British Geological Survey with a grant to audit the geodiversity of West Lothian and construct a Local Geodiversity Action Plan (LGAP). This will be the pilot for rolling out similar LGAPs across Scotland.

Agriculture

At present Local Sites are not recognised within Scottish Executive agricultural support programmes and there are no specific incentives or means of support for their sound management. Therefore, any action to maintain or improve the ecological wellbeing of sites is purely on a voluntary basis. Agricultural subsidies are undergoing major reforms moving away from production support towards measures that deliver, social, economic and environmental benefits. This provides opportunities for Local Sites to be considered as part of the proposed new forms of support focused on the Land Management Contracts concept. Local Sites have obvious potential as a mechanism for providing management advice and assistance with farm planning for biodiversity.

Recent Developments in Local Sites Policy

A statutory basis for Local Sites

For a long time SWT has believed that the inconsistent approach to site designation across Scotland has undermined the status of local sites, leaving key stakeholders unsure of their worth or purpose. This situation contrasts with the status and recognition afforded to statutory sites such as SSSIs. Scottish Executive Ministers and civil servants appear to favour a non-statutory approach to sites at the local level, indicating that a further tier of statutory designation is not desirable. The issue was last considered by the expert working group that help to prepare the draft Nature Conservation (Scotland) Bill. The group did not dispute that the existing framework for local sites system required review but no proposals were brought forward. Meanwhile due to other priorities SNH did commence any work in this area. The issue was revisited during the passage of the Nature Conservation (Scotland) Bill when SWT presented evidence to the Environment and Rural Affairs Committee. This influenced the recommendations of the Environment and Rural Affairs Committee, prompting a response from the Minister who stated that:

“I wholeheartedly agree with the committee’s view that SNH and Local Authorities should be encouraged to work together in order to review and improve the current system of local wildlife sites. Indeed I want SNH to take the lead in initiating that process of review.”

“It is clear that the new biodiversity duty will give local sites a new importance as a mechanism to assist in the identification and labelling of areas of relatively high biodiversity significance (at a level below the SSSI and Natura systems) and that local sites can therefore play a valuable role in supporting the effective incorporation of biodiversity considerations within, for example, strategic planning activity, including the role of local sites, is emphasised in the biodiversity strategy^{vi}.”

A reaffirmation of this commitment was made at stage two of the Bill, when the Minister persuaded the committee not to support a amendment aimed at giving local sites statutory recognition.

Progress in England & Wales

The limited progress in Scotland contrasts markedly with developments in England, where DEFRA has begun to work on national guidance. The work was initiated as long ago as 1999, through the creation of a Local Sites review group. The group reported in March 2000, defining the objective of local non-statutory site systems for the identification and creation of Local Sites as:

“Ensure in the public interest, the conservation, maintenance and enhancement of species, habitats, geological and geomorphological features of substantive nature conservation value. Local sites systems should select all areas of substantive value including both the most important and the most distinctive species, habitats, geological, geomorphological features within a national, regional and local context. Sites within the series may also have an important role in contributing to the public enjoyment of nature conservation.”

DEFRA has also made a commitment to:

“Encourage local authorities to make better use of their powers to negotiate management agreements which secure the special interest on sites of local importance. We will also encourage them to use powers at their disposal, including powers to protect species, individual trees, and hedgerows, in order to protect key features on special sites.”

DEFRA is now in the final stages of completing consultation on the guidance and expects to publish the finalised guidance in the first half of 2005.

Future Developments in Scotland

Following on from the Ministerial commitment made during the passage of the Nature Conservation Act work has commenced to emulate the progress in England. The first steps towards national guidance were taken in June 2004 with the formation of a working group comprising SNH, COSLA, and BGS & SWT.

This represented opportune timing given the statutory provisions of the Nature Conservation (Scotland) Act 2004, which place a duty on all public bodies to promote the enhancement of biodiversity (See Annex 2). New regulations and legislation are also being placed on public bodies to strategically assess all their plans and programmes for environmental impact. In both these areas the strategic approach to identifying areas biodiversity importance provides an invaluable tool. This role is reinforced by the recognition that Local Sites are given in the Scottish biodiversity strategy.

The planning system looks set to be overhauled in 2005 after the publication of a white paper. A review of planning guidance on the natural heritage is also anticipated, creating further opportunities to enhance the status and role that Local Sites play within development planning.

Annex 1: Relevant Duties on Scottish Planning Authorities

1. Town and Country Planning (Scotland) Act 1997

(1) It shall be the duty of the planning authority to keep under review the matters which may be expected to affect the development of their district or the planning of its development.

(2) A planning authority may, if they think fit, institute a survey, examining the matters referred to in subsection (1), of the whole or any part of their district, and references in subsection (3) to the district of a planning authority shall be construed as including any part of that district which is the subject of a survey under this subsection.

(3) Without prejudice to the generality of subsections (1) and (2), the matters to be kept under review and examined under those subsections shall include

(a) the principal physical and economic characteristics of the district of the authority (including the principal purposes for which land is used) and, so far as they may be expected to affect that district, of any neighbouring districts

3) A local plan shall consist of-

(a) a written statement formulating in such detail as the planning authority think appropriate the authority's proposals for the development and other use of land in that part of their district or for any description of development or other use of such land including in either case such measures as the planning authority think fit for the conservation of the natural beauty and amenity of the land, the improvement of the physical environment and the management of traffic,

(b) a map showing those proposals,

2. Scottish Planning Policy SPP1: The Planning System November 2002

Local plans should contain policies relating to:

- The allocation of land relating to different development types e.g. housing, business and industry, retailing, transport, leisure and recreation and mineral extraction;
- the conservation of the built, natural and cultural heritage;

Annex 2 Nature Conservation Act (Scotland) 2004

PART 1 BIODIVERSITY

1 Duty to further the conservation of biodiversity

(1) It is the duty of every public body and office-holder, in exercising functions, to further the conservation of biodiversity so far as is consistent with the proper exercise of those functions.

References

ⁱ S Brooks and G Calder (2002) The State & Status of Wildlife Sites In Scotland, Scottish Wildlife Action Programme (SWAP) 1997-2002, SWT & The Esmee Fairbairn Foundation

ⁱⁱ V, Halcrow, A, Somerville, Gill Smart (1996) Wildlife Sites Manual: For the Survey, Assessment and Processing of Wildlife Sites, V, SWT

ⁱⁱⁱ Scottish Office Development Department (1999) National Planning Policy Guideline 14: Natural Heritage, The Scottish Office

^{iv} The Scottish Biodiversity Group (1999), Local Biodiversity Action Plans: A Manual and Guidance Notes, COSLA & The Scottish Office

^v Scottish Executive (2004), Scotland's Biodiversity: Its in your hands, A Strategy for the conservation and enhancement of biodiversity, The Scottish Executive

^{vi} Scottish Executive (2003) Written Response to the stage 1 of Report on the Nature Conservation Bill January