

Supplementary Planning Guidance
FOR BIODIVERSITY

BIODIVERSITY



Our Scottish Borders
Your environment



Contents



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1 Introduction



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The quality of the natural and built environment is one of Scottish Borders' principal assets. The state of the environment is also a key indicator of sustainability. Biodiversity encompasses all living things and their relationship with each other, with their environments and with humans. It is not only a concept, but also a process, implying action planning for the integration of biodiversity into everyday activities. Under this action planning, prioritisation is a key part of the process, to ensure targeted action is taken to protect and enhance species and habitats of conservation concern. The quality of biodiversity is a key measure of sustainability. Government guidance on biodiversity and planning is included in National Planning Policy Guidelines 14 (NPPG14 - Natural Heritage) and Planning Advice Note 65 (PAN 65 - Planning for Natural Heritage). Other relevant NPPGs and PANs are listed at the end of the document.

The principle for protection of Scottish Borders biodiversity will be that there is no net loss of biodiversity. This principle recognises that whilst new development and change are desirable and inevitable, this change should be sustainable. The no net loss approach does not necessarily preclude development by protecting all sites and features of interest. The degree of protection offered to a site will depend upon its position within the hierarchy of designations to protect species and habitats.

The Nature Conservation (Scotland) Act 2004 places a duty on public bodies to further the conservation of biodiversity and also for enhanced protection of SSSIs and enhanced wildlife protection legislation. Part 1 of the Act states "It is the duty of every public body and office-holder, in exercising any functions, to further the conservation of biodiversity so far as is consistent with the proper exercise of those functions." The Council aims to meet its obligations under this duty by adopting the policies in the Structure Plan and Local Plan as defined in this Supplementary Planning Guidance (SPG). The SPG is a means of setting out more detailed guidance on the way in which policies in the Development Plan will be applied.

This Supplementary Planning Guidance supplements:

STRUCTURE PLAN POLICIES

- N1 Local Biodiversity Action Plan
- N2 International Sites
- N3 National Sites
- N4 Precautionary principle
- N5 Local Biodiversity Action
- N6 Environmental Impact
- N7 Protection of Nature Conservation Interest
- N8 River Tweed System
- N12 Coastline

LOCAL PLAN POLICIES

- NE1 International Nature Conservation Sites
- NE2 National Nature Conservation Sites
- NE3 Local Biodiversity
- NE4 Trees, Woodlands and Hedgerows
- NE5 Development affecting the water environment
- EP4 Coastline



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It is intended to explain the application of Structure and Local Plan policies on biodiversity assets in Scottish Borders, inform the operation of the Development Control process, inform developers and land managers about the requirements of biodiversity conservation and how biodiversity may be protected and enhanced through the planning process and provide a strategic good practice guide for development, particularly for planning officers and developers.

The operating principles for development should be to, in the first instance, avoid impacts on biodiversity as far as is possible e.g. through the design of the development and construction methods, after which mitigation of adverse impacts on biodiversity, through specific measures to reduce the impacts on biodiversity to an acceptable level, and finally, if avoidance and mitigation are not possible, as a last resort, compensation for loss of biodiversity e.g. by replacing lost habitat within the site or within the local area where it is under the control of the developer.

As indicated in the sections below, there is a hierarchy of importance for biodiversity from the statutory protected species and habitats to the non-statutory species and habitats of regional importance and conservation concern through to the other widespread and common species and habitats of lesser conservation concern.

Where species and habitats are protected by the wildlife legislation it is the responsibility of all developers and householders to meet the terms of the law protecting these species and habitats. Where a survey is required it is the applicants responsibility to carry this out to the satisfaction of the planning authority. If it is found that a licence is required from the relevant statutory agency or Scottish Executive, it is the applicants responsibility to apply for and meet the terms of any such licence. In some cases protected species and habitats will be found during the course of a development, it is the responsibility of the applicant and anyone acting on their behalf to ensure they meet the requirements of the wildlife legislation.

2 How to use this guide



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The guidance is in two main parts. Part 1 outlines the national and local policy framework for planning and biodiversity and part 2 deals with the implementation of policy through the requirements of Ecological Impact Assessments (as distinct from Environmental Impact Assessments, see section 4.1) and planning conditions for biodiversity.

Part 1 gives the national and local policy justification to the requirement for planning conditions. Planners and developers, seeking specific advice on the requirements of species and habitats planning conditions, can refer to the relevant sections within part 2.

The sections within part 2 will also be made available as individual information sheets to help guide developers. The purpose of this guidance is to give an indication of the likely type and requirements of planning conditions. However, each case will be considered on its own terms and there may be specific additional requirements dependent on the development proposal. Where development briefs are produced for a development, then there will be an indication of the biodiversity issues pertinent to the individual site.

It is **recommended** that developers make an early approach to the planning authority, prior to submitting an application, so that biodiversity issues may be dealt with and planned for at as early a stage as possible.



3 National and local policy context

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The following section deals with the national and local policy framework for habitats and species in the Scottish Borders.

3.1 Hierarchy of habitat and species designations

The hierarchy of designations ranges from international, national, regional through to local level of importance.

International	Special Protection Areas (SPA) Special Areas of Conservation (SAC) Ramsar sites	Birds Habitats Wetlands
National	Sites of Special Scientific Interest (SSSI) National Nature Reserves (NNR)	Habitats
Local	Local Wildlife Sites	Habitats

The highest levels of protection will be afforded to the nature conservation sites of international importance (Special Areas of Conservation (SAC), Special Protection Areas (SPA) and RAMSAR sites “the jewels in the crown”). In the hierarchy of important nature conservation sites, next come the nationally important sites (Sites of Special Scientific Interest (SSSI), National Nature Reserves (NNR)) which will be afforded a high level of protection. Some SSSIs are designated for geological interest. These interests are not covered by this guidance, however, some of these sites may also be of importance for biodiversity. A list of geological SSSIs is included in Appendix V.

There will be a strong presumption against development that adversely affects sites of international and national importance. Next come the regionally important sites which include Local Wildlife Sites (formerly referred to as Scottish Wildlife Trust Wildlife Sites), nature reserves and Local Nature Reserves. Of equal importance to this are the ecological networks, the mosaic of important habitats as identified in the Local Biodiversity Action Plan. These habitat networks are vital in maintaining links between the international, national and wider countryside wildlife sites, to help sustain the biodiversity of the region. Actions can be taken to protect the existing habitat networks and also to, add to and build in, more linkages to create a wider and more robust series of habitat networks throughout the region, including linkages through wildlife corridors.

Similarly, some species are protected under international legislation under the EU Habitats and Species Directive and the EU Birds Directive. Species are also protected under national legislation, the Wildlife and Countryside Act 1981 (as amended by the Nature Conservation (Scotland) Act 2004). The duty of public bodies to further the conservation of biodiversity under the Nature Conservation (Scotland) Act 2004, provides a statutory duty to protect nationally and regionally important biodiversity. The Scottish Biodiversity List (www.biodiversityscotland.gov.uk/pageType2.php?id=35&type=2&navID=92) has been produced under Section 2 (4) of the Nature Conservation (Scotland) Act 2004. Habitats and species on this list will be given special consideration with regard to the biodiversity duty.

Certain alien and invasive species are also covered by national legislation. The Wildlife and Countryside Act 1981 (as amended) prohibits the planting or otherwise causing them to grow the invasive plant species Japanese knotweed (*Fallopia japonica*) and giant hogweed (*Heracleum mantegazzanum*). This means that if these species are growing in the development site, measures must be taken to ensure that development does not cause them to spread within or outwith the site. The list is now amended under the Wildlife and Countryside Act 1981 (Variation of Schedule) (Scotland) Order 2005 to include fanwort (*Cabomba caroliniana*), water hyacinth (*Eichhornia crassipes*), water lettuce (*Pistia stratiotes*), giant salvinia (*Salvinia molesta*), water fern (*Azolla filiculoides*), parrot's-feather (*Myriophyllum aquaticum*), floating pennywort (*Hydrocotyle ranunculoides*), Australian swamp stonecrop (*Crassula helmsii*), curly waterweed (*Lagarosiphon major*), false-acacia (*Robinia pseudoacacia*), hottentot fig (*Carpobrotus edulis*), few-flowered leek (*Allium paradoxum*) and Shallon (*Gaultheria shallon*). Other problem invasive plants, although not covered by the legislation, include Himalayan balsam (*Impatiens glandulifera*).

Alien species such as the signal crayfish, recently found in the Tweed catchment, can have significant adverse impact on the native biodiversity. It is illegal, under the Wildlife and Countryside Act 1981 (as amended) to deliberately release signal crayfish or allow them to escape, and under The Prohibition of Keeping or Release of Live Fish (Specified Species) (Scotland) Order 2003 there are licensing requirements for keeping live specimens in captivity, of over 50 identified species including signal crayfish.



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Another problematic alien species is the chinese mitten crab (not yet reported in Scottish Borders).

3.1.1 Other environmental legislation

SEPA is responsible for protecting controlled waters from pollution, for preventing waste management from polluting the environment, causing harm to human health and detriment to local amenity and for regulating radioactive substances. The release of the most seriously polluting substances to water, land or air may be subject to additional regulation under the Environment Protection Act 1990. Controlled waters include all watercourses, lochs, canals, coastal waters and groundwater and it is an offence to pollute such waters deliberately or accidentally. The formal consent of SEPA is required for many discharges to controlled waters, including direct discharges and discharges to soakaways. Such consents are granted subject to conditions and are not issued automatically. Waste Management will be subject to the Duty of Care (1996) and may be subject to control under Waste Management Licensing Regulations 1994. Certain wastes are defined as Special Wastes and are subject to additional controls (Special Waste Regulations 1996).

The Water Environment and Water Services (Scotland) Act 2003 (or WEWS) gave Scottish ministers powers to introduce regulatory controls over activities in order to protect and improve Scotland's water environment. The water environment includes wetlands, rivers, lochs, transitional waters (estuaries), coastal waters and groundwater. These regulatory controls - the Water Environment (Controlled Activities) (Scotland) Regulations 2005 - were passed by the Scottish Parliament on 1 June 2005.

It will be an offence to undertake the following activities without a CAR authorisation:

- discharges to all wetlands, surface waters and groundwaters (replacing the Control of Pollution Act 1974 (CoPA))
- disposal to land (replacing the Groundwater Regulations 1998)
- abstractions from all wetlands, surface waters and groundwaters
- impoundments (dams and weirs) of rivers, lochs, wetlands and transitional waters
- engineering works in inland waters and wetlands.



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If any of these activities are already covered by the following environmental regulatory controls, then there is no requirement for a separate authorisation under CAR:

- Radioactive Substances Act 1993
- Integrated Pollution Control
- The Pollution Prevention and Control (Scotland) Regulations 2000
- Waste Management Licensing Regulations 1994

A CAR authorisation is intended to control impacts on the water environment including mitigating the effects on other water users. Three different types of authorisation under CAR allow for proportionate and risk-based regulation. The three levels of authorisations are:

- General Binding Rules
- Registration
- Licence

Further guidance can be found at www.sepa.org.uk

3.2 International Nature Conservation Sites and European Protected Species

Where development proposals may impact on an international wildlife site, developers will be required to carry out detailed investigations to ensure compliance with Structure Plan policy N2 International sites and Policy NE1 International Nature Conservation Sites.

The International Nature Conservation Sites found in the Borders are listed in appendix I (the location of these sites can be found at http://www.jncc.gov.uk/protectedsites/sacselection/SAC_searchpage.asp
<http://www.jncc.gov.uk/page-2536>

Development likely to have a significant effect on a site designated under the EU Habitats and Species Directive and the EU Birds Directives (SAC, SPA also known as Natura sites) or on a Ramsar site and not directly connected with or necessary to the conservation management of that site, must be subject to an appropriate assessment of the implications for the site's



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conservation objectives. There are three key tests to determine whether any development should be permitted, where the Appropriate Assessment of the conservation objectives of the site demonstrates that:

- i. it will not adversely affect the integrity of the site
- ii. there are no alternative solutions
- iii. there are imperative reasons of overriding public interest, including those of a social or economic nature.

For i. it is necessary to demonstrate that there will not be an adverse effect. If this is not possible then the precautionary principle will be applied.

European Protected Species: The presence or suspected presence of a European Protected Species (Article 1 of the Habitats and Species Directive), on a site at which planning permission is sought, will require a full assessment of the species population on and adjacent to the site. In determining a planning application, the planning authority will ensure that those proposals which involve European Protected Species will be subject to the three tests before any derogation under the Conservation (Natural Habitats &c.) Regulations 1994 are passed. The three tests being:

- the derogation is not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range (Regulation 44 (3) (b))
- there is no satisfactory alternative (Regulation 44 (3) (a))
- the development is in the interests of public health and safety, or other imperative reasons of public interests, including those of a social or economic nature.

European Protected Species likely to be found in Scottish Borders region are: bats (all species are protected), otter, great crested newt and offshore, dolphins, porpoises and whales (see section 5). Adopting guidance from the Scottish Executive, for developments affecting European Protected Species, there is a requirement, prior to planning being determined, to ascertain whether the protected species are present, and if so, to determine the implications of this, applying the three key tests, and whether there are any licensing requirements. If a licence is required, the applicant will have to apply for this from the Scottish Executive.



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Birds protected under Annex 1 of the EU Birds Directive (79/409/EC) will also be given special consideration.

Adopting Structure Plan Policy N8 River Tweed System, the Council will seek to work in co-operation with other competent authorities to secure the integrated management of the River Tweed SAC/ SSSI and its catchment to further the conservation objectives of the site. To this end the Council will meet its commitments, working with others, under the Tweed Catchment Management Plan.

Adopting Structure Plan Policy N12 Coastline, the Council will continue to work in co-operation with other relevant authorities to secure the nature conservation objectives of the Berwickshire and North Northumberland Coast SAC, (the 'European Marine Site') by meeting their obligations under the European Marine Site management scheme.

3.3 National Nature Conservation Sites and Protected Species

Where development proposals impact on a national wildlife site, developers will be required to submit sufficient information about the impact of the development on the features of interest of the site, to ensure compliance with Structure Plan Policy N3 National Sites and Local Plan Policy NE2 National Nature Conservation Sites. Information should include the consideration of alternative sites for the development and opportunities for mitigation of potential damage.

There are 94 SSSIs and three NNRS in Scottish Borders, a full list of sites is provided in the appendix II (the location of these sites can be found at the SiteLink section of SNH's website gateway.snh.gov.uk). A number of SSSIs are earth science SSSIs. These interests are not covered by this guidance.

The Council will consult SNH over any development proposal that may directly or indirectly affect a SSSI or NNR.

Nationally Protected species: The Wildlife and Countryside Act 1981 as amended under the Nature Conservation (Scotland) Act 2004 sets out the protection afforded to wild animals and plants in Scotland. The term recklessly has now been introduced so



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that it must be demonstrated that reasonable steps were taken to avoid killing, injuring, disturbing, taking the protected species as applicable e.g. through appropriate surveys and mitigation. The species protection requirements of the EU Birds Directive are implemented through the Wildlife and Countryside Act 1981 (as amended). The Council is bound by the Act to take steps to bring to the attention of the public the provisions of Part 1 of the Act. The protection offered by the Act is additional to that offered under the Town and Country Planning (Scotland) Act 1997.

The Council will ensure that species listed in Schedules 1, 5 and 6 of the Wildlife and Countryside Act 1981 (as amended), or Annex 1 of the EU Birds Directive (European Community Wild Birds Directive), or the Protection of Badgers Act 1992 are given full consideration in the assessment of development proposals which may affect them. The Council will not normally grant consent for any development which would have a significant adverse effect upon land or water supporting such species, particularly where their occurrence is considered important in a regional or national context.

Each offence committed under the Wildlife and Countryside Act 1981 (as amended) could result in a fine of £5,000 and up to six months imprisonment. Offences committed under The Conservation (Natural Habitats &c.) Regulations 1994 (as amended) and the Protection of Badgers Act (1992) can also carry substantial penalties.

Scottish Natural Heritage will be consulted on any development that may have an impact on international and national designated sites and protected species. SNH will identify the range of activities that may adversely affect the nature conservation interests of the designated sites, or impact on protected species. Development adjacent to and within designated sites will be considered as part of the assessment of any development proposals.

3.4 Biodiversity in the Wider Countryside - Local Biodiversity

The designated sites only account for 6% of the land area of the region and much of the biodiversity of the region and also the continued existence of biodiversity within the special designated sites, is dependent on the wider countryside. Land-use and



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development has contributed to the fragmentation and isolation of semi-natural habitats in the wider countryside.

The Scottish Borders Local Biodiversity Action Plan (LBAP) provides the framework for determining the requirements of biodiversity in the wider countryside and its main focus will be integrated habitat actions to ensure the enhancement of an ecological habitat network beyond (but synergistic with) the protected sites. This approach follows Article 10 of the EU Habitats and Species Directive, which provides for the sensitive management of habitats and species in the wider countryside, particularly those features that are of major importance for wild flora and fauna. The Council, in meeting its duty under Part 1 of the Nature Conservation (Scotland) Act 2004 and as co-ordinator of the LBAP is committed to adopt this approach and will also support this action through a tranche of priority LBAP Habitat Action Plans. The Council will also be guided by the Implementation plans of the Scottish Biodiversity Strategy.

There is a third tier of important wildlife sites, the regionally important wildlife sites or Local Wildlife Sites. There are just over 100 approved Local Wildlife Sites in Scottish Borders (Appendix III). These sites are non-statutory, but are currently designated on the basis of a Scottish Wildlife Trust (SWT) survey whose results are assessed using the standard SWT criteria by a group of local wildlife experts. If the site reaches a high enough standard it is designated as a Local Wildlife Site if the owner grants permission and then the local authority is informed. Also of local importance are nature reserves owned or managed by e.g. non-government organisations or private concerns, and they will also be afforded protection. The Council will consider the designation of Local Nature Reserves (under National Parks and Access to the Countryside Act 1949 (as amended)) for important regional wildlife sites where this meets the appropriate habitat, species, access and educational criteria. This will be subject to an evolving strategy under the LBAP. At present there are no designated Local Nature Reserves in Scottish Borders.

The Council will adopt Structure Plan Policy N5 Local Biodiversity Action and Local Plan Policy NE3 Local Biodiversity. Development that would have an adverse effect on habitats or species identified as a priority in the Local Biodiversity Action Plans (Borders Habitats and Species of Conservation Concern),



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or on other valuable habitats, will be assessed against the criteria identified in the above policies:

- the public benefits of the development at a local level clearly outweigh the value of the habitat for biodiversity conservation
- the development will be sited and designed to minimise adverse impacts on the biodiversity of the site, including its environmental quality, ecological status and viability
- the development will not result in further fragmentation or isolation of habitats
- the development will aim to enhance the biodiversity value of the site through the creation or restoration of habitats and wildlife corridors and provision for long term management and maintenance.

Where the reasons in favour of a development clearly outweigh the desirability of retaining the features, mitigation measures including habitat creation and enhancement of retained habitats will be sought on land within the developer's control. This will be secured through appropriate conditions to the planning consent and the use of section 69 agreements under Local Government Scotland Act 1973 or Section 75 agreement under the Town and Country Planning (Scotland) Act 1997 and other agreements as appropriate in accordance with Policy G5 Developer Contributions and the associated Supplementary Planning Guidance. Where such habitats are to be unavoidably lost, then compensation measures on land within the developer's control, will be required to offset the loss, to ensure that no net loss of LBAP habitats occurs.

The underlying principle will be to ensure that there is no net loss of important habitats and to ensure the maintenance, enhancement and creation of ecological habitat networks in Scottish Borders including the Forest Habitat Network (including Ancient Woodland Inventory, Scottish Semi-Natural Woodland Inventory, Long Established woodlands of Plantation Origin), Veteran trees, trees covered by Tree Preservation Orders, Wetland Habitat Network, Grassland Habitat Network, Heathland Habitat Network, Historic Gardens and Designed Landscapes, and other key LBAP habitats. Habitats within the Tweed catchment and other main catchments of the Borders should be maintained, enhanced and improved through additional habitat creation. Habitat creation and management in the catchments

may bring additional benefits through mitigation of flooding and improvements in water quality through diffuse pollution control.

There are also priority species other than the statutory protected species (sections 3.2 and 3.3) that are not statutory protected but are of national importance or occur in regionally important populations within Scottish Borders. These species and the statutory protected species are also included in the Borders Species of Conservation Concern.

The implications for a proposed development will depend to a large degree on the level at which the species and habitats have been designated. The list will also include the priority species and habitats of the UK Biodiversity Action Plan and Scottish Biodiversity Strategy priority species (www.ukbap.org.uk/GenPageText.aspx?id=54) (www.biodiversityscotland.gov.uk/pageType2.php?id=35&type=2&navID=92).

3.5 Borders Species and Habitats of Conservation Concern

3.5.1 Borders Habitats of Conservation Concern (BHoCC)

The Council will seek to safeguard the integrity of wider countryside features which are of major importance for wild fauna and flora, these habitats, the Borders Habitats of Conservation Concern, will include internationally and nationally protected habitats, Local Wildlife Sites, priority habitats of the UK Biodiversity Action Plan and Scottish Biodiversity Strategy and habitats identified in the LBAP (see Section 6.2). **It should be noted that the habitat list includes those habitats protected under international and national legislation as above in sections 3.2 and 3.3.** The LBAP priority habitats match the UK Biodiversity Action Plan priority habitats and the Scottish Biodiversity Strategy priority habitats and actions in the Borders to protect and enhance these habitats will contribute to both national and local objectives.

3.5.2 Borders Species of Conservation Concern (BSoCC)

In concert with the protection afforded to LBAP habitats, additional protection will be offered to the full range of species included in the Borders Species of Conservation Concern. Species on this list are designated on one or more criteria ranging from international and national designations e.g. European Protected Species, species listed on Annex 1 of the EU Bird Directive, species included under EU Habitats and Species Directive, species protected under the Wildlife and Countryside Act 1981 (as amended) through to Locally Scarce (as defined by Scottish Borders Biological Records Centre). **It should be noted that the priority species list (Borders Species of Conservation Concern) includes those species protected under international and national legislation as above in sections 3.2 and 3.3.**

The full list of Borders Species of Conservation Concern and their occurrence by LBAP habitat type can be found on the Scottish Borders Council website at (www.scotborders.gov.uk/life/environment/naturalheritage)

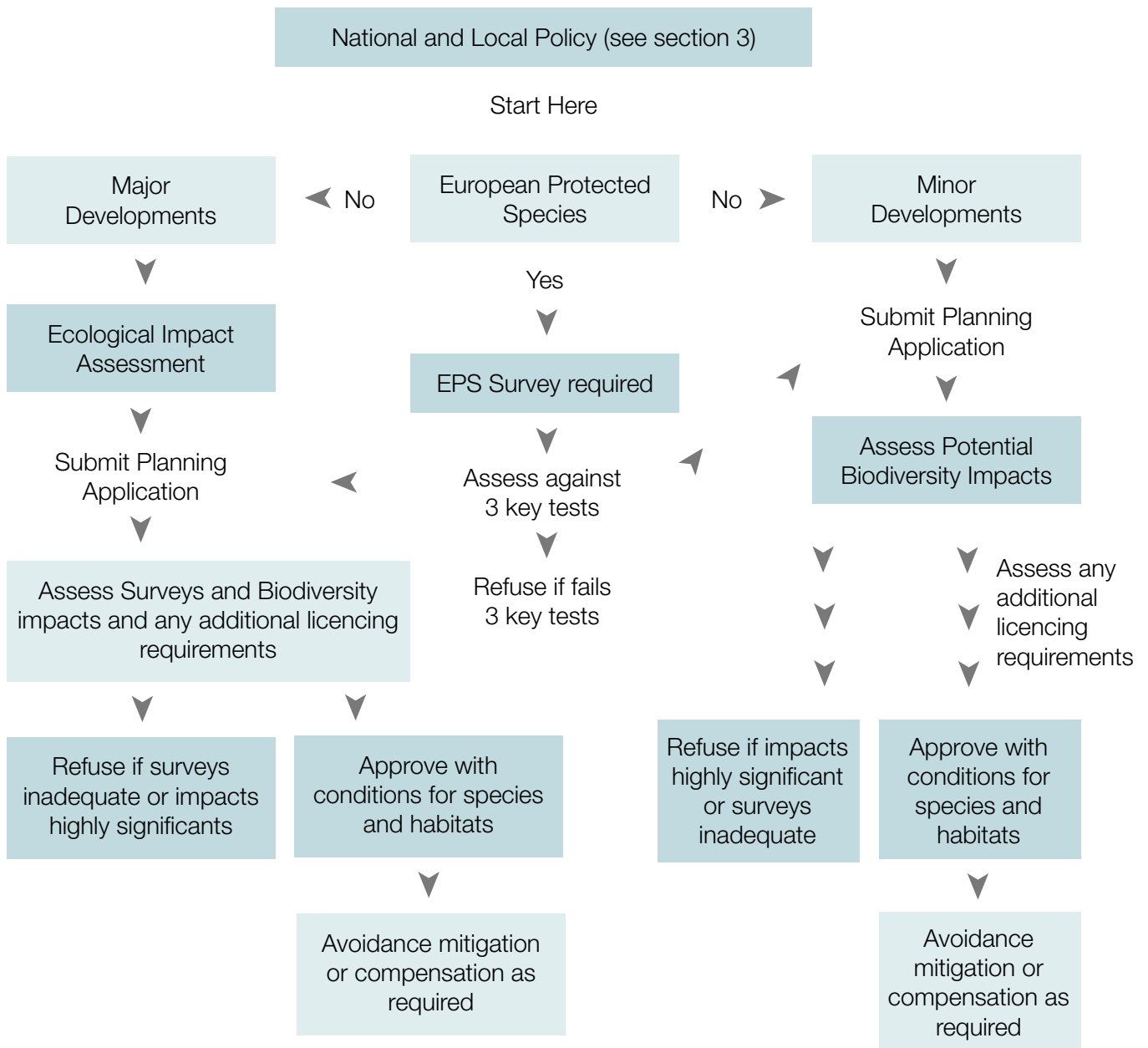
This document "Borders Species of Conservation Concern" (Mercer, Tharme and Eno 2004) provides planners and developers with further information.



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In accordance with Local Plan Policy NE3 - Local Biodiversity, copies of the report of any biological site survey undertaken by developers will be deposited with the Council's Ecology Officer and the Scottish Borders Biological Records Centre.

Scottish Borders Council - Procedure for considering biodiversity and planning proposals



4 Ecological assessment and planning conditions

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The Planning Authority will determine from the planning application, the views of consultees, objectors and its internal process of screening for biodiversity constraints, whether an application is to be approved or refused, and if approved if there is a requirement for planning conditions to be attached.

Planning conditions for biodiversity can be attached to ensure the protection of biodiversity or to provide for the enhancement, creation or long term management of habitats. Applicants are encouraged to contact the Planning Authority at an early stage, preferably pre-application to determine whether there are any implications for biodiversity connected to their proposed site¹. In many instances general planning conditions will apply (section 4.3).

For major developments either an Environmental Impact Assessment for those types of development identified under the Environmental Impact Assessment (Scotland) Regulations 1999 (section 4.1) or an Ecological Impact Assessment for other types of major development as defined in section 4.2 will be required. For certain types of development general, standard planning conditions may be applicable, covering requirements for statutory protected species and habitats and those non-statutory protected species and habitats that are covered by the Council's implementation of Part 1 of the Nature Conservation (Scotland) Act 2004. This is covered in **section 4.3**. Biodiversity protected under the wildlife legislation may require more stringent conditions and more detail on these species and habitats is given in sections **5.1- 5.8** and **6.1** and **6.2**.

Where it is known or suspected that European Protected Species are present it is a requirement that developers determine through appropriate surveys by suitably qualified persons, the presence, distribution and population size of the European Protected Species. If a licence is required, the applicant will have to apply for this from the Scottish Executive. Where it is known or suspected that species covered by Schedules 1, 5 and 8 of the Wildlife and Countryside Act 1981 (as amended) or on Annex 1 of the EU Birds Directive may be affected by a proposed development, it is recommended that the developer seeks expert ecological advice at an early stage to determine the presence or absence of such species and the likely impact of the proposed development upon them. Where applicable, the developer should

¹ Depending on the development proposed, applicants may be recommended to request a report of local biological records from Scottish Borders Biological Records Centre. Please note the absence of records of species and habitats for a site may reflect the absence of records for the particular site, not the absence of the species and habitats concerned

Copies of any surveys carried out should be submitted to both the Council's Ecologist and the Scottish Borders Biological Records Centre in accordance with Local Plan Policy NE3.

identify what steps will be taken in mitigation or as a last resort compensation to ensure that there is no net loss of biodiversity.

The conditions will be in accordance with Scottish Executive guidance: Scottish Office Development Division Circular 4/ 1998 (and addendum); and those subject to legal agreement will be in accordance with SODD Circular 12/ 1996.

Where conditions are attached, the applicants will submit a method statement to identify how they will meet the planning condition. This method statement should include, where appropriate, details of the long-term management of habitats created, enhanced or protected.

Please note that protected species and habitats listed under the Wildlife and Countryside Act 1981 and the Conservation (Natural Habitats &c.) Regulations 1994, both as amended by the Nature Conservation (Scotland) Act 2004, are protected by law irrespective of planning permission and it is the responsibility of the applicants and anyone acting on behalf of the applicant, to ensure that the terms of the law are met.

4.1 Environmental Impact Assessment

Developments identified under Schedules 1 and 2 of the Environmental Impact Assessment (Scotland) Regulations 1999 will require an Environmental Impact Assessment as determined by the regulations. An Environmental Statement must contain information on the likely significant effects of all stages of a development i.e. construction, operation and decommissioning on biodiversity and the landscape. SNH is a statutory consultee for environmental statements prepared under the regulations.

4.2 Ecological Impact Assessment

For major developments an Ecological Impact Assessment (EclA) will be required. This assessment follows the principles of the ecological aspects of an Environmental Impact Assessment, the level of detail required is dependent on the species and habitats likely to be present and the level of protection they are afforded. The principle will be to identify the biodiversity features of interest, assess the significance of impacts on these features of interest and propose avoidance, mitigation or compensation



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to reduce all impacts to the non-significant level. The features of interest will be selected from the Borders Species and Habitats of Conservation Concern list. It will normally be expected for the EclA to be submitted as part of the planning application.

Major developments, other than those covered by the Environmental Impact Assessment (Scotland) Regulations 1999, are defined by Scottish Executive returns as follows:

- 10+ houses are to be built or development area exceeds 0.5ha
- built development covering 1000sqm floorspace or 1ha+
- mineral workings
- waste development
- road and rail developments
- where the development may have a significant impact on a priority LBAP habitat or species.

The Ecological Impact Assessment should adopt the methodology of the Institute of Ecological and Environmental Management (www.ieem.org.uk/) but with particular reference to the Borders Species and Habitats of Conservation Concern. The EclA should include the following information:

- full report of Borders Species and Habitats of Conservation Concern ²
- where appropriate, additional survey information for relevant Borders Species and Habitats of Conservation Concern
- habitat corridors and links to local habitat network
- significance of ecological impacts
- avoidance, mitigation and compensation proposed
- residual significance of ecological impacts
- method statement to include details of how avoidance, mitigation and compensation are to be implemented and the long-term management of habitats and species created, enhanced or protected.

The Planning Authority will normally adopt the process given above, but will be flexible on implementation where there are reasonable grounds for this. The Planning Authority reserve the right to determine that the requirement for an EclA should be applied to smaller developments likely to have a significant impact on the local environment.

² Full report of Borders Species and Habitats of Conservation Concern is available on request from Scottish Borders Biological Records Centre, Harestanes Countryside Visitors Centre, Ancrum TD8 6UQ Tel: 01835-830405. There will be a charge for this service.



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4.3 General Planning Conditions

General planning conditions are covered in this section that may be applicable for certain commonly occurring types of development, covering requirements for statutory protected species and habitats and those non-statutory protected species and habitats that are covered by the Council's implementation of Part 1 of the Nature Conservation (Scotland) Act 2004.

The reason for attaching planning conditions for biodiversity is to safeguard potential ecological interests. Common examples of types of development for which conditions and agreements may be applicable are given below.

4.3.1 Demolition or change of use or changes to roof and walls of old buildings (pre 1939), listed buildings, outbuildings, barns and other traditional rural buildings, buildings with complex roof structures of any age (e.g. schools, offices, hotels, hospitals, etc.)

The development must meet the terms and conditions of Wildlife and Countryside Act 1981 (as amended) and The Conservation (Natural Habitats and c.) Regulations 1994 (as amended), with particular regard to bats and breeding birds, notably barn owls, swallows, swifts, house martins, house sparrows and starling. An ecological survey for bats, barn owls and breeding birds will normally be required. Surveys to be undertaken at a suitable time of year by a suitably qualified person. Following guidance from the Scottish Executive, bat surveys and any subsequent licensing requirements will need to be resolved before the planning application is determined. Impacts on bats will be assessed against the three key tests identified in section 3.2. If signs of bats are found SNH should be consulted in the first instance. A development licence may be required from the Scottish Executive. Development should not take place during the breeding bird season (March - August, note there is no set breeding season for barn owls). Alternative roost sites for bats, and nest sites for barn owls, swallows, swifts, house martin, house sparrows and starling to be provided following approved guidelines as standard condition. The location and design of these alternative nest and roost sites to be advised by a suitably qualified person.



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4.3.2 Felling or disturbance of woodland and individual trees

For woodland and trees suitable for supporting protected mammals and birds the following conditions apply:

Badgers - the woodland area should be surveyed for badgers by a suitably qualified person. Mitigation will depend on the survey findings. Confirmation of badger presence will require further mitigation to avoid disturbance and damage to badgers and their setts. If the development proposal suggests interference or disturbance to badgers and their setts then a licence will have to be applied for from SNH.

Red squirrels - the site should be surveyed for squirrel dreys beforehand, trees containing dreys should be retained and ensure that they are not damaged by surrounding felling. Conduct selective felling, avoid clear-felling continuous swathes of tree cover. Any tree felling work should occur between October and January (outside of the breeding season). Where possible retain or establish food plants dependent on location (conifers such as norway spruce, scots pine and larch, small-seeded deciduous trees such as willow, alder, birch, rowan and ash, and scrub layer such as hawthorn, holly and dog rose).

Breeding birds - felling or management of woodland or scrub should be avoided during the breeding bird season.

Mature trees may be the home to **bat roosts** and **breeding birds including barn owl**. Mature trees should be retained as far as possible and protected adopting British Standard 5837:1991 to ensure protection. If mature trees are to be felled or managed, a survey of suitable mature trees (obvious tree holes, cavities and splits) for **bats** will be required. Following guidance from the Scottish Executive, bat surveys and any subsequent licensing requirements will need to be resolved before the planning application is determined. Impacts on bats will be assessed against the three key tests identified in section 3.2. A development licence may be required from the Scottish Executive. If bats or bat signs (see Bat Conservation Trust and SNH guidance) are subsequently found during development, stop work immediately and contact SNH for further advice. If mature trees are to be felled or managed, the breeding bird season (March - August, note there



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is no set breeding season for barn owls) should be avoided. If cavities used by barn owls for roosting or nesting are lost as a result of the development (note, this should only occur outside of the breeding season), they should be replaced by alternative nest boxes following approved guidelines, the location and design to be approved by a suitably qualified person.

There may be requirements for survey and mitigation for other protected species occurring within woodlands.

4.3.3 Veteran trees

If veteran trees are present (on the register of Borders Veteran trees) they will be retained within the development and protected from impacts such as soil compaction, root damage and drainage impacts and BS 5837:1991 should be adopted to ensure protection.

4.3.4 Hedgerows

Retain hedgerows as far as possible, including where they form linkages with other habitats. Hedgerows may be required to be retained to maintain the habitat of protected species such as bats, badgers and barn owls. Hedgerows form habitat corridors for foraging bats, barn owls and badgers. Badger setts may be located in hedge banks. Many breeding birds use hedgerows as nest sites.

If hedgerows are to be cleared, the breeding birds season (March - August) must be avoided. Replace any loss with new hedgerows within the layout of the development. Use native species of local provenance such as hawthorn and blackthorn. There will be a presumption against the removal of ancient and species rich hedgerows. It is the responsibility of the developer to carry out appropriate ongoing management of newly established hedgerows to ensure their successful establishment.

4.3.5 Greenfield sites

Greenfield sites with badger setts within 250m. If the loss of the greenfield site may have a significant impact on the foraging area available to badgers in the nearby sett(s) then mitigation or compensation may be required. If the compensatory or mitigating



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measures cannot reduce the significance of the impact, then there may be presumption against the development.

4.3.6 Garden grounds

Conditions for hedgerows, mature shrubs and individual trees may be applicable as above.

4.3.7 Loft conversions (see also 4.3.1)

Lofts may be home to bats and breeding birds such as house sparrow, starling, swifts and swallows. For loft renovations or conversions for buildings listed in **4.3.1**, a bat survey will be required as per **4.3.1**.

For all other loft renovations or conversions there will be a requirement for a checking survey by the applicant to look for bat signs (see Bat Conservation Trust and SNH guidance). The applicant must meet the terms and conditions of the Wildlife and Countryside Act 1981 (as amended) and The Conservation (Natural Habitats &c.) Regulations 1994 (as amended). If bats or bat signs are recorded then a bat survey conducted by a suitably qualified surveyor will be required. If a bat roost is identified a licence will be required from the Scottish Executive, which will require appropriate avoidance, mitigation or compensation measures. (See also bats 5.1.1)

Works should commence prior to the breeding birds season to avoid impacts on birds. Works are not to commence during the breeding bird season.

4.3.8 Sustainable Urban Drainage

The use of Sustainable Urban Drainage in compliance with Structure Plan Policy I14 Surface Water and Local Plan Policy Inf6 Sustainable Urban Drainage will reduce impacts on biodiversity and provide opportunities for enhancements for biodiversity.

Surface water from developments should be treated in accordance with PAN61 and CIRIA guide C521 "Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland". Further guidance can also be found in Ponds, pools and lochans. (SEPA 2000)



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4.3.9 Wetlands, rivers, lochs, transitional waters (estuaries), coastal waters and groundwater

Developments that may have potential impacts on wetlands, rivers, lochs, transitional waters (estuaries), coastal waters and groundwater must meet the requirements of the Controlled Activities Regulations (2005). SEPA guidance is to be followed (Water Environment (Controlled Activities) (Scotland) Regulations 2005 - a practical guide (and therein), and also Pollution Prevention Guidelines PPG) as appropriate. This includes housing developments, industrial developments, works on roads and access routes, bridgeworks and in-stream engineering works. General guidance for the prevention of pollution is provided in PPG1 and works in, near or liable to affect watercourses in PPG5. Impacts may occur through siltation, spillage and run-off (oils, fuels, cement, concrete, cleaning materials and other wastes). Guidance must be adopted to avoid impacts through site drainage (PPG3,4,7,13), waste storage and disposal (covered by Special Waste Regulations), oil storage (PPG2,8), construction and demolition (PPG6), bridgeworks including cleaning and repair (PPG23) and groundwater pollution.

Timings of works - to avoid significant impacts on migrating and spawning fish, in-stream works or those that may impact on the watercourses will be avoided between October and June (i.e. works to be carried out July - September). Adopt Scottish Executive guidance for dealing with bridging points in River Crossings and Migratory Fish: Design Guidance (2000)

<http://www.scotland.gov.uk/consultations/transport/rcmf-00.asp>

An ecological survey for otters may be required (see section 5.1.2). Surveys to be undertaken by a suitably qualified person. Following guidance from the Scottish Executive, otter surveys and any subsequent licensing requirements will need to be resolved before the planning application is determined. Impacts on otters will be assessed against the three key tests identified in section 3.2. Before planning is determined, a scheme for the protection of otters shall be submitted to and approved in writing by the planning authority. Any works shall thereafter be carried out in accordance with the approved scheme.



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For all developments there will be a presumption against culverting adopting SEPA guidance (www.sepa.org.uk/pdf/publications/leaflets/hei/culverting2.pdf).

The above guidance must be adopted where appropriate to protect biodiversity associated with waterbodies such as otter, water vole, protected amphibia, protected fish, protected invertebrates and protected plants.

4.3.10 Wildlife ponds

Ponds may be created for wildlife as part of an agri-environment or other biodiversity scheme or for fisheries or related purposes. Planning permission may be required for pond creation where it is not connected with agricultural activity. Where ponds are stocked for fisheries purposes, it is preferred that native species are used to preserve the integrity of the Tweed ecosystem and other catchments in Scottish Borders. However, where non-native species are stocked, only those species that are not able to breed in the wild should be stocked e.g. rainbow trout. It is illegal, under the Wildlife and Countryside Act 1981 (as amended) to deliberately release signal crayfish or allow them to escape. Under The Prohibition of Keeping or Release of Live Fish (Specified Species) (Scotland) Order 2003 there are licensing requirements for keeping live specimens in captivity for over 50 species including signal crayfish.

The above examples are for more commonly required planning conditions, however, they are indicative examples, the detail may vary case by case and these examples may also be refined by guidance given in sections 5 and 6.



5 Conditions for key species

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For all planning applications, the Council will ensure that the requirements of wildlife legislation and policy for species are met as appropriate. Scottish Borders Council adopts the Scottish Borders Species of Conservation Concern. This includes those species afforded special protection under the wildlife legislation that may be subject to specific conditions. Additionally, locally important species may be afforded protection through implementation of Part 1 of the Nature Conservation (Scotland) Act 2004 and local policies.

It is the applicants responsibility to ensure they act within the terms of the wildlife legislation, The Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats &c.) Regulations 1994 (as amended).

Where the planning authority has specific information (e.g. from biological records or site assessments) regarding the likely presence of a protected species and there are reasonable grounds to presume that they are present on the site, then they may ask for a survey to be conducted to determine the status of the protected species on the site.

The survey will be used to guide the appropriate conditions. This may require alternative sites or a change to the development footprint. Where impacts cannot be avoided, mitigation may be required.

In certain circumstances a development licence will be required from the Scottish Executive or SNH dependent on the species. For European Protected Species (otter, all bats and great crested newt are found in Scottish Borders) the key tests identified in section 3.2 apply.

5.1 Protected mammals

5.1.1 Bats

Bats are protected under the Wildlife and Countryside Act 1981 (as amended) and The Conservation (Natural Habitats &c.) Regulations 1994 (as amended). It is illegal to intentionally or deliberately kill or injure them, intentionally, deliberately or recklessly damage, destroy, or obstruct access to any place used for shelter or protection including resting or breeding places (all roosts, whether occupied or not), or deliberately, intentionally or

recklessly disturb them. A survey by a suitably qualified person will be required. Following guidance from the Scottish Executive, bat surveys and any subsequent licensing requirements will need to be resolved before the planning application is determined. Impacts on bats will be assessed against the three key tests identified in section 3.2. Surveys likely to involve disturbance to bats or their roosts can only be carried out by a licensed bat worker. Before development on the site begins, a scheme for the protection of bats shall be submitted to and approved in writing by the planning authority. Any works shall, thereafter, be carried out in accordance with the approved scheme.

Surveys for **hibernation roosts** in **trees** and **buildings** must be undertaken during the winter months (November - February). Activity surveys for **maternity roosts** and **occasional roosts** in **buildings** and **trees** should be conducted between May and September (optimally May - July). Initial walk over surveys can be undertaken at any time of year.

Where a bat roost is identified, impacts should be avoided through use of alternative sites or the redesign of works. Where impacts are unavoidable, mitigation measures will need to be agreed and set in place prior to the commencement of works. Mitigation measures must be agreed with the Planning authority and SNH and a development licence must be obtained from the Scottish Executive before any works affecting bats can proceed. Mitigation may take the form of retention and protection of existing roosts, provision of a replacement artificial roost for each lost, provision of roosts for each season, and the safeguarding and enhancement of local habitats used by bats. There may be a requirement for post development monitoring of bats.

Bats surveys are likely to be required for developments affecting:

- older properties (pre-1939)
- listed buildings or monuments
- barns, traditional farm buildings and outbuildings
- buildings with complex roof structures (e.g. schools, offices, hotels, hospitals, etc.)
- mature broad-leaved woodland and trees, veteran trees
- bridges
- underground structures such as cellars, kilns, abandoned mines, abandoned reservoirs, tunnels or fortifications.



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Bats are most likely to be found in lowland, rural areas particularly those with woodland and/ or water as a component of the local habitat. However, the most widespread bat species, the common pipistrelle and the soprano pipistrelle, are also often found roosting in modern housing developments in urban settings.

Developments affecting other structures in other locations may also require bat surveys.

5.1.2 Otter

Otters are protected under the Wildlife and Countryside Act 1981 (as amended) and The Conservation (Natural Habitats &c.) Regulations 1994 (as amended). It is illegal to intentionally or deliberately kill or injure them, intentionally, deliberately or recklessly damage, destroy, or obstruct access to any place used for shelter or protection including resting or breeding places (couches and holts), or deliberately intentionally or recklessly disturb them. A survey by a suitably qualified person will be required. Following guidance from the Scottish Executive, otter surveys and any subsequent licensing requirements will need to be resolved before the planning application is determined. Impacts on otters will be assessed against the three key tests identified in section 3.2. Before planning is determined a scheme for the protection of otters shall be submitted to and approved in writing by the planning authority. Any works shall thereafter be carried out in accordance with the approved scheme.

Surveys can be conducted at any time of year. Where otters are confirmed by survey to be present, impacts should be avoided through use of alternative sites or the redesign of works, avoidance areas, protection of otter paths and protection of vegetation around holts and couches. Where impacts are unavoidable, mitigation measures will need to be agreed and set in place prior to the commencement of works. Mitigation measures must be agreed with the Planning Authority and SNH and a development licence must be obtained from the Scottish Executive before any works affecting otters can proceed.

Mitigation may take the form of excluding areas within the site from development, provision of alternative sites or the redesign of works, provision of artificial holts, protection of water habitat and adjacent habitat corridors, use of ledges and underpasses and safe river and road crossings, capping of any temporarily exposed

open pipes. To protect the natural river corridor the development should not occur within 20m of the watercourse, this will be protected by an appropriate buffer.

Otters are now widespread in Scottish Borders and are normally associated with watercourses and water bodies but their territories may extend over floodplain areas, in woodland and areas of dense vegetation cover. Their holts (breeding sites) may be located in riverbanks, hollow trees, tree roots, cavities in rock, log piles, debris and man-made structures. Their couches (resting places) are generally in places of tall vegetation, reedbeds, rushes, thick scrub or on river islands. Holts and couches may be up to 500m away from water. An otter survey may be required for the following types of development that may affect watercourses and water bodies:

- small schemes such as individual bridge construction and maintenance, pipeline construction, local bank works and individual houses - these will require a survey 250m upstream and downstream of the site
- major road schemes and other similar major linear developments - these will require a survey 250m on either side of alternative routes and 250m beyond either end of the scheme. (note, in some instances a broader survey corridor of 500m on either side of alternative routes will be required. The survey area must capture any small watercourses that provide routes to lochs or short watershed crossings)
- large, extensive developments such as wind farms - these will require both linear watercourse surveys and spatial surveys. For wind farms this will require survey in a radius of at least 250m of each proposed turbine and infrastructure and a survey within at least 100m of proposed access routes.

Otters are a qualifying feature of the River Tweed SAC. Developments that may have a potentially significant affect on the River Tweed SAC will not be permitted. Where appropriate, conditions may be attached to ensure that any adverse impacts are non-significant.

5.1.3 Badgers

Badgers are protected under the Protection of Badgers Act (1992). It is illegal to wilfully, kill, injure, take, possess or cruelly



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treat a badger or attempt to do so, intentionally or recklessly damage, destroy or obstruct access to a badger sett, or disturb a badger whilst it is occupying a sett. A survey by a suitably qualified person will be required. Before development on the site begins, a scheme for the protection of badgers shall be submitted to and approved in writing by the planning authority. Any works shall thereafter be carried out in accordance with the approved scheme

Surveys for activity should preferably take place during spring or autumn/ early winter.

Where badgers are shown to be present, impacts should be avoided excluding areas within the site from development, provision of alternative sites or the redesign of works. Where impacts are unavoidable a licence must be applied for from SNH unless this involves badgers and existing buildings in which case a licence may be applied for from the Scottish Executive. Mitigation measures must be agreed with the Planning authority and SNH and a badger licence must be obtained before any works affecting badgers can proceed. Mitigation may take the form of excluding areas from development within the site, provision of alternative setts, provision of badger tunnels and maintenance of foraging habitat.

Badgers are widespread in Scottish Borders, in rural and urban locations, their setts can be found in woodland, scrub, embankments, hedge banks, gardens and under buildings. Setts are usually located where there are light, well drained soils with some tree, scrub or tall vegetation cover.

5.1.4 Pine marten

Pine Martens are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). It is illegal to intentionally or recklessly kill, injure or take pine martens, to damage, destroy or obstruct any place or structure they use for shelter or protection, or to disturb a pine marten while it is occupying such a place. A survey by a suitably qualified person will be required. Before development on the site begins, a scheme for the protection of pine martens shall be submitted to and approved in writing by the planning authority. Any works shall thereafter be carried out in accordance with the approved scheme.

Surveys for activity should take place in spring and summer and preferably between March and May to identify breeding dens. Where pine martens are shown to be present, impacts should be avoided where at all possible through the use of alternative sites or the redesign of the works. Where impacts are unavoidable mitigation measures must be agreed with the Planning authority and SNH. Mitigation may take the form of protection of dens by excluding areas within the site from development, provision of alternative dens, the redesign of works, tree felling and vegetation clearance to occur between November and February to avoid the breeding season and habitat enhancements (creation of native or non-native woodland cover).

Pine martens are scarce and not widespread in Scottish Borders, but are thought to be becoming re-established in the region. They may be found in woodland (native and non-native) but they are also found in mountainous areas.

5.1.5 Red squirrel

Scottish Borders contains ten of the 23 Priority Woodlands for red squirrel in southern Scotland. Developments will need to be sensitive to the needs of red squirrel particularly in the Priority Woodlands and their associated buffer zones. A map of the priority woodlands can be found at www.scotborders.gov.uk/life/environment/naturalheritage

Red squirrels are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). It is illegal to intentionally or recklessly kill, injure or take red squirrels, to damage, destroy or obstruct any place or structure they use for shelter or protection, or to disturb a red squirrel while it is occupying such a place. A survey by a suitably qualified person will be required.

Surveys should preferably be carried out between March and May to establish presence. This can be done by establishing presence by visual examination of the wood for feeding signs and then confirming species present by walked transects or in denser woods using squirrel specific feeder boxes or hairtubes. If presence is established any felling will be restricted to outside the breeding season which runs from February to September (felling to occur between October and January). Further survey may be required to identify dens/ dreys. Before development



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on the site begins, a scheme for the protection of red squirrel shall be submitted to and approved in writing by the planning authority. Any works shall thereafter be carried out in accordance with the approved scheme.

Any tree felling work should occur between October and January (outside of the breeding season). The site should be checked for squirrel dreys beforehand, trees containing dreys should be retained and it should be ensured that they are not damaged by surrounding felling. Conduct selective felling, avoid clear-felling continuous swathes of tree cover. Where possible retain or re-establish food plants dependent on location (small-seeded deciduous trees such as willow, alder, birch, rowan and ash, and scrub layer such as hawthorn, holly and dog rose and conifers such as norway spruce, scots pine and larch).

5.1.6 Water vole

Water Voles are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). At present it is an offence to intentionally or recklessly damage, destroy or obstruct access to any structure or place which water voles use for shelter or protection, and disturb water voles while they are using such a place. A survey by a suitably qualified person will be required. Before development on the site begins, a scheme for the protection of water voles shall be submitted to and approved in writing by the planning authority. Any works shall thereafter be carried out in accordance with the approved scheme

Surveys should preferably take place between March and October. Where water voles are shown to be present, impacts should be avoided where at all possible through the use of alternative sites or the redesign of the works. Where impacts are unavoidable mitigation measures must be agreed with the Planning authority and SNH. Mitigation may take the form of excluding areas within the site from development, provision of alternative sites or the redesign of works, translocation of water voles and habitat enhancements.

The protection of water voles is being reviewed by JNCC and DEFRA and they may be afforded extra protection so that the animals themselves are protected from killing, injury and disturbance. The requirements of any new legislation will be adopted.



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Water voles occur in rural and urban settings and in lowlands and uplands. Habitats include slow flowing water courses, ditches, lochs, reedbeds, marshes and ponds. They require well-vegetated banks and little fluctuation in water levels.

5.2 Protected birds

Schedule 1 and Annex 1

Where there is specific evidence that a bird listed under Schedule 1 of the Wildlife and Countryside Act 1981 (as amended) or Annex 1 of the EU Birds Directive has been recorded as breeding on or immediately adjacent to the site, or the habitat is suitable to support such birds, there will be a requirement for a survey by a suitably qualified person. Mitigation will be dependent on the species present, but there will be a presumption against development during the breeding season (March - August, although this may vary with the species concerned).

All wild birds are afforded protection and it is an offence to deliberately or recklessly kill, injure and destroy nests and eggs of wild birds. Additionally for those species protected under Schedule 1 of the Wildlife and Countryside Act 1981 (as amended) it is illegal to intentionally or recklessly disturb any bird whilst it is nest-building or at or near a nest containing eggs or young, or to disturb any of its dependent young. There may be a requirement, depending on habitats within the sites, to survey sites in the breeding season and to avoid damage to breeding birds, their nests and eggs by avoiding development or the commencement of development during the breeding birds season (March - August).

Mitigation may involve provision of alternative nest sites, protection of breeding habitats where appropriate and the design of the site should protect and enhance foraging habitat for breeding birds as appropriate.

5.3 Protected reptiles

Slow worm, common lizard and **adder** are all protected against killing and injury under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). Where there is specific evidence or a strong likelihood that protected reptiles have been found on or immediately adjacent to the site (e.g. from biological records and habitat suitability), there will be a requirement for a survey by a suitably qualified person. Reptile surveys should be conducted between April



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and September (optimally April - June, or September). Mitigation will be dependent on the results of the survey and the species present. Such mitigation may require translocation, exclusion of certain areas and habitat provision. If protected reptiles are located during the development, work should stop immediately and SNH should be consulted.

Reptiles occurring in Scottish Borders are adder, slow worm and common lizard. Suitable habitat includes heathland, scrub, rough grassland, embankments, woodland edges and hedgerows, particular with south-facing aspects. They may hibernate in log piles, piles of stones or underground. Slow worms and common lizards may be found in urban (particularly slow worm) and rural settings including brownfield sites. Reptiles are generally less abundant in intensively managed farmland and built up settings

5.4 Protected amphibia

Great crested newts and their habitats are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats &c.) Regulations 1994 (as amended). It is illegal to intentionally or deliberately kill or injure them, intentionally, deliberately or recklessly damage, destroy, or obstruct access to any place used for shelter or protection including resting or breeding places, deliberately, intentionally or recklessly disturb great crested newts when in a place of shelter. Where the development has potentially significant direct or indirect effects on a great crested newt breeding pond or terrestrial habitats of great crested newts within 500m of a breeding pond there will be a requirement to conduct a survey by a suitably qualified and licensed person. Following guidance from the Scottish Executive, great crested newt surveys and any subsequent licensing requirements will need to be resolved before the planning application is determined. Impacts on great crested newts will be assessed against the three key tests identified in section 3.2.

The surveys should be carried out between mid-March and mid-June for pond surveys and March to September for terrestrial habitats. Mitigation measures will be dependent on the results of the survey and will have to be agreed by SNH. They may take the form of measures to avoid significant impacts through design of the development and exclusion of particular areas or if significant impacts cannot be avoided, translocation and compensatory



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provision of ponds and terrestrial habitats. A development licence from Scottish Executive may be required if works are to impact on great crested newt and this must be obtained prior to the commencement of works.

Great crested newts occur in a small number of known sites in Scottish Borders although they are probably under recorded. Pond habitat favoured have a neutral pH, are well-vegetated with submerged and emergent vegetation and areas of open water. They may occupy a series of ponds in a local area. Terrestrial habitats include rank or semi-natural grassland, farmland, woodland and garden areas. They tend to occupy terrestrial habitats within 500m of their breeding ponds.

Common frog, common toad, smooth newt and palmate newt are only protected from sale, trade etc under the Wildlife and Countryside Act 1981 (as amended). They may be encountered frequently on development sites in ponds, ditches, rough grassland, scrub, woods and under logs and rocks. Conditions for such species would be through linkage to appropriate habitats and the retention and enhancement of such habitats, e.g. ponds and wetlands.

If significant local populations of non-statutory amphibia are found on site then conditions may apply.

5.5 Protected fish

A number of species are protected under schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and The Conservation (Natural Habitats &c.) Regulations 1994 (as amended). **Allis Shad** are protected under the Wildlife and Countryside Act 1981 (as amended) from intentional or reckless disturbance and intentional or reckless damage, destruction or obstruction of places used for shelter and protection.

Atlantic salmon, river lamprey and **grayling** are protected under The Conservation (Natural Habitats &c.) Regulations 1994 (as amended) from certain types of killing and capture.

Atlantic salmon, river lamprey, brook lamprey and **sea lamprey** are a qualifying feature of the River Tweed SAC. Developments that may have a potentially significant affect on the River Tweed SAC will not be permitted. Where appropriate, conditions may be attached to ensure that any adverse impacts are non-significant.



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Surveys will be required by a suitably qualified person. For some species, surveys can be carried out at any time of year, for migratory species the survey period will need to coincide with the migratory and spawning period as appropriate.

Mitigation may include the zoning of work areas and the protection of riparian habitat buffer zones, scheduling of works to avoid migration and spawning, creation of fish ladders to prevent interruption of migration routes. See also section 4.3.9

5.6 Protected invertebrates

A small number of invertebrates are protected under Schedule 5 Wildlife and Countryside Act 1981 (as amended). Many more invertebrates may also be of conservation concern with important species of insect, crustacea, annelids (worms) and molluscs. A much larger number of invertebrates are not statutorily protected but are of national biodiversity priority (UKBAP and Scottish Biodiversity Strategy priority list) and nationally or locally scarce, so regions may hold important populations of these species.

A survey may be required as a condition where there is specific evidence or reasonable grounds to presume that invertebrates of conservation concern (**any Red Data Book species or two or more BSoCC**) are present (e.g. biological records or habitat suitability) and the development proposal may have a significant impact on them. This survey will be required to guide suitable mitigation. Survey to be carried out by a suitably qualified person at an appropriate time of year. Mitigation may take the form of habitat creation, maintenance and enhancement of habitats and structure of habitats, retaining deadwood and creating habitat piles and exclusion of areas within the development footprint.

5.7 Protected higher plants

Higher plants may also be of conservation concern. A number have statutory protection under the Wildlife and Countryside Act 1981 (as amended). There are however, many plant species that are of national biodiversity priority and nationally or locally scarce, so regions may hold important populations of these species. These species may also be an indicator of habitat type and condition (see Habitat section 6.2).



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Watercourses characterised by *Ranuncion fluitantis* and *Callitricho batrachion* vegetation are a qualifying feature of the River Tweed SAC. Developments that may have a potentially significant affect on the River Tweed SAC will not be permitted. Where appropriate, conditions may be attached to ensure that any adverse impacts are non-significant.

A survey by a suitably qualified person may be required as a condition where there is specific evidence or reasonable grounds to presume (e.g. biological records and habitat suitability) that vascular and higher plants of conservation concern (**Borders Species of Conservation Concern including Red List species, Pink List species, Red Data book, any Nationally Scarce species that is habitat specific, locally important species**) are present, the development proposal may have a significant impact on them. This survey will be required to guide suitable mitigation. Mitigation may take the form of habitat enhancement and creation or exclusion of areas within the development footprint.

5.8 Protected lower plants, lichens and fungi

Lower plants (mosses, liverworts and algae), lichens and fungi may also be of conservation concern. There are a number of lower plant, lichen and fungi species that are of national biodiversity priority and nationally or locally scarce, so regions may hold important populations of these species. These species may also be an indicator of habitat type and condition (see LBAP Habitat section 6.2).

A survey by a suitably qualified surveyor at a suitable time of year may be required as a condition where there is specific evidence or reasonable grounds to presume that lower plants, lichen and fungi of conservation concern (**Borders Species of Conservation Concern including nationally notable species, Red Data book, European Red List and any Nationally Scarce species that is habitat specific**) are present (e.g. biological records or habitat suitability) and the development proposal may have a significant impact on them. This survey will be required to guide suitable mitigation. Mitigation may take the form of habitat enhancement and creation or exclusion of areas within the development footprint.

6 Conditions for key habitats

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part two

For all planning applications, the Council will ensure that the requirements of wildlife legislation and policy for habitats are met as appropriate. Scottish Borders Council adopts the Scottish Borders Habitats of Conservation Concern. This includes all international and national statutory protected sites and sites of national and local biodiversity priority.

6.1 Designated wildlife sites

Some sites are of national and international wildlife importance and have statutory protection as identified in sections 3.2 and 3.3. The presence of a nationally designated natural heritage site is an important material planning consideration. The Planning Authority will ensure that such sites are afforded the highest level of protection. The designations do not necessarily preclude developments, but stringent tests must be adhered to ensure that the integrity and conservation status of the sites is not adversely affected. Planning authorities are required to consult SNH when determining an application for development that might affect international and national designated wildlife sites. Sites can be affected by developments some distance away.

6.1.1 International designations

For SAC and SPA sites (Natura sites) the protection extends to developments outwith the boundary of the designated area. A development which would have an adverse affect on the conservation interests of a Natura site will only be permitted where there is no alternative solution; and there are imperative reasons of over-riding public interest, including those of a social or economic nature (the key tests identified in section 3.2 will apply).

Other sites of international wildlife importance are Ramsar sites, these are wetland sites of international importance, usually for migratory birds such as waterfowl.

6.1.2 National designations

Natural heritage designations of national importance include Sites of Special Scientific Interest (SSSI) and National Nature Reserves (NNRs). Development which would affect a designated area of national importance should only be permitted where the objectives of the designation and the overall integrity of the area will not be compromised; or any significant adverse effects on



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the qualities for which the area has been designated are clearly outweighed by social or economic benefits of national importance.

National Nature Reserves are areas of national importance for their nature conservation interest which are managed as nature reserves. They are exemplars of positive land management where conservation and enhancement of the natural heritage is the prime aim. The sites were declared under the National parks and Access to the Countryside Act 1949. All NNRS are also designated as SSSIs.

6.2 Non-statutory protected habitats - UKBAP and LBAP

There are a number of key habitats that are of national and local priority. There are 45 habitats listed under the UKBAP as priority habitats that fall within 28 broad habitat types. The Scottish Biodiversity Strategy priority list is also adopted.

The following UKBAP priority habitats can be found in Scottish Borders:

Ancient and/ or species-rich hedgerows	Lowland dry acid grassland	Reedbeds
Blanket bog	Lowland heathland	Sheltered muddy gravels
Cereal field margins	Lowland meadows	Upland calcareous grassland
Coastal saltmarsh	Lowland raised bog	Upland hay meadows
Coastal sand dunes	Lowland wood-pasture and parkland	Upland heathland
Coastal vegetated shingle	Maritime cliff and slope	Upland mixed ashwoods
Eutrophic standing water	Mesotrophic lakes	Upland oakwood
Fens	Mudflats	Wet woodland
Limestone pavement	Native pine woodlands	
Lowland calcareous grassland	Purple moor grass and rush pastures	



part two

Under the Scottish Borders Local Biodiversity Action Plan the following habitats are listed as a priority and a Habitat Action Plan will be produced for each, identifying the objectives, targets and key actions to maintain and enhance the habitat:

- **Coastal** - maritime cliff and slope
- **Enclosed farmland & lowland grassland** - lowland grassland habitat action plan includes - calcareous grasslands, acid grasslands, rush pasture, boundary features habitat action plan -including hedgerows, and arable margins
- **Woodlands** - native woodland, wood pasture and parkland, upland cleuch and scrub woodland, coniferous woodland
- **Wetlands** - rivers and burns, lowland raised bogs, standing open water, fens, marsh, swamp and reedbed
- **Upland** - upland heath, blanket bog, montane
- **Urban** - may contain many of the above.

The above habitats will be associated with Borders Species of Conservation Concern, some of which will have statutory protection. Local Nature Reserves and Local Wildlife Sites (see 3.4 and Appendix III) may be designated for sites containing important species and habitats. The Planning Authority may consult SWT on developments affecting Local Wildlife Sites.

Habitat inventories are available for some habitats to help identify the locations of key habitats e.g. Ancient and Species Rich Hedgerow Inventory (SNH), Grassland and Mires Inventory (SNH), Ancient Woodland Inventory (SNH), Scottish Semi-Natural woodland Inventory (Highland Birchwoods), Forest Habitat Network (Forest Research) (other SBBRC inventories) and other local inventories (appendix IV).

As part of an Ecological Impact Assessment (section 4.2) a survey may be required where developments are within or adjacent to Habitats of Conservation Concern and there is reasonable grounds to presume the development may have a significant impact on the habitat. This survey will be required to assess the significance of impacts and to guide suitable avoidance, mitigation or compensation. This may take the form of habitat creation and enhancement or protection of habitats, exclusion of areas within the development footprint or compensatory replacement of habitats to offset any loss. In certain circumstances complete avoidance may be required and a recommendation made against



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development, particularly for habitats of national priority and local scarcity that cannot be easily recreated.

Measures for mitigation and compensation may include:

- retention or restoration of key habitats and features on the development site
- creation of new habitats on or off site
- appropriate management and aftercare of habitats on or off site
- provision of access for education and awareness.

7 Scottish Borders Biological Records Centre (SBBRC)

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part two

SBBRC provides a not-for-profit service, involving the collection, collation, management and dissemination of biological information of known quality within Scottish Borders. SBBRC holds over 550,000 records on individual species of animals and plants, each with a location and date. In addition, over 9,000 sites have been defined, containing a growing base of habitat data. Data are recorded and stored on a Recorder database, to a nationally accepted standard recommended by the National Biodiversity Network. This information is available to all. The wildlife information can be used for assessing the environmental quality of sites affected by planning applications in the interest of sustainable development and rural diversification. Biological information relevant to planning applications is needed for housing or industrial development, roads, forestry, pipelines and other linear routes, and other changes in land use. Further information on SBBRC can be found at www.scotborders.gov.uk/outabout/visit/harestanes/3301.html

In accordance with Local Plan Policy NE3 - Local Biodiversity, copies of the report of any biological site survey undertaken by developers will be deposited with the Council's Ecology Officer and the Scottish Borders Biological Records Centre.

Useful references



© Derek Robeson

- Badgers and development. SNH 2001 ISBN 1 85397 1375
- Barn owls on site: A guide for developers and planners English Nature/ The Barn Owl Trust 2003
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- Bats and Buildings in the UK Bat Conservation Trust
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- Habitat Management for Invertebrates: a practical handbook P. Kirby JNCC and RSPB 1992
- Monitoring the Otter *Lutra lutra*. Chanin, P (2003) Conserving Natura 2000 Rivers Monitoring Series No. 10, English Nature
- Otters and River Habitat Management (Environment Agency 2nd ed 1999)
- Otter Breeding Sites. Liles, G (2003) Conservation and Management. Conserving Natura 2000 Rivers Conservation Techniques Series No. 5, English Nature
- Pollution Prevention Guidelines (PPG): all SEPA, Environment Agency and Environment and Heritage Service
- PPG 1: General Guide to the Prevention of Pollution
- PPG 2: Above ground oil storage tanks

PPG 3: Use and design of oil separators in surface water drainage systems

PPG 4: Disposal of sewage where no mains drainage is available

PPG 5: Works in near or liable to affect watercourses

PPG 6: Working at demolition and construction sites

PPG 7: Fuelling stations, construction and operation

PPG 8: Safe storage and disposal of used oils

PPG 13: The use of high pressure water and steam cleaners

PPG 23: Maintenance of structures over water

Ponds, pools and lochans: Guidance on good practice in the management and creation of small waterbodies in Scotland SEPA 2000

Reptiles: guidelines for developers. English Nature 2004

Reptile mitigation guidelines. English Nature

Reptile survey. Froglife Advice Sheet No.10 1999

River Crossings and Migratory Fish: Design Guidance (2000) Scottish Executive

RSPB Information Leaflets: Bats and the Law 2004, House martins 2002, Make a bat box 2002, Nest boxes for owls and kestrels 2004, Planting Gardens for birds 2002, The Swallow 2002 Swifts 2002

Scottish Biodiversity Strategy List (www.biodiversityscotland.gov.uk/pageType2.php?id=35&type=2&navID=92)

Scottish Borders Species and Habitats of Conservation Concern (Mercer, Tharme and Eno 2004)

Scotland's Wildlife: The Law and You SNH ISBN 1 85397 000

Scotland's Wildlife: Conserving Scotland's Water Voles SNH ISBN 1 85397 4455

SEPA: A guide to the Special Waste Regulations

Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland. CIRIA C521 (www.ciria.org.uk)

Waste Management - The Duty of Care - A code of Practice revised 1996. The Stationery Office

Water Vole Conservation Handbook (English Nature 1998)

Water Courses in the Community: A guide to sustainable watercourse management in the urban environment SEPA 2000

Woodlands for Red Squirrels. Red Squirrels in South Scotland

Woodland Management for bats. Forestry Commission/ Bat Conservation Trust 2005

Working with wildlife: Compliance and beyond in construction CIRIA

List of relevant planning guidance



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- NPPG 14 Natural Heritage
- NPPG 13 Coastal Planning
- NPPG 6 (Revised November 2000) Renewable Energy Developments
- PAN 60 Planning for Natural Heritage (2000)
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 58 Environmental Impact Assessment (1999)
- PAN 51 Planning and Environmental Protection (1997)
- PAN 65 Planning and Open Space (2003)

Appendix I

International nature conservation sites in Scottish Borders

SPECIAL AREA OF CONSERVATION (SAC)	CONSTITUENT SSSIs
Berwickshire and North Northumberland Coast	Berwickshire Coast (Intertidal) Burnmouth Coast St Abb's Head to Fast Castle
River Tweed	River Tweed (1981 Act) Tweed River (1949 Act) Whiteadder Water
Moorfoot Hills	Moorfoot Hills
Dogden Moss	Greenlaw Moor
Threepwood Moss	Threepwood Moss
Borders Woods	Newtown St Boswells Woods Lynwood, Whitlaw Wood - Slitrig Cragbank and Wolfehopelee
Whitlaw and Branxholme	Branxholme Wester Loch Slaidhills Moss Whitlaw Mosses
St Abb's Head to Fast Castle	St Abbs Head to Fast Castle
Slaidhills Moss	Slaidhills Moss
SPECIAL PROTECTION AREA (SPA)	CONSTITUENT SSSIs
St Abb's Head to Fast Castle	St Abbs Head to Fast Castle
Westwater Reservoir	Westwater Reservoir
Greenlaw Moor	Greenlaw Moor
Langholm - Newcastleton Hills	Langholm - Newcastleton Hills
Hoselaw Loch	Din Moss and Hoselaw Loch
RAMSAR SITE	CONSTITUENT SSSIs
Westwater Reservoir	Westwater Reservoir
Greenlaw Moor	Greenlaw Moor
Hoselaw Loch	Din Moss and Hoselaw Loch

Appendix II

National nature conservation sites in Scottish Borders

National Nature Reserve (NNR)

Cragbank Wood
St Abb's Head
Whitlaw Mosses

Site of Special Scientific Interest (SSSI)

Abbey St Bathans Woodlands
Adderstonlee Moss
Airhouse Wood
Akermoor Loch
Alemoor West Loch and Meadow
Allan Water Hillhead
Ashkirk Loch
Avenel Hill and Gorge
Bemersyde Moss
Berwickshire Coast Intertidal
Blind Moss
Branxholme Easter Loch
Branxholme Wester Loch
Buckstruther Moss
Burnmouth Coast
Catshawhill
Clarilaw Grasslands
Coldingham Common, Long Moss
Coldingham Loch
Colmsliehill Junipers
Cragbank and Wolfhopelee Woods
Craigdilly
Crook Burn Dyeshough
Din Moss and Hoselaw Loch
Dolphinton - West Linton Fens and Grassland
Drone Moss
Dundreich Plateau (mostly in Midlothian)
Dunhog Moss
Faldonside Loch
Foulden Burn
Gattonside Moss
Glenkinnon Burn
Gordon Moss
Greenlaw Moor
Grieston Quarry
Hareheugh Craigs
Henderland Bank
Hermanlaw and Muckra Cleuchs
Hummelknowes Moss
Jedwater Woodlands
Kershope Bridge
Kielderhead Moors: Carter Fell to Peel Fell
Kingside Loch
Kippilaw Moss

Kirkhope Linns
Kirkton Burn Meadow
Langholm - Newcastleton Hills
Langton Lees Cleugh
Lennel, Charley's Brae
Lindean Reservoir
Lintmill Railway Cutting
Long Moss - Drinkstone Hill
Longnewton Cutting
Lurgie Loch
Lynnwood - Whitlaw Wood, Slitrig
Lynslie Burn
Makerstoun - Corbie Craigs to Trows' Craigs
Minto Craigs
Moorfoot Hills
Mount Bog
Newhall Glen
Newtown St Boswells Woods
North Esk Valley
Nut Wood
Old Cambus Quarry
Oxendean Burn
Palmers Hill Railway Cutting
Pease Bay Coast
Plora Wood
Redden Bank Lime Works
Riskinhope
River Tweed (1981 Act)
Selkirk Racecourse Moss
Siccar Point
Slaidhills Moss
St Abbs Head to Fast Castle Head
St Marys Loch
The Hirsell
Thornylee Quarry
Threepwood Moss
Tweed River (1949 Act)
Tweedsmuir Hills
Tweedwood - Gateheugh
Westwater Reservoir
Whim Bog
Whiteadder Water
Whitlaw Bank to Hardies Hill
Whitlaw Mosses
Whitlaw Rig
Whitmuirhall Loch
Williamhope
Windy Gowl / Carlops Dean
Woodhead Moss
Yetholm Loch

Appendix III

Wildlife sites (Scottish Wildlife Trust Local Wildlife Sites)

GRID REF	SITE NAME	GRID REF	SITE NAME
NT4910	Acreknowe Reservoir	NT6840	Hareheugh Craigs
NT1656	Amazondean	NT2348	Harelaws Pond
NT5923	Ancrum (Chester's) Craig	NT0822	Hawkshaw Bog
NT6124	Ancrum Common	NT4623	Headshaw Loch
NT1155	Baddinsgill Bog	NT6047	Houndslow West Wood
NT1231	Bird Cherry Wood	NT7041	Hume Craigs
NT7840	Bishop's Bog	NT2335	Hundleshope
NT5212	Bitchlaw Moss	NT4223	Hutlerburn Loch
NT8554	Blackadder Cottage Wood	NT2832	Kill Burn
NT5020	Blackcraig Moss	NT6713	Kiln Burn
NT1346	Blyth Muir Moss and Blyth Dean	NT1543	Ladyurd Wood
NT1548	Bog Wood	NT1038	Langlaw Hill
NT3735	Bold Burn / Glenmead Burn	NT5325	Lilliesleaf Moss
NT5630	Bowden Glen	NT6637	Little and Muckle Thairn
NT8363	Brockholes Dean	NT2319	Loch of the Lowes
NT6136	Brotherstone Moss	NT1756	Lonely Bield
NY4992	Burnside Moss	NT1547	Longstruther Burn
NT3236	Caerlee Hill	NT1550	Lyne Water / Broomlee
NT0640	Candyburn	NT1257	Lynne Burn Marsh
NT1419	Carlavin Hill	NT5721	Malcolm's Moss
NT5132	Cauldshiels Loch	NT5421	Marlside Hill Moss
NT5414	Cavers Knowes (Little Moss)	NT2943	Moss Cleuch / Dunslair Hope
NT5414	Cavers Knowes (Long Moss)	NT6616	Mossburnford Mill
NT3415	Clearburn Loch	NT2340	Neidpath Wood
NT2147	Cloich Bog	NT3437	Nether Pirn
NT6244	Corsbie Bog (Eden Water)	NT5627	Newhall Loch
NT7956	Cumledge Wood	NT9162	Northwood Moss
NT5617	Denholm Dean	NT6526	Peniel Heugh
NT1335	Dismantled Railway - Dreva	NT0618	Pipershole Burn
NT5222	Drover Road Plantation	NT3337	Pirn Craig
NT5437	Easter Housebyres Moss	NT2550	Portmore Birchwood
NT5236	Ellwynd Meadow	NT1234	Rachan Fish Pond
NT6043	Everett Moss	NT1134	Rachan Mill Hall Pond
NT0816	Falla Moss	NT2435	Raeburn (Juniper Craigs)
NT1354	Faw Mount	NT6814	Richard's Cleuch
NT3033	Fethan Wood	NT3042	Rough Cleuch
NT1415	Firthope Rig, West	NT5815	Ruberslaw
NT3343	Flesh Cleuch	NT1043	Sandyhill Wood
NT1319	Gameshope Burn	NT1656	Scroggie Brae
NT1316	Gameshope Loch	NT4810	Seacroft and St Leonards Moss
NT0724	Glenmuck Bog	NT3919	Shaws Under Loch
NT2634	Glensax Burn	NT3919	Shaws Upper Loch
NT1416	Great Hill	NT8866	Silverwells / Abbeyburn
NT6947	Greenlaw Dean	NT6434	Smailholm Crags
NT4919	Groundistone Moss	NT2340	South Park Wood
NT1843	Haggin Hope Burn	NT7037	Stichill Linn
NT4627	Haining Moss	NT5008	Stobs Castle Meadow
NT1942	Hare Stell Wood	NT6939	Sweethope Hill

GRID REF	SITE NAME
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NT1518	Talla Craigs and Marsh
NT1618	Talla East Side
NT1320	Talla Reservoir
NT4817	Tandlaw Moss
NT1555	The Linn, Carlops Dean
NT4236	The Nest / Laidlawstiel Wood
NT4739	The Whin
NT2635	Waddenshope Burn
NT5026	Whitmuir Hall Moss
NT1117	Woodcastle Cleuch
NT7025	Wooden Loch
NT4617	Woolaw Moss

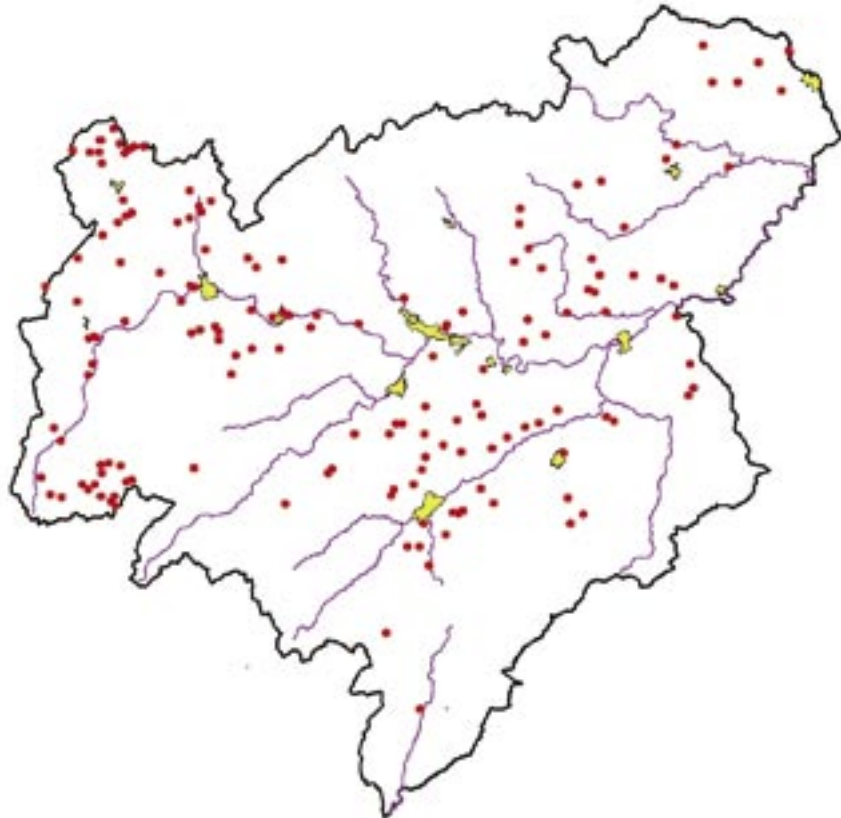
Footnote:

These sites are recognised as regionally important. However, there is no designated access associated with the sites. The terms of the Access Code apply.

Distribution of Local Wildlife Sites

**Location of Borders
Local Wildlife Sites
SBBRC August 2006**

- Local Wildlife Sites
- Main Settlements
- △ Main Rivers
- Borders Boundary



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Appendix IV

Habitat Inventories of key habitat types



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DATASET	SOURCE
Areas of Great Landscape Value	SNH
Ancient and Species Rich Hedgerows	SNH
Ancient Woodland Inventory	SNH
Birks & Ratcliffe - Moorfoots SSSI	SNH
Borders Archaeological Sites	SBC
Borders Grasslands and Mires Inventory	SNH / SBBRC
Borders Development Control Sites	SBC
Borders Grassland Site Inventory	SBBRC
Borders Footpaths	SBC
Borders Forest Habitat Network	Forestry Commission
Borders Long Distance Paths	SBC
Borders Natural Heritage Sites	SBBRC
Borders Recorder 2000 Data	SBBRC
Borders Notable Tree Inventory	SBBRC / BFT / FCS
Borders Tree Protection Orders	SBC
Borders Wetlands Inventory	SBBRC / TF / SNH / Badenoch
Dune Survey	SNH
HGDL	SNH
Intermediate Bog Inventory	SNH
Invertebrate Site Register	SNH
Land Cover Map 2000	CEH
Landscape Character Assessment	SNH
Nature Reserves	SNH
Lowland Raised Bogs Inventory	SNH
National Scenic Areas	SNH
NNR	SNH
NVC - Borders Grasslands and Mires	SNH / Mike Smith
NVC - Branxholme Wester Loch SSSI	SNH
NVC - Ettrick Marshes	SNH / Borders Forest Trust
NVC - Langholm - Newcastleton SSSI	SNH
NVC - Moorfoot Hills SSSI	SNH
NVC - Moffat Hills SSSI	SNH
RAMSAR	SNH
SAC	SNH
Salt Marsh Survey	SNH
Scottish Borders Habitats of Conservation Concern	SBBRC
Scottish Borders Species of Conservation Concern	SBBRC
Scottish Semi-Natural Woodland Inventory	Caledonian Pinewoods
SPA	SNH
SSSIs	SNH
SWT Reserves	SWT
Wildlife Sites	SNH
Woodland Grant Scheme	FCS
Vascular plants (rare plant register)	SNH

Appendix V

Geological SSSIs in Scottish Borders

SITE NAME	DESIGNATION	REPORTING CATEGORY	STANDARDISED FEATURE NAME
BERWICKSHIRE COAST (INTERTIDAL)	SSSI + SAC	Littoral rock	Sea caves
BURNMOUTH COAST	SSSI	Stratigraphy	Lower Carboniferous
BURNMOUTH COAST	SSSI	Structural and metamorphic geology	Caledonian Structures
FOULDEN BURN	SSSI	Palaeontology	Permian / Carboniferous Fish / Amphibia
FOULDEN BURN	SSSI	Palaeontology	Arthropoda
GRIESTON QUARRY	SSSI	Stratigraphy	Llandoverly
HAREHEUGH CRAIGS	SSSI	Igneous petrology	Carboniferous - Permian igneous
KERSHOPE BRIDGE	SSSI	Igneous petrology	Carboniferous - Permian igneous
LANGHOLM - NEWCASTLETON HILLS	SSSI	Igneous petrology	Carboniferous - Permian igneous
LENNEL, CHARLEYS BRAE	SSSI	Palaeontology	Palaeozoic Palaeobotany
LINTMILL RAILWAY CUTTING	SSSI	Igneous petrology	Carboniferous - Permian igneous
LYNSLIE BURN	SSSI	Stratigraphy	Wenlock
NEWHALL GLEN	SSSI	Quaternary geology and geomorphology	Quaternary of Scotland
NORTH ESK VALLEY	SSSI	Stratigraphy	Llandoverly
OLD CAMBUS QUARRY	SSSI	Stratigraphy	Llandoverly
OXENDEAN BURN	SSSI	Palaeontology	Llandoverly
PALMERS HILL RAILWAY CUTTING	SSSI	Stratigraphy	Non-marine Devonian
PEASE BAY COAST	SSSI	Palaeontology	Silurian - Devonian Chordata
PEASE BAY COAST	SSSI	Stratigraphy	Dinantian of Scotland
SICCAR POINT	SSSI	Stratigraphy	Non-marine Devonian



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SITE NAME	DESIGNATION	REPORTING CATEGORY	STANDARDISED FEATURE NAME
SICCAR POINT	SSSI	Structural and metamorphic geology	Caledonian Structures
THORNEYLEE QUARRY	SSSI	Stratigraphy	Llandoverly
WHITEADDER WATER	SSSI	Palaeontology	Palaeozoic Palaeobotany
WHITLAW MOSSES	SSSI	Quaternary geology and geomorphology	Quaternary of Scotland
WINDY GOWL/CARLOPS DEAN	SSSI	Quaternary geology and geomorphology	Quaternary of Scotland

Glossary

BHoCC	Borders Habitats of Conservation Concern
BSoCC	Borders Species of Conservation Concern
CAR	Controlled Activities Regulations, Water Environment (Controlled Activities) (Scotland) Regulations 2005
CEH	Centre for Ecology and Hydrology
CIRIA	Construction Industry Research and Information Association
DEFRA	Department of Environment Food and Rural Affairs
EclA	Ecological Impact Assessment
EIA	Environmental Impact Assessment
EPS	European Protected Species
FCS	Forestry Commission Scotland
FHN	Forest Habitat Network
JNCC	Joint Nature Conservation Committee
LBAP	Local Biodiversity Action Plan
NNR	National Nature Reserve
NPPG	National Planning Policy Guidelines
PAN	Planning Advice Note
PPG	Pollution Prevention Guidelines
RAMSAR	Wetland site of International Importance under the Convention on Wetlands 1971, Ramsar
SAC	Special Area of Conservation
SBBRC	Scottish Borders Biological Records Centre
SBS	Scottish Biodiversity Strategy
SEPA	Scottish Environment Protection Agency
SNH	Scottish Natural Heritage
SODD	Scottish Office Development Division
SPA	Special Protection Area
SPG	Supplementary Planning Guidance
SSNWI	Scottish Semi-Natural Woodland Inventory
SSSI	Sites of Special Scientific Interest
SWT	Scottish Wildlife Trust
TF	Tweed Forum
UKBAP	UK Biodiversity Action Plan
WEWS	The Water Environment and Water Services (Scotland) Act 2003

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November 2006

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Published by Planning and Economic Development
Designed by Scottish Borders Council Graphic Design Section. November 2006