

West Lothian Local Development Plan

RSPB Scotland response

We commend the vision statement, specifically the aim to protect and mitigate against impacts on environment, and the aim for sustainability (which should include environmental as well as economic and social sustainability).

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

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

RSPB Scotland has the following observations to make on specific sections of the West Lothian LDP.

4.3 Community regeneration. Vision statement and aims. We would wish to point out that brownfield sites often support a greater range of biodiversity, especially invertebrates and plants, than undeveloped agricultural land. Any development proposed for brownfield should, therefore, take into account existing biodiversity features and mitigate against their potential loss.

We commend the aims to under ‘Natural and Historic Environment’, ‘Climate Change and Renewable Energy’ and ‘Waste and Minerals’.

Policy Inf 1. Infrastructure Provision and Developer Obligations. No mention is made of developer contributions to environmental mitigation or enhancement. Developers should, in our opinion, be obliged to make provision for the enhancement of natural features and biodiversity within developments or, if this is not feasible, on suitable sites elsewhere. These should include habitat creation. We are aware that other councils (including Dumfries and Galloway, Falkirk, and Stirling) have this requirement within their LDP. We would encourage West Lothian to do likewise.

5.54 We commend the aim to “make the most efficient and effective use of resources by minimising our impact on the built and natural environment” in respect of new housing and site design.

5.60. Our comments on brownfield site development (see under 4.3) also apply here.

5.102-105. Green networks and green infrastructure. We commend the support and participation in the Central Scotland Green Network (CSGN) initiative. This has the potential to bring considerable benefits to the region for people and biodiversity.

Policy Tran 3. We commend the Core Paths and Active Travel. This should be maximised for the wellbeing of people, reduction in private car use, and enhancing biodiversity along core paths and other infrastructure.

Policy Env 2 c. Brownfield site comments (4.3) apply.

Policy Env 6 Peatland and Carbon Rich Soils. We strongly commend the council's approach to the conservation of peatlands, the presumption against their development or exploitation, and the need for a peat survey and management plan to be undertaken in the case of any peat removal or disturbance.

Policy Env 8. Green networks. We commend the council's aim to deliver a green network in accordance with the Green Network Plan.

5.157. We commend the aim to retain and conserve existing natural and semi-natural woodland. Management of such should include the removal of non-native (and especially invasive non-native) species. This will enhance the biodiversity value of woodlands. Similarly, new woodlands planted for non-commercial use should be exclusively native species.

Policy Env 9. Comments as for 5.157 apply. This policy extends only to the maintenance and retention of existing woodland. There should be ample provision for the planting of trees, be it in the form of woodland, copses, shelterbelts, field boundary trees, or hedgerows. All these will enhance the biodiversity and landscape qualities of the region.

Policy Env 10. Protection of urban woodland. The value of urban woodlands is clearly recognised by the council.

5.160-163. The importance of the region's coastline (albeit quite short at 5.5 km) is recognised, in particular as it forms part of the internationally designated Firth of Forth SPA. The coast should, given its importance, have a dedicated section rather than follow on from Urban Woodland (within which it would appear to be incorporated). We wonder if this section is intended to come within Policy Env 11?

The Blackness coast. Recreational pressures and expectations should be very carefully managed to ensure that the rich assemblage of wildlife, as recognised by the council, are not impacted or compromised.

We commend, in particular, the opportunities that are recognised in 5.161 for sustainable flood management. This should include, where appropriate and possible, the likes of managed realignment. This would benefit people, properties and wildlife.

Policy Env 9 I. We note, and commend, the aim to plant suitable native species in preference to non-native.

Policy Env 11. Water environment. We commend the proposals in this section. The value of the aquatic environment from many perspectives is clearly appreciated and understood. We note the intention (d) to restore natural watercourses wherever possible and commend this aim.

Policy Env 14 Pentland Hills Regional Park – Further Protection. In general, we commend the aims in this section, in particular the conservation of wildlife interests. The maintenance of moorland and grouse moor should not presume against native tree planting to enhance the wildlife interests and contribute to natural flood management, soil stabilisation and biodiversity enhancement. Furthermore, moorland management should also address water quality and peat conservation as well as grouse productivity.

Biodiversity (5.175-180) and Policy Env 17. We note the council's recognition of the various national and international nature conservation designations.

Policy Env 18.5.180. We urge the council to expedite the ecological survey work required to assess potential local biodiversity sites. Such sites will become of increasing value as the pressure for residential and industrial development, agricultural intensification and commercial forestry increases.

Policy EMG3 SuDS. Reference should also be made to the best practice guidance on Sustainable Urban Drainage Systems and Wildlife:

http://www.rspb.org.uk/Images/SuDS_report_final_tcm9-338064.pdf

MRW 4. We note that the restoration of mineral extraction sites covers financial guarantees. We recommend that financial guarantees should be secured via planning condition/planning obligations for all developments with significant restoration, decommissioning, aftercare or mitigation liabilities. The type of guarantee should be chosen carefully to minimise the risk that restoration will not take place or costs fall to the taxpayer. East Ayrshire has produced specific guidance on the different types of financial guarantees and level of risk. We would welcome further guidance on financial guarantees as part of West Lothian Councils proposed plan / supplementary guidance.

MRW 5. We note the requirements of the council in respect of unconventional gas extraction (fracking). The draft policy is not consistent with Scottish Planning Policy which states 'that developers should undertake risk assessments, leading to buffer zones being proposed in the application which will protect all 'sensitive receptors' from unacceptable risks'.

RSPB Scotland would consider that nationally and internationally protected areas for wildlife and nature reserves, including local biodiversity sites, constitute sensitive receptors for the purposes of this assessment and as such should be protected from potential impacts of unconventional gas developments through the creation of buffer zones. We advise that the wording of policy MRW5 is updated to include the requirement for a risk assessment and also definition of sensitive receptors.

Mike Fraser
Conservation Officer
19 November 2015