

LDP Proposed Plan 1_0

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Your comments will be applied to the following items:

2 Meeting the Challenges for the Scottish Borders - Paragraph 2.14

Biodiversity, as well as landscape aesthetics, is important when considering planning applications.

3 Vision, Aims and Spatial Strategy - Paragraph 3.32

Reinstatement of the Reston railway station would make an important contribution to reducing levels of private transport in this rural area.

8 Environmental Promotion and Protection (EP) - 8.2 EP2: National Nature Conservation and Protected Species - Paragraph 8.2.3

The social or economic benefits offered by any development permitted on an SSSI would also need to be of national importance. Paragraph 137 of SPP refers.

9 Infrastructure and Standards (IS) - 9.4 IS4: Transport Development and Infrastructure - Paragraph 9.4.1

We commend the council's support for sustainable transport and infrastructure in the region.

9 Infrastructure and Standards (IS) - 9.4 IS4: Transport Development and Infrastructure - Paragraph 9.4.3

Every effort should be made to extend the reinstated Borders railway to Carlisle, and to reopen Reston station. These would make an important contribution to sustainable transport in the region.



RSPB Scotland

Scottish Borders Local Development Plan

Call for comments

Submission by Mike Fraser, RSPB Scotland

Aims and vision

We commend Scottish Borders Council's strong emphasis on the protection and enhancement of the environment.

Whilst we are mindful of the challenges that Council faces, particularly promoting economic regeneration and improving the amenity value of residential areas, we are also aware that the region retains a number of high quality biodiversity assets of local, regional and international importance. The Nature Conservation (Scotland) Act 2004 requires "all public bodies to further the conservation of biodiversity, having regard to (a) the Scottish Biodiversity Strategy and (b) the UNEP Convention on Biological Diversity". The Planning System is an important way to meet this obligation, and the Local Plan should reflect this duty through a suitably detailed policy, making specific reference to biodiversity in designated sites and the wider countryside.

Given the long-term decline of many species and habitats recorded in the recent national 'State of Nature' report (RSPB *et al* 2013), it is increasingly important that the attributes of any site are carefully considered on their merits before approving development that may lead to the loss of biodiversity. Site-protection policies should, therefore, provide such a safeguard and, indeed, should be strengthened in view of the above-mentioned duties.

1.11 We commend the adoption of sustainable technologies to address issues such as public transport and waste management

1.11 Flood management schemes should employ environmentally sustainable approach. This to include native-tree planting in catchments and the restoration of flood plains.

2.11 Biodiversity, as well as landscape aesthetics, is important when considering planning applications.

2.14 We commend the Council's ecosystem approach to biodiversity priorities as plant and animal species cannot live isolated from their broader habitats. Nevertheless, there will always be certain species that will require individual, dedicated conservation measures if they are to persist in our region. An ecosystem services approach cannot hope to maintain all components of biodiversity and should be used in conjunction with specifically targeted measures for certain species and habitats.

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3.7 Protection and enhancement of the Borders' natural environment should not be coupled solely to promoting economic investment. The natural environment and its constituent species and assemblages of plants and animals should be conserved and enhanced for their own sake. It would be difficult to identify an economic justification for conserving a significant proportion of the region's wildlife and habitats, apart from the general well-being and enjoyment that they contribute to peoples' quality of life.

3.32 Reinstatement of the Reston railway station would make an important contribution to reducing levels of private transport in this rural area.

PMD2 Quality standards

We commend the quality standards in respect of sustainability.

The retention of existing natural features and habitats should be aimed for (u). New features, while desirable, should not be created at the expense of existing ones as the former can take a long time to reach the ecological richness and productivity of old, well-established features, such as wetlands and native woodland. Nevertheless, new natural features should be created whenever the opportunity arises.

ED7 Business, tourism and leisure development in the countryside

1.5. Commercial forestry should be carefully sited and designed to ensure that negative impacts on habitats and species of conservation importance are avoided, or at least minimised. Conifer plantations should be structured to maximise biodiversity gain, including the introduction of native tree species and the creation of rides and open spaces within the plantation, together with irregular inner and outer edges to enhance biodiversity and soften visual impact. No planting on deep peat or other important habitats should be permitted. Broad buffer strips of open ground with sparse native planting should be created along water courses and around water bodies which are encroached upon by plantation conifers.

ED9 Renewable energy

1.5-6 Biodiversity interests should be taken into account as well as landscape issues when refusing wind farm applications or requiring modification of plans. We support the inclusion of biodiversity in this regard.

The LDP should make reference to the new guidance produced since the publication of wind energy supplementary guidance. This highlights the need for survey work on geese for small scale turbines within 1.5 km of SPAs (p. 5 of the supplementary guidance refers).

ED10 Protection of prime quality agricultural land and carbon rich soils

1.3 We endorse the requirement to avoid development on areas of "deepest" peat. This requires clarification, however, and reworded to "deep" peat. There should be a presumption against any development on peat of 50 cms depth or over, and preferably less than this. On shallower peats any development proposal, including tree planting, should be accompanied by a peat restoration and management plan.

ED12 Mineral and coal

In general, RSPB Scotland believes that further expansion of the open-cast coal industry is incompatible with the Scottish Government's climate change targets and legislation. We have significant concerns about the potential for any new or extended open-cast coal sites. The recent financial collapse of Scotland's two largest open-cast coal operators (ATH Resources and Scottish Coal), has left great uncertainty over the future of many mining sites. The restoration bonds, required to obtain planning for the mines, are insufficient and will not cover the costs of restoration. The failure of both the industry and the regulatory system to deliver appropriate mitigation and restoration through conditions, legal agreements and bonds and to monitor and enforce the implementation of these measures is of serious concern.

ED12 b, We are concerned at the statement indicating that damage to an SSSI would be acceptable if the overall integrity is 'largely unaffected'. We would wish "largely" to be deleted from this. The second part of the policy suggests that adverse impacts on the environment can be outweighed by economic factors. The LDP should be in line with Scottish Planning Policy (SPP) (section 231) which states 'Extraction should only be permitted where impacts on local communities and the environment can be adequately controlled or mitigated'.

It's unclear from Figure ED12a whether areas of peat have been considered. These need to be protected in accordance with the requirements of SPP. Reference should, therefore, be made in Policy ED12 to the avoidance of peat impacts

HD2. Housing in the countryside

1.1 Any new or extended housing development in the countryside should include provision of new or improved public transport.

EP2. National Nature Conservation and protected species

(b) The social or economic benefits offered by any development permitted on an SSSI would also need to be of national importance. Paragraph 137 of SPP refers.

EP3. Local biodiversity

1.3 While the ecosystems approach is commendable, there will inevitably be occasions where individual species or habitat units, or small groups thereof, that are of conservation importance but make no discernible or significant contribution to ecosystem functioning. The ecosystem approach should not, therefore, be used to the complete exclusion of those species and habitats.

EP12. Green networks

We commend the Council's support for and involvement with green networks. New woodland is welcome, but should be linked to create more robust, ecologically functional landscape units and corridors. These would provide greater recreational and aesthetic value as well as supporting biodiversity and more effective and robust links and corridors for dispersal. New woodland strips should, therefore, be joined with

each other and to existing woodland wherever possible. Enhancement of green networks should comprise planting of exclusively native species of trees and other plants. These will provide the maximum benefit to wildlife. Native trees and plants are, after all, wildlife as much as the native birds, mammals and other fauna that we strive to conserve.

EP13. Trees, woodland and hedgerows

We commend this policy giving protection to woodland resources. A striking feature of many of the region's hedgerows and policy trees is their "single agedness". This is a consequence of extensive planting over a short timescale, in most cases many years ago. This has resulted in a preponderance of old trees that will inevitably reach senescence at the same time. Unless a broad-ranging, rolling plan of sequential planting is initiated now, then in the not too distant future there will be a long period when there will be very few mature hedgerow or field boundary trees. Such trees, as the policy states, are an important feature of the Borders landscape. They also provide habitat and connectivity for wildlife. The best way to manage for mature, ancient or semi-ancient trees and woodland is to plant new ones to become the old woodlands of the future.

EP15. Water environment

It needs to be made clear how the Council will determine if it is "appropriate" to adhere to the sustainable management objectives of the Solway Tweed River Basin Management Plan. The default position should be adherence to this, and any deviation therefrom would have to be fully justified.

IS2. Developer contributions

We strongly support this initiative, especially the provisions made under (f) on the protection, enhancement and protection of environmental assets. Where trees and woodland are planted as part of developer contribution, only native species should be used.

IS3. Developer contributions to the Borders railway

1.2 Every effort should be made to extend the reinstated Borders railway to Carlisle. This would make an important contribution to sustainable transport in the region.

IS4. Transport development and infrastructure

We commend the council's support for sustainable transport and infrastructure in the region.

IS8. Flooding

11. It is not sufficient to "*discourage* [my italics] development from taking place in areas which are, or may become, subject to flooding". For all sorts of reasons, not to say basic common sense, development in flood-prone areas should be prohibited

entirely. The Council would need to explain clearly exactly what is entailed in places where "some level of risk may be acceptable".

1.6 Flood prevention should, within the constraints of an urban setting and the built environment, adopt natural measures. Section 20 of the Flood Risk Management (Scotland) Act 2009 states that SEPA must assess how the restoration, alteration or enhancement of natural features could help manage flood risk. The Council should detail how this is going to be executed to best effect in each case.

Natural flood management has potential benefits well beyond water management and the economics thereof. This should be speedily and effectively progressed beyond a "desire" to move to more sustainable solutions.

Mike Fraser
Conservation Officer

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