

WLC REF: MIRQ0217

West Lothian MIR

RSPB Scotland Response 17<sup>th</sup> October 2014

Q 3. Do you agree with the proposed 'Aims' of the LDP? If not, why

Figure 7 - the inclusion of aims relating to the natural environment and climate change are welcomed.

Main Issue 6 relates to the "Natural and Historical Environment" It would have been preferable, however, to have seen "Natural environment" as a stand-alone category under the various priorities, as it is discrete and distinct from the Historic Environment, requiring different strategies and approaches. These may also occasionally be at variance with the requirements of the built and historic environments.

2.6 – 7 and Figure 7. It should be recognised that urban brownfield sites often have greater richness and diversity of wildlife than greenfield ones. Care should be taken therefore, to ensure that brownfield sites are recognised for their nature conservation interest, and can be particularly important in an urban setting where wildlife can thrive in an otherwise inimical environment. This, in turn, adds to the wellbeing and quality of life of residents. The possibility of adapting, enhancing and managing brownfield sites as an urban asset for the benefit of wildlife and the public and as an alternative to high-density residential or commercial development, should always be considered.

Suggest that the aims under Main Issue 6 include 'all development to incorporate landscaping and site enhancement that benefits biodiversity'. This should include planning of native trees, shrubs and wildflowers and the creation of features such as wildflower meadows, wetlands. Even small features can be valuable to wildlife.

Q 15 Do you agree with the 'Preferred' strategy for housing growth in West Lothian? If not, why not?

Developments should always take account of environmental issues and ensure that they are undertaken sympathetically and that there is no net loss of biodiversity. Housing developments can, with the necessary imagination and forethought, provide useful habitat for wildlife. This can be achieved through the planting of native species of trees, shrubs and wildflowers in common areas, the creation of water features and careful adaptation of existing ones, and a lighter touch when it comes to landscape management of developed areas. All new build should also include the provision of nestboxes for Swifts, a simple step that adds very little to the cost but would be highly beneficial to an iconic and declining urban bird. An environmentally-friendly approach to

all development could result in an enhanced quality of life for people and wildlife, and savings on ground maintenance. A level of public engagement may be required to ensure that the environmentally-friendly approach is not misconstrued as neglect or cost cutting.

**Q 38. Do you agree with the 'Preferred' approach to infrastructure provision? If not, why not?**

Comments for Q 15 also apply here. Infrastructure development should not lead to a loss of biodiversity, and every opportunity should be taken to ensure that natural features and wildlife requirements are accommodated within new build.

Paragraph 3.113 refers to a Local Infrastructure Fund (LIF) that has been set up to deliver key infrastructure requirements to help support development. We suggest that any policies and guidance that come forward relating to developer contributions include provision for 'environmental improvements'. This would enable the delivery of the plans vision to improve the areas natural heritage and would also be in line with the requirements of Scottish Planning Policy paragraph 194 to 'seek benefits for biodiversity from new development where possible'. It would also meet the tests set out in Circular 3/2012: Planning Obligations and Good Neighbour Agreements.

See the recently adopted LDP for Stirling (Policy 3.3) as a best practice example with regard to a policy on developer contributions as this includes provision for environmental works.

**Q 48 Do you agree with the 'Preferred' approach to the natural environment in West Lothian? If not, why not?**

Our observations in respect of the development of brownfield sites and the potential value of these for nature conservation, as presented in Q 3, also apply here.

**Q 49 Do you agree with the 'Alternative' approach to the natural environment in West Lothian? If not, why not?**

Under certain circumstances it may be preferable to release designated areas for development rather than brownfield sites. This should not occur, however, where the designation is for biodiversity conservation, such as an SSSI or a local nature reserve, but where the designation is for visual and landscape reasons such as green belt.

**Q 60 Do you agree with the 'Preferred' approach to the green network in West Lothian? If not, why not?**

We strongly support the preferred approach to provide a network of multi-functional green corridors. This should include a 'biodiversity' function. The creation of wildlife corridors would be very beneficial in terms of helping to meet the Council's biodiversity obligations.

See also Q 38. A policy which allowed developers to contribute towards offsite environmental improvements would support the delivery of the green network on the ground.

**Q 66 Do you have any general or specific issues with the proposed list of Local Biodiversity Sites and Local Geodiversity Sites?**

We support the proposed Local Biodiversity Sites.

**Q 67 Do you agree with the 'Preferred' approach to Biodiversity and Geodiversity in West Lothian?  
If not, why not?**

We support the councils 'Preferred approach' in regard to biodiversity and geodiversity conservation.

We commend the council's key role and involvement in the Central Scotland Green Network (CSGN). This contributes to the improvement of habitats for wildlife as well as public well being. 3.191 We commend the aspirations of the council in regard to protection of designated sites (at the international, national and regional levels) as well as the recognition of the importance of local wildlife sites and their inclusion in planning deliberations. However, we wish to highlight that none of these be not be realised without dedicated staff to address these and other issues of biodiversity conservation.

3.179. The response to Q3 on the prioritisation of brownfield over greenfield sites for development also refers here. The incorporation of brownfield sites as open spaces within developments to benefit people and wildlife should be considered.

3.195 We commend the recognition of the importance of carbon-rich soils as a carbon store and the need for their protection. We wish to highlight the increased emphasis on the protection of peatlands set out in the new Scottish Planning Policy (paragraph 241).

We commend the intention to extend tree planting in to brownfield sites such as Seafield North West 1. Such planting here and elsewhere should be of native species only.

Where "active travel" (creation or improvement of public paths and cycle tracks) is to be promoted and enhanced, opportunity should be taken to improve biodiversity along these routes, such as through native planting and the creation of water features. This will benefit users and wildlife.

Appendices :Environmental Baseline Report. 2.2 Existing environmental characteristics - We note that the council recognises that the local Biodiversity Action Plan is out of date and needs

revising. This will only be achieved if there are dedicated staff, or one biodiversity officer, who is able to undertake this task and deal with biodiversity issues more generally in West Lothian.

**Q 70 Do you have any views on what should be considered for the second Open Space Strategy for 2015/16?  
Why should these be considered?**

Provision of open space should also include measures and features that enhance biodiversity. Areas of open-space should also have nature conservation as their primary function. Only native species should be planted in this regard.

**Q 86 Do you agree with the 'Preferred' approach to renewable energy?  
If not, why not?**

3.214 Climate change measures. We commend the council's recognition of the importance of climate change and the actions required to address it.

We support the measures, outlined in Figure 17, to mitigate against and adapt to climate change. Measure '3. Carbon storage'. Tree planting should be of long-lived native species where new woodlands are being created.

We note the Supplementary Guidance for wind energy developments. RSPB supports the development of renewable energy in the right places where there are no significant effects for birds and other wildlife. The spatial framework for wind energy should include consideration of the 'full range of environmental, community, and cumulative impacts' referred to by Scottish Planning Policy. We also would welcome a strategic approach to ensure that maximum benefit, including natural environment enhancement and habitat creation, are attained from wind-farm and any other renewable energy developments.

**Q 89. Do you agree with the 'Preferred' approach to flood risk appropriate?  
If not, why not?**

There should be a presumption against any development at all on flood plains (plus an appropriate buffer).

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

**Q 90. Do you agree with the 'Alternative' approach to flood risk? If not, why not?**

We would strongly support the council's "alternative" approach to flood risk management in preference. The long-term benefits for people, property and biodiversity have the potential to be

very significant if the council identifies and manages as large an area as possible for flood alleviation. Such anticipatory measures would be easier and cheaper to enforce as early as possible rather than having to react to serious flooding events later on.

#### Q 94 Do you agree with the 'Preferred' approach to mineral extraction?

We support the development of more detailed guidance on minerals. See below for more details of RSPBs position on open cast coal and unconventional gas:

##### Open Cast Coal:

Areas of search for open cast coal must avoid designated wildlife sites and other sensitive habitats. In particular, deep peat, a significant carbon sink, must be avoided. This would be consistent with Scottish Government policies to protect and restore peatland. Our experience is that where open cast coal sites have been consented in sensitive areas, in particular, in habitats such as deep peat, restoration has not been possible to the extent envisaged.

Experiences with open cast coal in Scotland in the past year have demonstrated the importance of ensuring restoration plans and restoration (and ongoing mitigation) finance are securely in place in case of unforeseen circumstances such as liquidation. This is emphasised in new SPP which states that planning authorities should “ensure that a high standard of restoration and aftercare is managed effectively and that such work is undertaken at the earliest opportunity” (para 247). It is important that policies ensure that appropriate finance mechanisms for the delivery of mitigation and restoration are securely in place prior to consent.

Open cast coal is a declining industry that may be vulnerable to further collapse due to falling international prices and increasing regulatory pressures, which necessitates a precautionary approach to planning and regulation. With the future of coal power generation similarly uncertain in Scotland with Longannet due to close by 2020 or before, there should be no assumption that Longannet will secure viability of future extraction. We recommend that, in considering applications for open cast coal extraction, the Council should consider evidence of future indigenous demand for coal in considering the long-term viability of the site (This approach is applied in the housing sector for example to manage risk of over or under-supply). The Council should also consider the sustainability of the plans in terms of their likely climate impact, as required under their statutory duty in the Climate Change (Scotland) Act 2007.

##### Unconventional gas development:

RSPB recommends that the council take a precautionary approach to all unconventional gas development including extraction of shale gas and coal bed methane, given the potential for adverse impacts on climate, habitats and the water environment. It should be noted that new SPP has removed the presumption in favour of unconventional gas that existed in the previous SPP. It also 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. SPP defines 'sensitive receptors' as an 'aspect of the environment likely to be significantly

affected by a development, which may include for example, population, flora, fauna, soil, water, air, climatic factors, material assets, landscape and the inter-relationship between these factors.' RSPB Scotland would consider that nationally and internationally protected areas for wildlife and nature reserves 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.

More information on the potential impacts of unconventional gas development can be accessed in RSPB's 'Are We Fit to Frack report':  
<http://www.rspb.org.uk/forprofessionals/policy/climatechange/action/ukenergy/fit-to-frack.aspx>

Ensuring financial guarantees are in place to secure restoration will be important for unconventional gas developments, for example given the need for decommissioning (well-capping) to strict standards to avoid fugitive emissions of methane (which has a global warming potential 34 times higher than CO<sub>2</sub> over a 100-year time scale).

**Q 95 Do you agree with the 'Alternative' approach to mineral extraction?  
If not, why not?**

We do not support the "alternative" approach to minerals extraction as we believe there should not be a more liberal approach which could lead to more development of coal resources. Such an approach has serious implications for carbon and climate change.

**Q 97 Do you agree with the 'Preferred' approach to waste management?**

**If not, why not?**

Waste management. We support the council's "preferred" approach in adopting the "Zero Waste Plan".