

Planning News

The Scottish Wildlife Trust's planning newsletter

Issue 4 - October 2010



Welcome

Welcome to the planning newsletter. The last few months have proved to be a busy time, in terms of responding to planning applications, both at the Scottish Wildlife Trust HQ and at some of our Member Centres.

The most significant proposed development to be scrutinized by HQ during this period was the Hunterston multi-fuel power station planning application which was submitted by Ayrshire Power Limited in June 2010. In July, the Scottish Wildlife Trust launched an e-campaign *Say 'No' to more SSSI damage* and submitted an objection to the Hunterston development in August (see SWT Planning News below for further details and visit: <http://www.swt.org.uk/campaigns/hunterston-development/> to view the objection letter).

Many thanks to all of you who have joined our campaign; for those of you have not yet responded, there is still time to object – please visit our website (<http://www.swt.org.uk/campaigns/hunterston-development/email-your-objection-to-hunterston/>) and email your objection to the Energy Consents Unit at the Scottish Government.

I would like to thank Roger Hissett, Bob Yates (Ayrshire MC planning volunteers), Marco McGinty (local ornithologist) and Gill Smart (SWT Reserves Manager) for sharing their knowledge of the site and surrounding area and for helping to bring SWT's campaign to the people of Ayrshire.

Since the last newsletter, SWT has successfully protected wildlife from inappropriate development in three areas across Scotland. SWT would like to thank Dave Shenton, Clyde MC planning volunteer (with help from Pete Murray and Bob Barr, Lanark Area MC) and Fife and Kinross MC (Dr. Elizabeth Adams and Alister Jones) for defending their 'local patch'. A round up of each case is given in the Planning News update below.

At the end of August, I attended a two day Design Symposium in Dundee organised by Architecture and Design Scotland (A+DS). The underlying theme of the conference was how to deliver 'better places' in Scotland. There was a particularly inspiring presentation by Professor Klas Tham (a Swedish architect and urban designer) who talked about a 'visually rich environment' being an important component of place making. I was pleased to hear him advocate incorporating high quality green infrastructure into urban design, thereby connecting people to nature.

In September, I caught up with some of the planning volunteers at SWT's National Members Day and AGM. Thanks to Lawrence Robertson (a planning volunteer in the Scottish Borders) for giving an inspiring talk about becoming a planning volunteer for SWT. In the next few weeks, Lawrence and I will be visiting Fala Flow Special Protection Area (SPA) to investigate the potential impacts of a proposed windfarm to wildlife (Gilston WF- presently at the scoping stage).

Guidance Note 4 covers Local Biodiversity Action Plans and will follow shortly.

I look forward to your feedback and suggestions regarding future topics to include in the Guidance Notes. If you require further clarification on any of the planning matters discussed, please contact me.

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SWT Planning News

Major Developments

Response from SWT HQ

Hunterston multi-fuel power station, Ayrshire

The Scottish Wildlife Trust's objection to the Hunterston multi-fuel power station can be viewed on our website:

http://www.swt.org.uk/docs/002_013_general_SWT_Hunterston_August_2010_1282306048.pdf



Portencross SSSI: Gull's Walk (which will be lost to development) in the foreground, looking towards Southannan Sands (© Marco McGinty)

On 19 August 2010, SWT submitted an objection letter to the Scottish Government's Energy Consents Unit (ECU) in response to Ayrshire Power Limited's planning application for the development of a multi-fuel (mainly coal) power station at Hunterston, North Ayrshire. SWT objected because granting consent would result in:

- Significant direct damage to the Portencross Coast SSSI - the development would destroy nationally important eelgrass beds and the best intertidal mudflats for feeding wildfowl and waders along the Ayrshire coast
- Indirect harm to wildlife from:
 - an increase in water temperature (caused by thermal discharge) within the Portencross SSSI
 - increased greenhouse gas emissions
 - increase in atmospheric pollution which may impact on the raised/blanket bog habitats of two Special Areas of Conservation (SAC) - Dykeneuk Moss and Bankhead Moss

SWT believe that granting consent would be contrary to the Nature Conservation (Scotland) Act 2004 and the Climate Change (Scotland) Act 2009

Time scales

I have been in regular contact with Lesley McNeil (who has been very helpful) at the ECU. To date, there have been over 16,000 objections to the planning application.

The latest update on statutory consultee responses is that North Ayrshire Council (NAC), having been granted an extension to their submission and will respond before the end of January 2011.

Scottish Environment Protection Agency (SEPA) and Scottish Natural Heritage (SNH) will respond by the end of September. SEPA will submit a second response in November on carbon capture and storage.

Consultee responses can be viewed on the Scottish Government's website:
<http://www.scotland.gov.uk/Topics/Business-Industry/Energy/Infrastructure/Energy-Consents/Applications-Database/Hunterston-Index/consultation-responses>

To date [5/10/2010], neither SEPA's or SNH's responses are in yet.

I asked Lesley if a public local enquiry (PLI) is likely- she stated that PLI will be called automatically if NAC object, but Scottish Ministers can also call one at their own discretion, regardless of whether NAC has objected. She went on to state that PLI is certainly a possibility and Ministers would definitely take the volume of public representations received into account when making that determination.

Remember - you still have time to submit your objection to the development - visit:

<http://www.swt.org.uk/campaigns/hunterston-development/email-your-objection-to-hunterston/>

Three success stories

Rannoch development - refused

On 16 June, I represented SWT, with support from Tony King (SWT's Head of Policy) at Perth and Kinross Council's pre-determination committee meeting. At the meeting, the fate of the Dall Estate Development (Rannoch) proposal was to be decided. SWT's statement to the Council reiterated the key concerns we had regarding the impacts of the development to local wildlife and the Black Wood of Rannoch Special Area of Conservation (SAC).

Perth and Kinross Council agreed with SWT that the development would have significant negative effects on the environment and voted to reject the planning application by 21 votes to three.



'Granny' Scots pine – in location of proposed golf course

Gravel extraction at Overburns Farm, South Lanarkshire - refused

In September 2009, Dave Shenton of SWT Clyde MC submitted an objection to a planning application (with help from Bob Barr and Pete Murray of Lanark Area MC) for gravel extraction at Overburns Farm, Lamington. (Details of the objection are given in Planning News Issue 2).

At the beginning of July 2010, South Lanarkshire Council rejected the planning application citing unacceptable landscape and visual impacts. Referring to environment impacts, the planning committee appeared to mirror SWT's conclusions: that the development would adversely affect the River Clyde's ecology and exacerbate flood risk which would have a negative impact on local wildlife.



Vertical river bank (of the River Clyde) containing sand martin colonies, close to the proposed gravel extraction area (© David Shenton)

Proposed quarrying activity at Ladybank Wood, Fife - refused

Alister Jones describes Fife and Kinross MC successful campaign to protect Ladybank Wood and its resident red squirrel population from development.

SWT Fife and Kinross MC recently objected to a planning application to extend quarrying activities which would destroy a substantial part of a 60 year old conifer plantation in Ladybank Wood. The wood provides an important habitat for breeding and foraging red squirrels.

Apart from pointing out the potential loss/displacement of red squirrel in our objection letter (written by Dr. Elizabeth Adams – Chair Fife and Kinross MC) we also referred to the red squirrel's protected status, its conservation requirements, the amount of public money being invested in 'saving' the red squirrel, and the general level of interest and support for such measures.



Sciurus vulgaris

In due course Fife Council's elected members refused the application for reasons entirely related to red squirrel.

On appeal, we chose to confine our remarks to supporting the Council's decision. We were later informed that the matter would be determined by a Scottish Government Reporter at a 'Hearing' which would deal only with those issues relevant to the possible effect on the red squirrel population.

For the hearing we submitted a written 'statement' of our case, and copies were circulated in advance to all other parties. We stressed the significance of the local population of red squirrel and expanded on some of the things we had said previously.

Apart from the appellants, SWT was one of five organisations represented at the Hearing. The Reporter was fair and even-handed and allowed a degree of cross-examination between the participants.

The happy outcome to this case is that the Reporter dismissed the appeal. He said the woodland contained habitat and species of national importance and the development would be detrimental to the site's natural heritage interest. He was not convinced by the appellants' argument that the immediate and adverse impact on red squirrel would be only temporary.

Lessons learned

The need for commitment and persistence; a degree of 'going it alone' if help from others is not forthcoming (though communicating early with SWT HQ and/or other like-minded organisations locally would be helpful), submitting a carefully assembled and robust case (on paper) and fielding the strongest possible team to present it (verbally) should the need arise.

Planning Workshop 2011

I have started thinking about the next planning workshop which will take place early in 2011. I want the day to be both useful and inspiring to current and potential planning volunteers, so I will be looking for your suggestions of what you would like to see included at the next workshop.

Next Planning newsletter

Thank you for your time and interest in the planning newsletter. If you have any planning cases that you have been involved in which you would like to share with fellow MCs please get in touch.

When submitting an objection to a planning application on behalf of SWT, please remember to inform HQ in advance of the submission.

If there is any planning matter that you would like covered in future issues of the guidance note please let me know.

The next issue is scheduled for distribution in January, so I would appreciate regional news and ideas in December.