

Strategic Environmental Assessment of Supplementary Guidance Natural Environment (2016)

Appendix A: Plans, programmes, strategies (PPS) and other documents which are relevant to the Supplementary Guidance, including their environmental objectives

Environmental requirements of PPS	How it affects or is affected by the Orkney Local Development Plan and Supplementary Guidance Natural Environment
BIODIVERSITY, FAUNA & FLORA	
<p>The Nature Conservation (Scotland) Act 2004 introduced the 'biodiversity duty' - a 'duty to further the conservation of biodiversity' - for all public bodies, and sets out more specific provisions within this (e.g. for SSSIs).</p> <p>It also required the preparation of a Scottish Biodiversity Strategy to which all public bodies should pay regard, as well as a Scottish Biodiversity List of animals, plants and habitats that Scottish Ministers consider to be of principal importance for biodiversity conservation in Scotland. The purpose of the list is to help public bodies carry out their Biodiversity Duty by identifying the species and habitats which are the highest priority for biodiversity conservation in Scotland.</p>	<p>As a public body, Orkney Islands Council has a duty, "<i>....in exercising any functions, to further the conservation of biodiversity so far as it is consistent with the proper exercise of those functions.</i>"</p> <p>This duty must be reflected in the Orkney Local Development Plan (LDP), Supplementary Guidance Natural Environment and in development management decisions.</p>
<p>Scottish Planning Policy 2014, paragraphs 193 to 218, provides guidance on how the Government's policies for the conservation and enhancement of Scotland's natural heritage should be reflected in land use planning. SPP requires the planning system to:</p> <ul style="list-style-type: none"> • conserve and enhance protected sites and species, taking account of the need to maintain healthy ecosystems and work with the natural processes which provide important services to communities; • promote protection and improvement of the water environment, including rivers, lochs, estuaries, wetlands, coastal waters and 	<p>The LDP should:</p> <ul style="list-style-type: none"> • identify all international, national and local natural heritage designations (including potential SPAs and SACs) on the Proposals Maps and in the Supplementary Guidance Natural Heritage, distinguishing clearly between international or national sites and sites of more local importance; • include planning policy for any areas identified as being of

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<p>groundwater, in a sustainable and co-ordinated way;</p> <ul style="list-style-type: none"> • seek to protect soils from damage such as erosion or compaction; • protect and enhance ancient semi-natural woodland as an important and irreplaceable resource, together with other native or long-established woods, hedgerows and individual trees with high nature conservation or landscape value; • seek benefits for biodiversity from new development where possible, including the restoration of degraded habitats and the avoidance of further fragmentation or isolation of habitats; and • support opportunities for enjoying and learning about the natural environment. 	<p>international, national or local importance for the natural heritage and safeguard any areas identified as being of major importance for nature conservation or amenity;</p> <ul style="list-style-type: none"> • make clear the requirement to protect the integrity and qualifying interests of Natura 2000 sites and explain the Habitats Regulations Assessment (HRA) which is required by Article 6(3) of the Habitats Directive. • The LDP itself has been subject to an HRA • make appropriate provision for Local Nature Reserves and the protection and appropriate enhancement of open space of natural heritage value; • indicate the criteria against which a development affecting a natural heritage designation will be assessed; • include planning policy for protected species; • indicate the criteria against which a development affecting a protected species will be assessed; • provide for the conservation of the wider biodiversity outwith designated areas;
<p>The Conservation of Wild Birds Directive (79/409/EEC) is the EU's oldest piece of nature legislation. Known as the Birds Directive it was adopted unanimously by Member States in 1979 as a response to increasing concerns about the declines in Europe's wild bird populations resulting from pollution, loss of habitats as well as unsustainable use. It protects all wild birds (together with their nests and eggs) and their associated habitats.</p> <p>The Conservation of Natural Habitats and of Wild Fauna and Flora Directive (92/43/EEC), more commonly known as the Habitats Directive was adopted in 1992 to protect natural habitats and certain species of wild plants and animals.</p> <p>The species listed on Annexes II, IV and V of the Habitats Directive, plus those birds protected under the Birds Directive, are called species of 'Community interest'. Together these Directives established a commitment to designating a network of sites known as Natura 2000 sites. Special Protected Areas (SPA) are designated under the Birds Directive and Special Areas of Conservation (SAC) are designated under the Habitats Directive. This is a key underlying international policy</p>	

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<p>commitment, to be reflected in the policies of the Local Development Plan.</p> <p>The Convention on Wetlands of International Importance 1971 (amended 1982 and 1987) emphasizes the special value of wetland, particularly as a key habitat for waterfowl. The Convention resulted in the designation of sites known as Ramsar Sites for management and conservation at an international level. All Ramsar sites are also Natura 2000 sites and/or Sites of Special Scientific Interest.</p> <p>The Convention on the conservation of European wildlife and natural habitats 1981 (the Bern Convention) was established to ensure the conservation of European wildlife and natural habitats by means of cooperation between States.</p> <p>When enacted to implement the Birds Directive and Bern Convention, the Wildlife and Countryside Act 1981 provided a relatively straightforward source of wildlife law in Great Britain. However, the legal picture is now more complicated. Firstly, the introduction of the Conservation (Natural Habitats, &c.) Regulations 1994, commonly known as the Habitats Regulations, created a separate set of rules for those species (and habitats) protected under the Habitats Directive. Secondly, devolution has meant that changes to the 1981 Act through the Nature Conservation (Scotland) Act 2004 and the Habitats Regulations have been made differently in Scotland than in England and Wales.</p> <p>Part 1 of the Wildlife & Countryside Act 1981 details a large number of offences in relation to the killing and taking of wild birds, other animals and plants. A number of Schedules are attached which categorise species. This means that the degree of protection afforded varies according to which Schedule a species is listed on. The Act applies to the terrestrial environment and inshore waters (0-12 nautical miles).</p> <p>The Marine (Scotland) Act 2010 establishes a new power for Marine</p>	<ul style="list-style-type: none"> • assist in reversing the decline of important species and habitats; • Seek to prevent or minimise further fragmentation or isolation of habitats and enable opportunities to restore links which have already been broken; • Seek to maximise habitat linkage in both urban and rural areas; • Recognise the positive role of planning in achieving appropriate biodiversity enhancement in addition to more protective measures where required. <p>Local Nature Conservation Sites designated for their biodiversity should seek to accommodate the following factors:</p> <ul style="list-style-type: none"> • 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. <p>Local designations should be clearly identified and protected through the LDP and Supplementary Guidance Natural</p>

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<p>Protected Areas (MPAs) in the seas around Scotland, to recognise features of national importance and to meet international commitments for developing a network of MPAs.</p> <p>The Act allows for three different types of MPAs to be set up:</p> <ul style="list-style-type: none"> • Nature Conservation MPAs • Demonstration and Research MPAs • Historic MPAs <p>The 2010 Act also introduced improved protection for seals.</p>	<p>Environment. The reasons for designation should be clearly explained and the on-going relevance and function of local designations should be considered when the plan is prepared.</p> <p>Where assessments are carried out of existing and proposed Local Nature Conservation Sites these should be undertaken according to the established Guidance on Establishing and Managing Local Nature Conservation Site Systems in Scotland (2006)</p>
<p>Article 6 of the UN Convention on Biological Diversity (1992) (commonly known as the Rio Convention) requires that all parties to the Convention develop national biodiversity strategies, plans or programmes, and that they seek to integrate the provisions of these across other policy sectors.</p> <p>Targets set internationally to preserve biodiversity by 2010 were missed. This led to the UN Convention on Biological Diversity setting new targets for 2020, the 'Aichi Targets' (2010). In addition new 2020 targets were set for the EU and a new European Biodiversity Strategy was published in 2011. The new international targets call for a step change in efforts to halt the loss of biodiversity and to restore essential services that a healthy natural environment provides.</p> <p>Scotland's Biodiversity It's in Your Hands (2004), the Scottish Biodiversity Strategy, aims to '<i>conserve biodiversity for the health, enjoyment and wellbeing of the people of Scotland, now and in the future</i>' and sets out a vision for 2030 as well as objectives and desired outcomes. The 2020 Challenge for Scotland's Biodiversity is a supplement to the Scottish Biodiversity Strategy and focuses on desired</p>	<p>The role of planning in relation to biodiversity, and in terms of raising awareness and appreciation of natural heritage, should be reinforced and promoted by the LDP and Supplementary Guidance Natural Environment as far as possible.</p> <p>The LDP and Supplementary Guidance Natural Environment should contribute towards fulfilment of the objectives and actions of the Orkney LBAP.</p>

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<p>outcomes for 2020. It responds to the new international targets, and updates some elements of the 2004 document.</p> <p>The Orkney Local Biodiversity Action Plan (2002) along with further versions of the Plan published in 2008 and 2013, each targeting action for 10 habitats identifies actions which can be taken locally, and which make a contribution to the conservation of those species and habitats identified as being “at risk” or “threatened” in the UK as a whole. It is presented as a series of habitat action plans and associated guiding principles. These plans identify the most important sites, both designated and non-designated.</p> <p>Assisting in the development and implementation of the LBAP is the Orkney Environmental Strategy (2013) which is a sub-strategy of the Orkney Community Plan. An associated Action Plan is nearing completion.</p>	
<p>Getting the best from our land, a land use strategy for Scotland (2011) sets out the Scottish Government’s agenda for sustainable land use and identifies a set of ten Principles for Sustainable Land use. This strategy is currently under review and is likely to be updated during the lifetime of the LDP.</p>	<p>The Scottish Government expects public bodies to apply the Principles for Sustainable Land Use, as set out in the Land Use Strategy, when taking significant decisions affecting the use of land.</p>
<p>The UK National Ecosystem Assessment (2011) (UKNEA) provides the first objective analysis of the benefits of the environment for nature itself, society and economic prosperity. Examples include the ways in which natural watercourse habitats help to regulate water flows, and peatlands and woodlands lock up carbon from the atmosphere. Together, these benefits or ‘ecosystems services’ represent a massive financial asset to Scotland, valued at between £21.5 and £23 billion per year.</p> <p>Applying an Ecosystems Approach to Land Use Scottish Government (2011), an information note which accompanies the land</p>	<p>The policies and proposals of the Local Development Plan should be consistent with the Ecosystems Approach.</p>

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use strategy for Scotland, encourages greater application of an 'Ecosystems Approach' in decision-making affecting land use.	
GEOLOGY	
<p>The Nature Conservancy Council's publication Orkney Localities of Geological and Geomorphological Importance (1978) provides information on the distribution and extent of important geological and geomorphological sites in Orkney.</p>	<p>The LDP and Supplementary Guidance Natural Environment should:</p> <ul style="list-style-type: none"> • identify all national and local geodiversity designations, distinguishing clearly between national sites and sites of more local importance; • include planning policy for the protection of nationally and locally important geological and geomorphological sites and safeguard any areas identified as being of major importance for geodiversity conservation or amenity; <p>It should also provide for the conservation of the wider geodiversity outwith designated areas.</p> <p>Where Local Nature Conservation Sites are designated for their geodiversity interest, these should be selected for their value for scientific study and education, their historical significance and cultural and aesthetic value, and for their potential to promote public awareness and enjoyment.</p>
WATER	
<p>The Water Framework Directive 2000/60/ EC provides an overarching strategy for the aquatic environment, including a requirement for EU Member States to ensure that they achieve 'good ecological status' by 2015.</p> <p>The Water Environment and Water Services (Scotland) Act 2003 (The WEWS Act) transposes the Water Framework Directive into the</p>	<p>Planning authorities have a duty under the WEWS Act to protect and improve Scotland's water environment.</p> <p>The LDP and Supplementary Guidance Natural Environment should include policies which will protect and, where appropriate, improve the water environment.</p> <p>These policies and proposals should support the aims and</p>

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<p>Scottish context. Aims to protect the water environment including by ensuring a reliable and high quality supply of water, reducing groundwater pollution significantly, and protecting marine and other waters.</p> <p>The Groundwater Directive 80/68/EEC (Expected to be revoked by the Water Framework Directive in 2013) lists substances which, based on toxicity, persistence or potential for bioaccumulation, either should not be allowed to enter the groundwater or should only be permitted for discharge subject to prior investigation.</p> <p>SEPA Policy 19 on the protection of Groundwater delivers the requirements of existing legislation to protect groundwater. It also aims to ensure that SEPA's actions are consistent with the future requirements of the Water Framework Directive (2000/60/EC).</p> <p>The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) sets out the process by which activities which have the potential to affect the water environment are regulated.</p>	<p>objectives of the Water Framework Directive and the WEWS Act by preventing adverse impacts on the water environment.</p> <p>The CAR Regulations should be taken into account.</p> <p>Although SEPA has a leading role in the protection of groundwater, the local authority is responsible for the identification of contaminated land and for land use planning.</p> <p>The policies and proposals of the LDP should take account of the value of groundwater and protect it from pollution or over abstraction.</p>
<p>The objectives of the following are to ensure a very high water quality standard:</p> <ul style="list-style-type: none"> • The Water Environment (Shellfish Water Protected Areas: Environmental Objectives etc.) (Scotland) Regulations 2013 • EC Directive 91/492/EEC on the health Conditions for the Production and the Placing on the Market of Live Bivalve Molluscs; 	<p>Within Orkney coastal waters only one area, the Bay of Firth is designated as a Shellfish Water Protected Area (SWPA).</p> <p>The Supplementary Guidance should note the SWPA designation.</p>

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<p>The River Basin Management Plan (RBMP) 2009-2015 for the Scotland river basin district (RBD) and supplementary area management plans outline water improvement plans for the period 2009–2015.</p> <p>The River Basin Management Plan 2015-2021 for the Scotland river basin district is scheduled to be published on 22 December 2015</p>	<p>The policies and proposals of the LDP should support River Basin Management Planning aims and objectives by ensuring that adverse impacts on the water environment are appropriately mitigated, and they should also contribute towards improving the overall status of water bodies in and around Orkney.</p>
<p>SEPA Policy on the Culverting of Watercourses sets out the environmental issues associated with culverting, and presents a consistent and pragmatic approach to this aspect of river engineering.</p>	<p>The LDP and Supplementary Guidance should include policy which addresses the environmental damage that culverting can cause, and encourages developers to protect, restore or enhance the natural heritage value of the aquatic environment.</p>
<p>The Marine (Scotland) Act (2010) provides a framework which will help balance competing demands on Scotland's seas. It introduces a duty to protect and enhance the marine environment and includes measures to help boost economic investment and growth in areas such as marine renewables.</p> <p>The Marine Policy Statement was published jointly by all the UK Administrations in 2011. It sets a vision for the whole UK marine area and provides a framework for preparing marine plans, including economic, social and environmental considerations which need to be taken into account and strategic policy objectives for key marine sectors. It also makes a presumption in favour of sustainable development in the marine planning area.</p> <p>Scotland's National Marine Plan 2015 covers both Scottish inshore waters (to 12 nautical miles) and offshore waters (12 to 200 nautical miles). It aims to promote the sustainable development of marine areas and the sustainable use of marine resources.</p>	<p>The LDP and Supplementary Guidance Natural Environment should contribute towards meeting the requirements which are set out in the Marine (Scotland) Act.</p> <p>SPP 2014, paragraph 87 requires the planning system to support an integrated approach to coastal planning to ensure that development plans and regional marine plans are complementary.</p> <p>The LDP should be compatible with the objectives of Scotland's National Marine Plan and should integrate with the emerging</p>

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<p>Planning Scotland's Seas, the draft Marine Planning Circular 2013 explains the relationship between the marine and terrestrial planning systems, including related regimes such as marine licensing and consenting for offshore energy generation, port and harbour development and aquaculture</p> <p>The Pentland Firth and Orkney Waters Pilot Marine Spatial Plan was adopted in spring 2016.</p>	<p>Pentland Firth and Orkney Waters Marine Spatial Plan.</p>
SOILS	
<p>The EU Thematic Strategy for Soil Protection (2005) notes that soil has important functions but that degradation of its quality is accelerating, partly due to wind and water erosion and also as a result of depletion of organic matter content. It sets out commitments to improving quality as a result, including development of a new Directive.</p> <p>The main aim of the Scottish Soil Framework, Scottish Government (2009) is to promote the sustainable management and protection of soils consistent with the economic, social and environmental needs of Scotland. It is aimed at Scottish Government policy leads, delivery partners, environmental and business NGOs, research organisations and other key stakeholders with an interest in soils. It describes key pressures on soils, particularly climate change, relevant policies to combat those threats, and identifies the future focus for soil protection, key soil outcomes, and actions across a range of sectors.</p> <p>Scottish Planning Policy 2014, paragraph 241 requires policies to protect areas of peatland and only permit commercial extraction in areas suffering historic, significant damage through human activity and where the conservation value is low and restoration is impossible.</p>	<p>The LDP and Supplementary Guidance Natural Environment should recognise that as well as providing a platform for buildings and roads, soils have an important role to play in:</p> <ul style="list-style-type: none"> • regulating water flow and water quality; • providing the basis for food and biomass production, • storing carbon and maintaining the balance of gases in the air, • providing valued habitats and sustaining biodiversity, • preserving cultural and archaeological heritage, and • providing raw material. <p>The policies of the LDP and associated SG should promote the sustainable management and protection of soils, consistent with the economic, social and environmental needs of Orkney.</p>

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CLIMATIC FACTORS	
<p>The Climate Change (Scotland) Act 2009 sets a long-term target to reduce Scotland’s emissions of greenhouse gas emissions by at least 80% by 2050, as well as an interim target of at least 42% by 2020 and a framework of annual targets intended to drive the policies necessary for achieving the long-term target.</p> <p>Part four of the Climate Change (Scotland) Act places a duty on public bodies in exercising their functions:</p> <ul style="list-style-type: none"> • in the way best calculated to contribute to the delivery of emission reduction targets, • in the way best calculated to help deliver any statutory climate change adaptation programme, and • in a way that it considers is most sustainable 	<p>The LDP and Supplementary Guidance Natural Environment should contribute towards the Council’s climate change duty by including policy on peat and soils and acknowledging their role in:</p> <ul style="list-style-type: none"> • regulating water flow and water quality; • storing carbon and maintaining the balance of gases in the air, and • providing valued habitats and sustaining biodiversity, <p>The SG should explain the purpose of peatland and soil management plans and outline the range of information that may require to be submitted to support a planning application.</p>
CROSS-SECTORAL PLANS, PROGRAMMES AND STRATEGIES	
<p>Circular 6 (2013) Development Planning describes the planning system in Scotland, and explains legislative provisions in both the primary legislation and the subsequent Regulations, as well as how the various legislative requirements fit together. It notes that development plans should lead to the delivery of high quality outcomes. They should promote good placemaking with policies and proposals that help to achieve distinctive, high quality places and buildings. In this way development plans are of vital importance to the success and sustainability of our cities, towns and rural communities.</p>	<p>The Orkney Local Development Plan and Supplementary Guidance Natural Environment should be consistent with the guidance which is set out in Circular 6.</p>
<p>PAN 1 (2010) SEA of Development Plans Strategic Environmental Assessment (SEA) has a key role to play in delivering sustainable economic growth.</p> <p>The central aim of SEA is to help ensure that the environment is given</p>	<p>The Strategic Environmental Assessment of the Supplementary Guidance Natural Environment should be consistent with the guidance that is provided in PAN 1 (2010).</p>

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<p>the same level of consideration as social and economic factors within the plan.</p>	
<p>Orkney 2020, The Orkney Community Planning Partnership’s Community Plan sets out what the Partnership hopes to achieve as its contribution both to Orkney’s local priorities. The Plan also includes a longer-term vision for Orkney.</p> <p>The Council Plan OIC Corporate Strategic Plan (2013-2018) is a five-year rolling plan setting out the Council’s strategy and objectives for providing services to the public. The community plan provides an overarching framework with a long term vision, and its themes and aims have been incorporated into the Council’s own vision. Council objectives now link to these community planning aims, as well as current departmental plans and targets. The Corporate Plan provides a link between the decisions which are made in the council chamber, the everyday work of the Council, and the community vision of a strong, sustainable and socially inclusive future for Orkney.</p>	<p>The policies and proposals of the LDP should assist in development under the priority themes of Orkney 2020 and should contribute towards achievement of its target outcomes.</p> <p>The Community Planning Partnership has six values which guide everything it does:</p> <ul style="list-style-type: none"> • promoting survival • promoting sustainability • promoting equality • working together • working with communities • working to provide better services <p>The policies and proposals of the LDP should also complement the structure and themes of the corporate strategic plan and contribute towards achievement of its targets.</p>

