



PLANNING CONTACTS

Angus Council 01307 461460.
Dundee City Council 01382 434000.
Perth & Kinross Council 01738 475313 / 4753125.

Scottish Natural Heritage –
Tel. Perth: 01738 444177, or Airlie: Tel. 01575 530333.

Scottish Environment Protection Agency – Tel. Arbroath: 01241 874370,
or Perth 01738 627989.

BIODIVERSITY: A DEVELOPER'S GUIDE

This leaflet has been produced by the Tayside Biodiversity Partnership, and funded by the Scottish Executive with generous contributions from Perth & Kinross Council, Dundee City Council and Angus Council. SNH has given permission to use its artwork.



Tayside Biodiversity Partnership

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Tayside Biodiversity Partnership

Together with a Manual for Developers and Planners, this document is part of a series of leaflets and Advice Notes for Biodiversity Planning Guidance.

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What is Biodiversity?

Biodiversity is quite simply the variety of life around us. It is not just about protected species, but includes all species, from the wood ant and fungus to house sparrow and oak tree. It is not confined to Scotland's rural areas - biodiversity is equally important in an urban situation where much development and land use change takes place.

Why is Biodiversity Important?

Incorporating biodiversity into new developments can be very straightforward and have many benefits, as well as being supported by national planning policy. This Guidance Note sets out simple ways developers can achieve this, and highlights the protection afforded to many species and habitats that developers need to know about.

Large scale developments can make a substantial contribution in enhancing biodiversity, but the majority of applications for planning permission are small scale. These present opportunities for habitat creation and enhancement which can cumulatively produce very large scale benefits.

The Scottish Executive has published 'Scotland's Biodiversity: It's in Your Hands.' This important national strategy sets out a 25 year vision for action to conserve and enhance Scotland's biodiversity, and the part everyone needs to play in this.

All developers can play an important role - biodiversity conservation and enhancement usually goes hand in hand with improving the quality of the surroundings of new development and the well-being of those people living or working in the area. The bonus is that the enhancement can often be achieved at no extra cost, but there is often added value to such developments. Ultimately both people and wildlife gain.

How Can Developers Help?

There are numerous ways developers can achieve gains for biodiversity. NPPG 14 'Scottish National Planning Policy Guidance - Natural Heritage', sets out many methods in which biodiversity can be conserved or enhanced through the planning process. NPPG 14 can be viewed via www.scotland.gov.uk.

Opportunities for developers can vary from the incorporation of new or existing native hedges as boundary treatments and ensuring watercourses are protected and enhanced as positive environmental features, to the specific protection of individual species present on the site, such as bats or red squirrels. As well as being encouraged through planning policy, many of these elements can be incorporated easily into a development scheme to benefit both people and wildlife.

Landscape Plans can give a wider view of the impact of the development and how good design and site layout can enhance the existing biodiversity rather than damage it.

It may be possible for developers to contribute directly towards both UK and Local Biodiversity Action Plan (BAP) targets. The Tayside Biodiversity Action Plan sets out the species and habitats in most need of help in Tayside: www.taysidebiodiversity.co.uk.

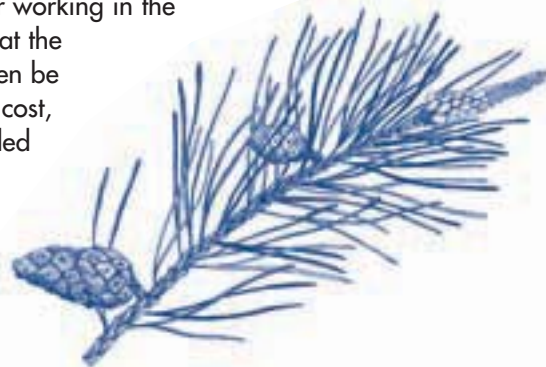
It may also be appropriate for the developer to enter into a planning agreement to recreate habitat on or off-site, or contribute financially towards the management of nearby sites in order to mitigate impacts elsewhere on the development. The Planning Department will be able to advise further.

What Does the Law Say?

There is a large amount of legislation protecting Scotland's biodiversity, and developers need to make sure they do not contravene this. All birds and most native animals, for instance, are protected under the Wildlife & Countryside Act 1981 and the Nature Conservation (Scotland) Act 2004.

Offences relating to damaging nests and eggs during the breeding season (March to September) can lead to fines of up to £5,000 per nest or egg destroyed, plus a possible custodial sentence of up to six months. These are important considerations when implementing work on a new or existing development. Developers must ensure work is carried out at an appropriate time of year to avoid disturbance to protected species.

It is advisable to first **check the Development Plan** to ensure there are no apparent adverse impacts to designated local, national or international sites. Statutorily protected habitats and species need to be preserved and enhanced if possible. Developers should **retain existing habitat features** of benefit to wildlife – including BAP habitats and species within the development, and **provide mitigation measures** for any impacts.

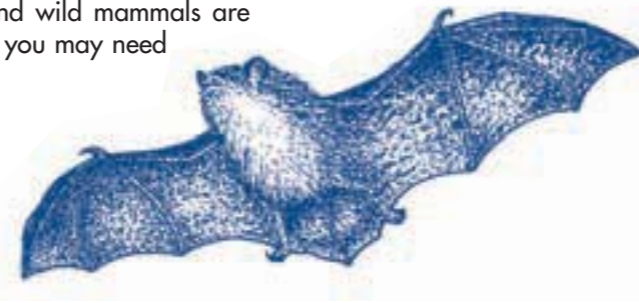


Protected Species

The presence of a protected species is a material consideration in the assessment of development proposals. In addition, certain species in Scotland are also highly protected under European legislation, such as bats, otters and great crested newts. Under the Conservation (Natural Habitats) Regulations 1994 the onus is put on builders and contractors to undertake a survey before work is undertaken: **it is an offence to damage or destroy a breeding site or resting place.** A bat roost in a roof space or building is protected even if bats are not present all the time. A licence may be required from the Scottish Executive (Tel. 0131 244 7140).

Badgers are also protected under the Protection of Badgers Act 1992 and wild mammals are protected by the Protection of Wild Mammals (Scotland) Act 2002. Again you may need a licence.

If developers are unsure about what may be present on a potential site, discussions should be held with SNH and the Planning Officers at an early stage so that issues and potential solutions can be discussed from the outset.



Future Care

Planning authorities normally make sure that developers are responsible for management of new landscaping for at least the first five years. For some large developments with high ecological benefits, options for long-term management could include an agreement with the Scottish Wildlife Trust, the local Community Council or conservation group, housing association or the local authority.

Planning Agreements (section 75) can secure the preparation and implementation of suitable Management Plans or Site Biodiversity Action Plans, together with their long-term monitoring. In certain circumstances commuted sums may be appropriate.

THINGS TO CONSIDER

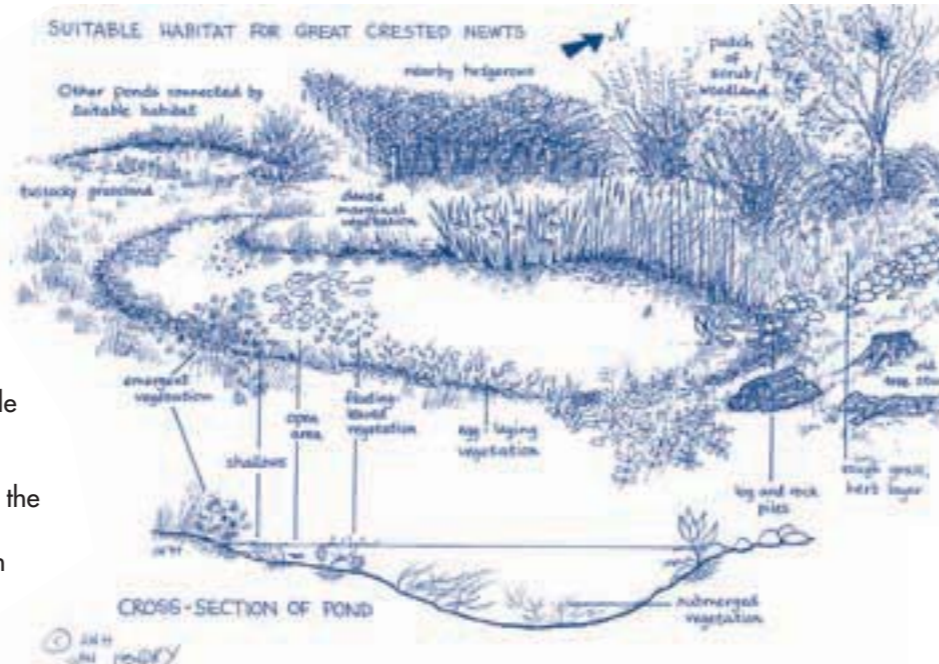
Use this checklist for your proposed development:

Habitat Creation

- Retain or create wildlife corridors (such as hedges and hedgerow trees, shrubs, rough grassland or buffer zones alongside field edges, hedgerows and ditches).
- Link open spaces with strategically placed trees, shrubs or grass verges.
- Consider the need for community gardens, orchards or allotments.
- Retain or create copses, different canopy layers – shrubs, small berry-bearing native trees, standard or mature trees.

Drainage and Water Management

- Most developments now require Sustainable Urban Drainage Systems (SUDS). Study the feasibility of using SUDS with biodiversity benefits such as reedbed and willow filtration systems, and consider the run-off water in balancing ponds. These are important wildlife features so incorporate sensitive planting of reedbeds and siting of ponds.
- If newts are to be encouraged ensure a sizeable amount of rough grass and if possible woodland nearby as they use land within a 500m radius of their ponds. A Conservation Handbook is available from www.froglife.org.
- Where there are natural burns or rivers adjoining the development consider the needs of water voles, kingfishers, sand martins and otters – retain rough riparian grassland and sandy banks and create buffer zones where possible.



Roads, Rail, Bridges, Cyclepaths and Footpaths

- Consider the habitat needs for wildlife such as badgers, otters, bats or toads. Where bridge repairs are necessary, check for bats or otter usage before work proceeds. Specialist advice is available from the Scottish Executive: www.scotland.gov.uk.

Buildings and Boundaries

- Consider simple additions such as 'house bricks' or integral nestboxes for swifts and loft ledges for barn owls (where appropriate).
- Encourage the use of bat boxes, house sparrow boxes, house martin nests etc. (especially on the show home).
- Encourage wildlife-friendly climbing plants in new landscaping schemes on houses and boundary fences/walls – honeysuckle, ivy, dog rose, wisteria, dogwood, cotoneaster. Comprehensive wildlife gardening CD available from www.plantpress.com.
- Consider the use of innovative green or 'living' roofs on community or commercial buildings, residential garages, outhouses, etc. Check www.livingroofs.org.
- When renovating old walls consider the use of lime mortaring, if appropriate, to safeguard mason bees.
- Consider the use of new hedges incorporating native/wildlife friendly planting rather than fences in housing and business developments. These can also have landscape benefits.

Landscaping and Development Layout

- Incorporate existing habitats such as copses, treelines, scrub and woodland, grassland, ponds, and burns into green space where appropriate. If possible incorporate buffer strips and keep public access to one side of the habitat to ensure that wildlife remains undisturbed.
- Retain mature and veteran trees for their high biodiversity value, and where appropriate and safe to do so, leave some standing dead wood or lying dead wood.
- Use a show home garden or demonstration area on an industrial estate/business park to promote wildlife gardening - incorporate plants such as lavender, honeysuckle and cotoneaster to encourage butterflies, bumble bees and birds; hedges, native berry-bearing trees or fruit trees and shrubs for birds; ponds for common frog, newts and damselflies.
- Landscaping with biodiversity in mind should be considered for all new developments, whether large or small. Use native / wildlife friendly plants where possible. Check www.floralocale.org for grassland/woodland flora advice.



FURTHER INFORMATION

Site Biodiversity Action Plans

Site BAPs are now successfully used by companies large and small. Please ask for a Plan template so that you can prepare your own.

The Tayside Biodiversity Partnership would like to hear from developers who are implementing developments with regard to biodiversity – please contact us as we are keen to promote examples of good practice.

Useful Publications

A copy of the 'Tayside Biodiversity Planning Manual' is available on request or can be downloaded from www.taysidebiodiversity.co.uk.

'Biodiversity by Design – A Guide to Sustainable Communities' by the TCPA (Town & Country Planning Association) – contact www.urbed.com; tel. 020 7930 8903.

Additional websites include: www.ciria.org/suds (SUDS issues); www.snh.org.uk ('Gardening for Life' leaflets); www.english-nature.org.uk (developers' guidance on veteran trees, barn owls, water voles); www.bats.org.uk; www.concernforswifts.com; www.butterfly-conservation.org (advice on brownfield sites).

Further reading – check publication list 'Incorporating Biodiversity into Local Services' (via www.taysidebiodiversity.co.uk).

