

## **Local Biodiversity Sites**

### **Scope of this policy**

1. This policy sets out the Scottish Wildlife Trust's views on sites designated in local planning authority policies, the selection of these Local Biodiversity Sites, and the management of Local Biodiversity Site systems, for the protection and enhancement of local biodiversity. In the context of this policy, Local Biodiversity Sites are defined as any non-statutory site recognised to be of importance for biodiversity in the local context<sup>1</sup> (Local Geodiversity Sites are dealt with in the Scottish Wildlife Trust's policy on Geodiversity.). For context and background notes to this Policy Statement, please see Appendix 1.

#### **Policy headlines**

- The Scottish Wildlife Trust (SWT) believes that the creation and maintenance of Local Biodiversity Site systems provides a mechanism for the identification, enhancement and protection of locally important wildlife areas.
- Local Biodiversity Sites provide important wildlife refuges and reservoirs of wildlife and act as stepping stones within local ecological networks, linking different habitats and helping to maintain biodiversity at the ecosystem scale.
- A system of positively managed Local Biodiversity Sites across Scotland, contributes to realising Scottish Wildlife Trust's broader vision for a "*network of healthy, resilient ecosystems supporting expanding communities of native species across large areas of Scotland's land, water and seas.*"
- Local Biodiversity Sites provide an essential complement to other voluntary and statutory conservation mechanisms, which on their own are inadequate to conserve Scotland's wildlife.

### **Policy statement**

#### *Purpose of Local Biodiversity Sites*

2. The Scottish Wildlife Trust (SWT) believes that the primary purpose of Local Biodiversity Sites is to protect and enhance all locally important areas of wildlife, covering the full range of habitats and species found in Scotland.
3. The majority of wildlife exists outwith the statutory site<sup>3</sup> series. SWT believes that Local Biodiversity Sites provide a valuable and essential addition to statutory sites and when combined contribute to a broader and more effective means of conserving wildlife in Scotland.

<sup>1</sup> Scottish Planning Policy uses the nomenclature local nature conservation sites (which encompasses both local biodiversity sites and local geodiversity sites) to describe Local Biodiversity Sites designated for their local nature conservation value.

<sup>2</sup> Earth science covers geology and geomorphology

4. SWT believes that to reverse the continued decline in Scotland's biodiversity<sup>4</sup>, an ecosystem<sup>5</sup>-based approach to conservation is needed<sup>6</sup>. As such, action is required not just in specifically protected areas but also throughout the wider countryside at the 'ecosystem scale'. Therefore, protection and enhancement of Local Biodiversity Sites should not be considered in isolation, rather their management should be considered more widely in terms of how they connect to other habitats and contribute to biodiversity at the ecosystem scale.
5. SWT uses the term 'Foundation sites' to describe the combined function of Local Biodiversity Sites and other designated sites and biodiversity features (e.g. Natura 2000 sites, Sites of Special Scientific Interest, National nature Reserves, Local Nature Reserves, Ancient Woodlands) acting as loci, or sources, from which healthy ecosystems can be re-built.

#### *Benefits of Local Biodiversity Sites to wildlife and people*

6. Local Biodiversity Sites provide important wildlife refuges and biodiversity sources for future Living Landscapes<sup>7</sup> and also act as 'stepping stones' in the local ecological network (habitat network<sup>8</sup>), connecting different habitats and helping to maintain biodiversity at a wider scale (at the ecosystem scale). A more permeable landscape can help species to move more freely between habitats and is an essential adaptation mechanism in the face of climate change because, for some wildlife, the habitat they presently occupy may become unsuitable in the future.
7. Local Biodiversity Sites can provide a variety of ecosystem services<sup>9</sup> such as carbon storage, flood prevention, improved water quality, nutrient cycling, and cultural services such as recreational and spiritual benefits.
8. Local Biodiversity Sites, particularly those located in an urban setting, help people to enjoy and engage with the wildlife of their local area. There is a growing body of evidence which suggests that regular encounters with nature can have a positive effect on health and well being<sup>10</sup>.

#### *The Selection of Local Biodiversity Sites*

9. Sites can only be protected and enhanced if their value is recognised by both the owners and authorities responsible for conservation, land use, land enhancement and development management.

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<sup>3</sup> E.g. National Nature Reserves, exemplar Sites of Special Scientific Interest (SSSIs) and Natura 2000 sites (Special Areas of Conservation and Special Areas of Protection)

<sup>4</sup> European Union (EU) Heads of State or Government undertook in 2001 to halt the decline of biodiversity in the EU by 2010 and to restore habitats and natural systems. Scotland, along with the rest of the UK failed to meet the 2010 target of halting the loss of biodiversity.

<sup>5</sup> The Convention on Biological Diversity defines an ecosystem as a *dynamic complex of plant, animal and micro-organism communities and their non- living environment interacting as a functional unit*. Ecosystems encompass both very small (e.g. a garden pond or urban park) and large systems (e.g. an ancient Caledonian pine forest or upland grouse moor).

<sup>6</sup> See SWT's Policy future series 1 – Living Landscapes towards ecosystem-based conservation in Scotland. Available at: [http://www.swt.org.uk/docs/002\\_001\\_general\\_Living%20Landscapes%20towards%20ecosystem%20based%20conservation%20in%20Scotland%20March%202009\\_1250595044.pdf](http://www.swt.org.uk/docs/002_001_general_Living%20Landscapes%20towards%20ecosystem%20based%20conservation%20in%20Scotland%20March%202009_1250595044.pdf)

<sup>7</sup> See: SWT's Policy future series 1 – Living Landscapes towards ecosystem-based conservation in Scotland. Available at: [http://www.swt.org.uk/docs/002\\_001\\_general\\_Living%20Landscapes%20towards%20ecosystem%20based%20conservation%20in%20Scotland%20March%202009\\_1250595044.pdf](http://www.swt.org.uk/docs/002_001_general_Living%20Landscapes%20towards%20ecosystem%20based%20conservation%20in%20Scotland%20March%202009_1250595044.pdf)

<sup>8</sup> The term habitat network refers to connected systems of land and water managed primarily for the purpose of conserving biodiversity

<sup>9</sup> Ecosystem services are all the things that nature does for us (in terms of goods and services) and on which our quality of life depends

<sup>10</sup> See for example: Greenspace and quality of life – a critical literature review available at:

<http://www.greenspacescotland.org.uk/default.asp?page=465> .

10. SWT believes that local authorities should be responsible for establishing and maintaining a list of Local Biodiversity Sites and they should ensure that they are given adequate protection through their development management policies.
11. Local Biodiversity Sites selected for their wildlife interest have the significant potential to help local authorities (and other public bodies) identify and prioritise action for habitats and species; in support of their biodiversity 'duty' under the Nature Conservation (Scotland) Act 2004.
12. SWT believes that **all** sites meeting the required standard should be selected as part of the Local Biodiversity Site system rather than the aim being to generate a minimum representative sample (as is the case for Sites of Special Scientific Interest).
13. SWT believes that the current plethora of 'Local Biodiversity Site' systems should be re-evaluated, and Local Biodiversity Site systems should be applied based on the common principles and standards set out in the Scottish Natural Heritage guidance on establishing and managing local nature conservation site systems published in 2006<sup>11</sup>, should be applied. This could still allow for local variation and be able to accommodate the differences between sites in the uplands and lowlands and rural and urban areas of Scotland.
14. SWT believes that survey and assessment criteria for biological sites should include evaluation of the site's area (extent), its links to surrounding habitats (connectivity), the diversity and rarity of species and habitats it supports, the threats to the site, its naturalness and its current and potential management and use.

#### *Information on Local Biodiversity Sites*

15. SWT believes that Local Biodiversity Site systems are established and maintained most effectively where they have the support of an adequately resourced Local Record Centre.
16. SWT believes that all information regarding the selection of Local Biodiversity 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.

#### *Positive Management of Local Biodiversity Sites*

17. The Scottish Wildlife Trust advocates an 'ecosystem approach'<sup>12</sup> to the management and conservation of Local Biodiversity Sites meaning that their management should be considered in the context of the surrounding area (i.e. at the 'ecosystem' or 'landscape' scale). It should also be recognised that positive management of Local Biodiversity Sites for wildlife will provide economic and social benefits as well.
18. A network of positively managed Local Biodiversity Sites across Scotland, contributes to realising SWT's broader vision for a "*network of healthy, resilient ecosystems supporting expanding communities of native species across large areas of Scotland's land, water and seas*"<sup>13</sup>.

<sup>11</sup> Scottish Natural Heritage (2006). Guidance on Establishing and Managing Local Nature Conservation Site Systems in Scotland. The document was prepared by the Local Nature Conservation Site Working Group which included the Scottish Wildlife Trust.

<sup>12</sup> See SWT's Policy future series 1 – Living Landscapes towards ecosystem-based conservation in Scotland. Available at: [http://www.swt.org.uk/docs/002\\_001\\_general\\_Living%20Landscapes%20towards%20ecosystem%20based%20conservation%20in%20Scotland%20March%202009\\_1250595044.pdf](http://www.swt.org.uk/docs/002_001_general_Living%20Landscapes%20towards%20ecosystem%20based%20conservation%20in%20Scotland%20March%202009_1250595044.pdf)

<sup>13</sup> SWT (2006). Natural Connections: a vision for re-building Scotland's wildlife. SWT, Cramond. Available at: [http://www.swt.org.uk/docs/002\\_001\\_publications\\_NaturalConnections\\_1250595197.pdf](http://www.swt.org.uk/docs/002_001_publications_NaturalConnections_1250595197.pdf)

19. Responsibility for introducing, reviewing and managing Local Biodiversity Sites should be taken by the local authority, although this may be delegated. Either way, the work should be carried out with the help of a panel of advisors comprising relevant interests and expertise<sup>14</sup>.
20. 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 current sites have been selected because their owners have been historically managing the sites in a way that encourages biodiversity. Management can be further enhanced by providing the owner with expert advice, information and additional resources.
21. All Local Biodiversity Sites which are in public ownership should be managed by the relevant responsible statutory body as part of their biodiversity duty<sup>15</sup>.
22. SWT believes that the biodiversity interest on sites can be enhanced by integrating Local Biodiversity Site systems into agricultural support programmes, such as the Challenge Fund and Rural Development Contracts<sup>16</sup>, LBAPs and other land management incentive schemes.
23. SWT believes that local authorities would allocate more resources for the positive management of Local Biodiversity Sites if the latter were included in the list of 'National Indicators'<sup>17</sup> (See Appendix 1).

#### *Protection from Inappropriate Development*

24. SWT believes that the Scottish Government, in national planning guidance, should continue to stipulate the need for Local Biodiversity Site systems, recognise their value and provide guidance on how sites should be protected.
25. SWT believes that all local authorities should adopt and enforce robust policies which support a presumption against development that would lead to the loss or deterioration of a recognised Local Biodiversity Site.
26. SWT believes that all local authorities should ensure that the local development plan contains an inventory of Local Biodiversity Sites and a map of the boundaries of Local Biodiversity Sites as part of the plan.

#### *Site Monitoring & Review*

27. SWT believes that Local Biodiversity Site lists should be continuously reviewed based on a regular habitat condition survey and an owner questionnaire.
28. All 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 Biodiversity Site Systems*

29. SWT recognises that selecting, enhancing and maintaining Local Biodiversity Sites requires a significant level of resourcing. SWT believes that the responsibility for resourcing should rest with the partnership who maintains the system. SWT believes that local authorities should be provided with adequate resources from the Scottish Government to meet both their management obligations and their biodiversity duty. Resources should also be made available

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<sup>14</sup> For further details on establishing a partnership see: Section 4.3 of SNH's 2006 guidance (the text used here was extracted from this document)

<sup>15</sup> See Section 1 of the Nature Conservation (Scotland) Act 2004

<sup>16</sup> Both funding streams come under the Scottish Rural Development Programme

<sup>17</sup> Forty five National Indicators have been chosen as a way to measure progress against the Scottish Government's National Outcomes

directly to site owners from relevant statutory agencies such as Scottish Natural Heritage and the Forestry Commission.

30. SWT recognises the history of voluntary support for Local Biodiversity 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**

29. The Scottish Wildlife Trust will:

- Continue to promote robust Local Biodiversity Site systems working with individual local authorities, Convention of Scottish Local Authorities (CoSLA), Scottish Natural Heritage (SNH) and other stakeholders.
- Encourage SWT Members Centres and planning volunteers to work in partnership with local authorities and Local Record Centres to progress the survey, assessment, notification, data management and monitoring of Local Biodiversity Sites.
- Continue to press for greater recognition and support for the role of Local Biodiversity Sites in biodiversity, planning, agricultural and freshwater policies.
- Continue to make the case for well resourced Local Record Centres as a principle means of collating and disseminating information on Local Biodiversity Sites
- Encourage SWT Member Centres and our network of planning volunteers to advocate the protection and enhancement of Local Biodiversity Sites using the planning system. Where necessary, Member Centres and/or local planning volunteers, with the support of SWT headquarters, will object to inappropriate development on Local Biodiversity Sites. This will be supplemented by action at a national level where a development threatens multiple or nationally unique sites.
- Campaign for more incentives for landowners to encourage the positive management of Local Biodiversity Sites.

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

### **Cross reference to other related Scottish Wildlife Trust policies:**

- Geodiversity
- Natural Greenspace in Towns & Cities
- Woodland
- Living Landscapes towards ecosystem-based conservation in Scotland

## Appendix 1

### Background notes to the Scottish Wildlife Trust's policy on Local Biodiversity Sites

#### Local Biodiversity 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 or 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.

Local Biodiversity Sites are areas identified for their high wildlife value and then officially recognised by local authorities through non-statutory designation in local development plans. A variety of terminology is used to describe Local Biodiversity Sites, with the most common being: Listed Wildlife Sites and Wildlife Sites (historically used by SWT to describe such sites), Site of Importance for Nature Conservation (SINC) or Site of Importance for Natural Science (SINS). Scottish Planning Policy<sup>i</sup> uses the term *local nature conservation site* (LNCS) to describe Local Biodiversity Sites designated for their biodiversity value.

Local non-statutory sites complement Sites of Special Scientific Interest (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<sup>ii</sup>, Local Biodiversity 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 Biodiversity Sites matching SSSI-level quality, others are identified because of their regional or community value.

It is important to recognise the multi-faceted nature of Local Biodiversity Sites as many provide opportunities for lifelong learning, access to greenspace, health and the economy. Whilst SSSIs and European protected sites identify international and nationally important sites for habitat, species and geodiversity conservation, Local Biodiversity Sites are often the most valued by people living in Scotland's towns and cities.

In 2006 the SNH Local Nature Conservation Sites (LNCS) Working Group, which included the Scottish Wildlife Trust, published guidance regarding establishing and managing LNCS systems in Scotland<sup>iii</sup>. As well as setting out the legislative and policy context and the purpose of LNCS, the guidance listed criteria for selecting local geodiversity and local biodiversity sites – the aim being to standardise the approach to selecting new sites and reviewing existing sites.

The 2006 Guidance lists six factors for assessing local biodiversity sites: *species diversity, species rarity, habitat rarity, habitat naturalness, habitat extent and connectivity*.

#### The Scottish Wildlife Trust's historic involvement in promoting local wildlife sites

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 (e.g. 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".

More recently (2006) the Scottish Wildlife Trust was part of a working group (the LNCS Working Group) which published guidance on establishing and managing LNCS systems (see above). Wildlife Site surveys were carried out by professional surveyors and trained volunteers, assessments were carried out by local volunteer groups and systems were administered by a combination of SWT staff, other agencies and volunteers. Since 1994, SWT has developed and maintained a national database of wildlife sites.

#### *The Scottish Wildlife Action Programme*

Between 1997 – 2002 SWT managed the Scottish Wildlife Action Programme (SWAP) which 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 of land had been surveyed.

The report estimated that there could be as many as 10,000 sites worthy of survey in Scotland<sup>iv</sup>. This information has been supplemented and updated by SWT member centres in conjunction with local record centres, where the latter exist. 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. To be effective local authorities must resource efforts to survey, assess and monitor sites, as well as facilitating the dissemination of management advice to land owners.

### **Current Local Biodiversity Sites**

In 2010, more than 3,000 Local Biodiversity Sites have been identified across Scotland<sup>v</sup>. Twenty nine out of 32 local authorities have developed some form of Local Biodiversity Site system. Highland, Shetland and Western Isles councils have no Local Biodiversity Sites systems in place and Moray Council only list one. Highland council state that as coverage is so large, it is not feasible to identify all the high quality sub-SSSI standard sites as they would be huge in area and number; Western Isles do not consider a Local Biodiversity Site system necessary as there are so many other designations covering a total of 40% of the land area.

Where the Local Biodiversity Sites system is operating in an authority area, the majority of local authorities have identified, mapped and listed Local Biodiversity Sites in their current local plan (LP)<sup>vi</sup>. They also have specific planning guidance referring to proposed development on Local Biodiversity Sites. In addition, most local authorities who are currently operating a Local Biodiversity Site system are likely to adopt the same approach to Local Biodiversity Sites in the next local development plan as is in their current LP.

### **A statutory basis for Local Biodiversity Sites**

#### *Nature Conservation (Scotland) Act 2004 - background to the passage of the 2004 Act*

Scottish Wildlife Trust believes that the inconsistent approach to Local Biodiversity Site designation across Scotland has undermined their status, leaving key stakeholders unsure of their worth or purpose. This situation contrasts with the status and recognition afforded to statutory sites such as SSSIs.

Although SWT pressed hard for Local Biodiversity Sites to be given a statutory footing during the passage of the Nature Conservation (Scotland) Act 2004, Scottish Government indicated that a further tier of statutory designations was not desirable and no such provision was provided in the 2004 Act. Instead, a non-statutory approach to sites, at the local level, was to remain the favoured

approach and thus is reliant upon the Planning Acts and subsequent designations within the local planning authority development plans.

### *The biodiversity duty*

Section 1 of the Nature Conservation (Scotland) Act 2004, places a duty on public bodies to further the conservation of biodiversity<sup>vii</sup>:

In SWT's dealings with planning authorities and other public bodies, the 'biodiversity duty' adds a statutory footing to the case for the protection of Local Biodiversity Sites from inappropriate development.

## **The Scottish Biodiversity Strategy (SBS)**

Under the provisions of the Nature Conservation (Scotland) 2004 Act, the Scottish Biodiversity Strategy (SBS) was published in 2004. SBS put forward a 25-year vision and strategy for action to protect Scotland's biodiversity.

Two of the 'Agendas for Action' have objectives concerning Local Biodiversity Sites:

*Action 8: to manage existing and develop new local nature reserves and wildlife sites to protect and where appropriate enhance conservation interests*

*Action 9: to Facilitate action by local people to identify and protect important species and habitats.*

## **Current National Planning Policy and Strategy**

### *National Planning Framework for Scotland 2 (NPF2)*

The Planning etc. (Scotland) Act 2006 requires Scottish Ministers to prepare a national planning framework. It also requires planning authorities to take the framework into account in local development plans and development management decisions. Although Local Biodiversity Sites are not specifically referenced in the document, there are many references that relate to protecting the natural environment. E.g.:

Section 49 states, *inter alia*: *The planning system has an important role to play in improving the environment, for example by strengthening green infrastructure, safeguarding and enhancing urban and rural biodiversity....*

NPF2 lists 14 National Developments which are those developments considered to be essential to the delivery of the spatial strategy set out in NPF2. National Development 12 is the Central Scotland Green Network (CSGN) which is described as: *a strategic network of woodland and other habitats, active travel routes, greenspace links, watercourses and waterways, providing an enhanced setting for development and other land uses and improved opportunities for outdoor recreation and cultural activities.*

Because this 'environmental infrastructure project' has been identified as a national development, it provides a further opportunity for SWT to advocate the protection and management of Local Biodiversity Sites (which form part of the 'green network') to the 19 local authorities in the Central Belt who are within the CSGN catchment.

## *Scottish Planning Policy*

Local Biodiversity Sites are recognised and given protection through the planning system. The need to protect local biodiversity (and geodiversity) is set out in government guidance - Scottish Planning Policy (SPP)<sup>viii</sup>.

Sections 139 and 141 of SPP on local designations state:

*139. International and national designations can be complemented by local designations which protect, enhance and encourage the enjoyment and understanding of locally important landscapes and natural heritage. Local designations should be clearly identified and protected through the development plan. The reasons for designation should be clearly explained and the on-going relevance and function of local designations should be considered when development plans are prepared. Some local designations, such as Local Nature Reserves, are a statutory designation. Other local designations are non-statutory. Planning authorities are encouraged to limit non-statutory designations to two types – local landscape areas and local nature conservation sites. Both statutory and non-statutory local designations should be identified and protected in the development plan and the factors which will be taken into account in development management decision making should be set out. The level of protection given to local designations through the development plan should not be as high as the level of protection given to international or national designations.*

*141. When considering whether to designate new local nature conservation sites for their biodiversity or when reviewing existing designations, planning authorities should assess sites against the following factors:*

- species diversity, species or habitat rarity, naturalness and extent of habitat,*
- contribution to national and local biodiversity objectives,*
- potential contribution to the protection or enhancement of connectivity between habitats or the development of green networks, and*
- the potential to facilitate enjoyment and understanding of the natural heritage.*

### *Local Development Plans*

Local Development Plans<sup>ix</sup> are created in accordance with planning legislation consolidated in The Town and Country Planning (Scotland) Act 1997 as amended by The Planning etc. (Scotland) Act 2006. Local Biodiversity Sites are not mentioned explicitly in the legislation; however local authorities are clearly empowered to undertake the work necessary for their designation as part of their wider environmental planning duties as they do for other types of designations. Legislation relevant to the identification, survey and designation of Local Biodiversity Sites within development planning process is set out below.

### *Town and Country Planning (Scotland) Act 1997*

#### *4 Survey of planning districts*

*(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*

### 11 Preparation of local plans

(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

## The Local Biodiversity Action Plan Process

At the Earth Summit<sup>x</sup>, the Convention of Biological Diversity (CBD) called for the development and enforcement of national biodiversity strategies and action plans. In 1994, the UK became the first country that signed up to the CBD, to produce a national biodiversity action plan (the UK Biodiversity Action Plan) in response to its commitments under the agreement. As well as having national priorities and targets, action was also taken at a local level to create Local Biodiversity Action Plans. LBAPs are the principle means of Scotland fulfilling its policy obligations under the CBD. LBAPs operate across every local authority area in Scotland and are one of the key drivers of wildlife conservation at a local level.

Local Biodiversity Sites can make a significant contribution to conserving habitats and species listed in LBAPs. 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*”<sup>xi</sup>.

Despite the above statement in the manual, not all LBAPs refer to Local Biodiversity Sites as a means of achieving their objectives and, where they are mentioned in the strategy, often the emphasis is weak.

## Agriculture

Local Biodiversity Sites may be located on agricultural land and as such, their biodiversity value will be dependent on certain types of agricultural practice or active management to maintain or improve a particular feature of the site. Farmers, crofters and landowners can receive subsidies (in theory) to manage Local Biodiversity Sites for biodiversity under the current round of agri-environment schemes which form part of the Scottish Rural Development Programme (SRDP)<sup>xii</sup>. The Challenge Fund (*Woodlands In and Around Towns [WIAT] and Forestry For People*) and the Rural Development Contracts - Rural Priorities (RDC-RP) are two examples of the funding mechanisms that would apply.

In practice, funding for RDC-RP has been very competitive. Contracts are awarded for proposals which are perceived to deliver agreed regional priorities. Therefore proposed active management of a Local Biodiversity Site may be in direct competition with funding for management of a SSSI. The scoring system under, *biodiversity priorities*, would favour supporting a proposal that brings or maintains a SSSI into ‘favourable’ condition.

WIAT has not been so competitive. However, funding for active management of a Local Biodiversity Site would depend on the Local Biodiversity Site being a wooded area located within 1 km of settlements with a population of over 2000 people.

To conclude, active management of Local Biodiversity Sites can support farm planning for biodiversity, but due to the competitive nature of the SRDP assessment process, Local Biodiversity Sites may not always be awarded funding.

## **Guidance on Local Biodiversity Sites in England**

In 2006 the Department for Environment, Food and Rural Affairs (DEFRA) produced national guidance on Local Biodiversity Sites aimed at local authorities: *Local Sites: Guidance on their Identification, Selection and Management*.

The importance and context of Local Biodiversity Sites is set out in the *Introduction* which states:

*This document provides guidance on the development and management of systems to identify sites of local importance for nature conservation in England. It deals with the management of Local Sites systems for biodiversity and geological conservation which complement the series of internationally and nationally designated wildlife and geological sites.*

*The guidance is intended to promote more transparent and consistent approaches in the operation of Local Sites systems across the country, embracing regional and local diversity and variation within the natural environment. It outlines the roles and purposes of Local Sites systems and proposes frameworks and standards for their operation as well as for the selection, protection and management of the sites themselves.*

It goes on to recognise the biodiversity value of local sites by stating:

*At the heart of this guidance is the principle that whilst Local Sites may also provide other benefits, they contain features of substantive nature conservation value and that the purpose of selection is to provide recognition of this value and to help conserve those features by affording the sites an appropriate degree of protection.*

## **National Indicators – England**

In 2006, a set of 198 national indicators was published by the UK Government in order to measure local authorities' progress against the Government's National Outcomes: *The New Performance Framework for Local Authorities and Local Authority Partnerships*: Included in the suite of indicators was one relating to Local Biodiversity Sites - NI 197: *Improved local biodiversity – proportion of Local Sites where active conservation management is being achieved*.

*The indicator assesses the proportion (%) of the total number of Local Sites under positive conservation management. Sampling is not employed - all Local Sites in each Local Authority will be assessed and not those just owned by Local Authorities. Evidence of positive (rather than active) conservation management is being or has been undertaken is required and will be used as a proxy for positive biodiversity outcome.*

*Good performance, taking into account the variation in number of local sites in each Local Authority area, will be indicated by a year on year increase.*

From the above, inclusion of Local Sites as a NI should have a positive effect on the conservation and enhancement of Local Sites in England because the number of Local Sites under positive management must now be accounted for at a local authority level.

## National Indicators – Scotland

Under *Scotland Performs*<sup>xiii</sup> there are no indicators relating to Local Biodiversity Sites at a national level in Scotland. The three natural heritage indicators are:

- *Increase to 95% the proportion of protected nature sites in favourable condition (Natura 2000 and SSSI only)*
- *Biodiversity: increase the index of abundance of terrestrial breeding birds*
- *Ensure 70% key commercial fish stocks at full reproductive capacity and harvested sustainably by 2015*

## The Lawton Review<sup>xiv</sup> - England

In September 2009, Hilary Benn, the then Secretary of State for the Environment, commissioned a review of England's wildlife sites and ecological network, appointing Prof Sir John Lawton as Chair. The review, '*Making space for nature*', was carried out by a panel of experts drawn from voluntary conservation organisations (including The Wildlife Trusts), academia, farming and local government.

The review refers to the importance of local (wildlife) sites throughout the document. As an example, extracts from Chapter 6 *Establishing a coherent and resilient ecological network are given below.*

Chapter 6 - *Establishing a coherent and resilient ecological network* makes specific reference throughout the chapter to Local Biodiversity Sites (here called *local wildlife sites*). Regarding their protection:

*Planning offers the strongest protection and applies most rigorous tests to the sites of highest importance, i.e. Natura 2000 sites and SSSIs that have statutory protection. The planning system does recognise Local Wildlife Sites, ancient woodland, other non-designated priority habitats and sites occupied by priority species, but it currently does not afford them a particularly strong level of protection - the thresholds applied to decide whether the benefits of development outweigh the importance of a site tend to be significantly lower for these sites than for SSSIs and Natura 2000 sites. If these sites are important to local communities and they form part of the national ecological network then they should be afforded much stronger protection in planning policy than at present, as vital components of a national network.*

The review recommends, *inter alia*:

*Planning policy and practice should recognise and protect from inappropriate development ecological networks, including areas for restoration.*

- *Specifically it must continue to provide the strongest protection to internationally important sites and strong protection from inappropriate development to SSSIs. It also needs to provide greater protection to other priority habitats and features that form part of a national ecological network, particularly local wildlife sites and ancient woodland.*

There is also reference to public bodies having regard to the 'biodiversity duty' when considering disposal of public land and its effects on the ecological network:

*Public bodies owning land which includes components of England's current or future ecological network should do more to realise its potential, including better protection for, and management of, this land, in line with their biodiversity duty. Before disposal of any public land, the impact on the ecological network should be evaluated and opportunities sought to use the disposal to enhance the overall network.*

With regard to the protection of Local Biodiversity Sites (here called local wildlife sites) the review puts forward three options:

*There are three options: we either need to find different, better ways of protecting local wildlife sites (and other remaining areas of semi-natural habitat of high wildlife value) through the planning system; or we need to provide incentives for private owners to secure their future; or we need to designate more areas as SSSIs. In practice, a combination of these three approaches will be the most cost-effective solution.*

The review also highlights the concern over the present management of local (wildlife) sites and recommends:

*It is important that the identification and management of local wildlife sites is improved and that both are properly monitored. Local Authorities should be encouraged to take responsibility for ensuring that effective networks of local wildlife sites are in place.*

DEFRA consider the Lawton review to be a key contribution to the Natural Environment White Paper<sup>xv</sup> *An invitation to shape the nature of England*, which is due for publication in Spring 2011, and the UK's response to the Biodiversity Convention meeting in Nagoya which was held in October 2010.

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<sup>i</sup> Scottish Planning Policy is a statement of the **Scottish** Government's **policy** on nationally important land use **planning** matters. Publication available at:

<http://www.scotland.gov.uk/Resource/Doc/300760/0093908.pdf>

<sup>ii</sup> Natura 2000 network of Special protection Areas (SPAs and Special Areas of Conservation (SACs)

<sup>iii</sup> Guidance on Establishing and Managing Local Nature conservation Site Systems in Scotland (2006)

<sup>iv</sup> S Brooks and G Calder (2002) *The State & Status of Wildlife Sites In Scotland*, Scottish Wildlife Action

<sup>v</sup> SWT internal report *Local Nature Conservation Sites – SWT options on way forward*, paper presented to Conservation Committee (SWT) March

<sup>vi</sup> Following the 2006 Act, local plans have been renamed local development plans.

<sup>vii</sup> Section 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.

<sup>viii</sup> SPP supersedes 19 Scottish Planning Policies and National Planning Policy Guidance themes and includes NPPG 14 which relates to natural heritage.

<sup>ix</sup> In the four main cities (Aberdeen, Dundee, Edinburgh and Glasgow) and their surrounding areas. The development plan is made up of: the strategic development plan; local development plan; and, supplementary guidance. In all other areas, the development plan is made up of: local development plan and supplementary guidance.

<sup>x</sup> Conference on Environment and Development, "the Earth Summit", which took place in 1992 in Rio de Janeiro

<sup>xi</sup> The Scottish Biodiversity Group (1999), *Local Biodiversity Action Plans: A Manual and Guidance Notes*, COSLA & The Scottish Office

<sup>xii</sup> See: <http://www.scotland.gov.uk/Topics/farmingrural/SRDP>

<sup>xiii</sup> See: <http://www.scotland.gov.uk/About/scotPerforms>

<sup>xiv</sup> Lawton, J.H., Brotherton, P.N.M., Brown, V.K., Elphick, C., Fitter, A.H., Forshaw, J., Haddow, R.W., Hilborne, S., Leafe, R.N., Mace, G.M., Southgate, M.P., Sutherland, W.J., Tew, T.E., Varley, J., & Wynne, G.R. (2010) *Making Space for Nature: a review of England's wildlife sites and ecological network*. Report to Defra.

<sup>xv</sup> See: <http://ww2.defra.gov.uk/environment/natural/whitepaper/>