

# Supplementary Guidance: Natural Heritage

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## 1. Status of Supplementary Guidance

This Supplementary Guidance (SG) forms part of the Development Plan and is a material consideration in the determination of planning applications.

The SG expands upon the following [Aberdeen Local Development Plan](#) policies:

- Policy NE8 – Natural Heritage

Section One of this Supplementary Guidance provides additional information on the Natural Environment policies in the Local Development Plan (NE1-NE9), specifically NE8 Natural Heritage. It also provides further information for policy D2 – Landscape.

## 2. Introduction to Topic

Our natural heritage includes both biodiversity (diversity of plants and animals) and geodiversity (diversity of minerals, rocks, soils, fossils, landforms and geological processes). Together they form a variety of ecosystems and habitats, plus shape our landscapes and provide the foundation for where humans live and interact, as well as vital resources, such as food, water, shelter, medicine and fuel, contributing to our overall wellbeing and quality of life.

## 3. Site Designations

There are a number of sites protected or ‘designated’ for their natural heritage value in Aberdeen, including those at an international, national and local level. Please note that development within Aberdeen has the potential to affect protected areas outside Aberdeen. For example, bottlenose dolphins from the Moray Firth SAC and grey seals from the Isle of May SAC and the Berwickshire & North Northumberland SAC.

Table 1 notes the various site designations found within the City of Aberdeen. See [SNH’s website](#) for more information on Special Areas of Conservation and Sites of Special Scientific Interest:

Table 1: Designations within Aberdeen City

| Designation                                    | Status & Source   | No. | Responsible Body  | Site Locations   |
|--|---|-----|---|--|
| <b>Special Area of Conservation (SAC)</b>      | <b>Statutory</b><br>Habitats Directive (92/43/EEC) & Conservation (Natural Habitats & C) Regulations 1994 | 1   | Scottish Natural Heritage   | River Dee  |
| <b>Special Protection Area proposed (pSPA)</b> | <b>Statutory</b><br>Habitats Directive (92/43/EEC) & Conservation (Natural Habitats & C) Regulations 1994 | 1   | Scottish Natural Heritage<br><br>See <a href="#">here</a> for further information | Ythan Estuary, Sands of Forvie & Meikle Loch (extension) Special Protection Area proposed  |
| <b>Site of Special Scientific Interest</b>     | <b>Statutory</b><br>Wildlife and Countryside Act 1981 * Nature Conservation (Scotland) Act 2004           | 4   | Scottish Natural Heritage   | Corby, Lily and Bishops Lochs<br>Cove<br>Nigg Bay<br>Scotstown Moor  |
| <b>Local Nature Reserve</b>                    | <b>Statutory</b><br>National Parks and Access to the Countryside Act 1949                                 | 4   | Local Authority   | Den of Maidencraig<br>Donmouth<br>Kincorth Hill<br>Scotstown Moor  |
| <b>Local Nature Conservation Sites (LNCS)</b>  | <b>Non-statutory</b><br>Local authority   | 45  | Local Authority   | A list of all LNCS is available:<br><a href="http://www.aberdeencity.gov.uk/naturalheritage">www.aberdeencity.gov.uk/naturalheritage</a> |

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#### 4. Protected Species

Table 2 includes some common protected species that regularly occur in Aberdeen City.

In some cases where protected species are present, a licence may be required from Scottish Natural Heritage (SNH) to allow development to proceed without an offence being committed. Licences can be only issued for specific purposes which will depend on the legislation that applies to a particular species. For protected species, licences will only be granted if tests are met. [SNH's website](#) provides information on protected species and licensing.

In order to comply with the legislation that protects these species, before submitting a planning application you should:

- Identify whether protected species may be present on the development site e.g. a woodland may host bats, red squirrel and breeding birds;
- Carry out a survey to see if there is evidence that those species are present on the site, and assess the impact of the development on those species, and if so;
- Produce a species protection plan to accompany your planning application. The plan should identify mitigation and any licensing requirements.

For any given species, wildlife surveys must be carried out at the correct time of year by a suitably experienced, and licensed, if necessary, surveyor. Surveys can cause disturbance, which may be an offence depending on the protected species being surveyed. Previous survey data should not be relied upon for new planning applications.

For some species including European Protected Species (EPS), a survey cannot be included as a condition of Planning Approval but must be completed prior to granting planning permission. This is a requirement of the EPS legislation.

A decision/ recommendation on a planning application will not be made until the appropriate survey is complete. To avoid unnecessary delays, applicants should ensure that all survey requirements are identified as soon as possible, taking into account the correct time of year.

Licences are usually only issued after full planning permission has been granted so that there is no conflict with the planning process.

Table 2: Protected Species Common in Aberdeen City

| Species                               | Legal Status  | Land Use Planning   | License Requirements  |
|---------------------------------------|---|---|---|
| <b>Bats</b>                           | EPS under the EC Habitats Directive (92/43/EEC).  | See <a href="#">section 8.1.7</a> for guidance on Bats and Development.   | Licences are available from SNH for certain purposes. They will only be issued if the application satisfies <a href="#">3 tests</a> . |
| <b>Otter</b>                          | <p>EPS under the EC Habitats Directive (92/43/EEC).</p> <p>Note that otter shelters are legally protected whether an otter is present or not.</p> | <p>Given that otters are sufficiently widespread in Scotland, planners and developers would be expected to consider them as a matter of course in relation to almost every development project affecting riverine or coastal environments.</p> <p>Where otters are or likely to be present, the planning authority may require a survey, paid by the developer, so that they can consider the presence of otters, the importance of a holt, couch or other significant aspect of otter habitat and the implications of its loss or disturbance, as well as, the likely effects of any development on otters themselves.</p> <p>Further information can be found on <a href="#">SNH's website</a>.</p> | Licences are available from SNH for certain purposes. They will only be issued if the application satisfies <a href="#">3 tests</a> . |
| <b>Dolphins, porpoises and whales</b> | EPS under the EC Habitats Directive (92/43/EEC).  | <p>Planners and developers must, as a matter of course, consider dolphins, porpoises and whales where a development project may affect them.</p> <p>This is particularly important for any activity that requires planning permission at the mouth and outer area of Aberdeen Harbour. Bottlenose dolphins are a qualifying interest for the Moray Firth SAC as well as an EPS and are frequently present in and around the Aberdeen Harbour.</p>   | Licences are available from SNH for certain purposes. They will only be issued if the application satisfies <a href="#">3 tests</a> . |

| Species             | Legal Status  | Land Use Planning   | License Requirements  |
|---------------------|---|---|---|
|                     |   | Further information can be found on <a href="#">SNH's website</a> .   |   |
| <b>Red squirrel</b> | Red squirrels and their dreys are protected under the Wildlife and Countryside Act.1981 (as amended)  | Red squirrels are widespread across Aberdeen in areas of woodland.  | Licences can be issued by SNH for developments providing the activity will contribute to significant social, economic or environmental benefit, and there is no other satisfactory solution.  |
| <b>Badger</b>       | <p>Badgers and their setts are protected through the Protection of Badgers Act 1992 (as amended).</p> <p>A badger sett is defined in the Act as 'any structure or place which displays signs indicating current use by a badger'.</p> <p>This also includes setts that are only</p> | <p>Badgers are widespread in Aberdeen and Aberdeenshire and will create setts in a range of habitats from woodland to grassland, and under scrub such as gorse.</p> <p>Where badgers are or likely to be present, the planning authority may require a survey, paid by the developer, so that they can consider the presence of badgers, the importance of a sett and the implications of its loss or disturbance, as well as, the likely effects of an development on the occupants.</p> | <p>For the purposes of development as defined under the Town and Country Planning (Scotland) Act 1997, licences are available from SNH for certain purposes to permit actions that might otherwise constitute an offence in relation to badgers or their setts. A licence must be obtained from SNH for work that may cause disturbance to a badger or involves the damage or destruction of a sett.</p> <p>Licenses will not normally be</p> |

| Species                      | Legal Status   | Land Use Planning   | License Requirements   |
|------------------------------|--|---|--|
|                              | <p>used seasonally or occasionally. This can include culverts, pipes and holes under sheds, piles of boulders, old mines and quarries etc.</p>   |   | <p>issued during the breeding season – 30 November to the 1<sup>st</sup> of July.<br/>Developers should consider activities that may cause disturbance, damage or destruction to occur outside this period.</p>  |
| <p><b>Breeding birds</b></p> | <p>All wild birds including their eggs and nests are protected through the Wildlife and Countryside Act 1981 (as amended).</p> <p>Under the Wildlife &amp; Countryside Act 1981 (as amended in Scotland), amongst other things, in summary it is an offence to intentionally or recklessly: kill or injure a wild bird; to take, damage,</p> | <p>Development can cause the habitat on which wild birds rely for food, shelter, breeding and activities arising from it can cause wild birds to be disturbed or displaced. To comply with the law, developers should delay works to safeguard existing nesting sites that may affect breeding birds and their young.</p> <p>Breeding of most wild bird species usually occurs during April to mid-August (inclusive), but some species may breed as early as February and others may still be breeding in September. Surveys are encouraged to establish if there are breeding birds at the development site. Trees and shrubs are popular breeding sites for blackbirds for example, whereas roofs including soffits, gutters and eaves are popular with sparrows, starlings, house martins, swallows and swifts. Tall buildings may also be important breeding sites for species such as the peregrine falcon.</p> <p>A nest can usually be removed or destroyed legally once the bird has finished breeding and the young are independent of the nest, subject to Schedule A1. Developers are encouraged to provide new</p> | <p>There is no development licensing purpose for wild birds, therefore, to prevent the risk of damage or destruction of nests or eggs, particularly to Schedule 1 species, development should not proceed until after the breeding season is over.</p> <p>The nests of species listed in Schedules A1 and 1A are protected year round and should not be destroyed at any time.</p> |

| Species | Legal Status  | Land Use Planning   | License Requirements |
|---------|---|---|----------------------|
|         | <p>destroy or interfere with the nest of any wild bird whilst it is in use or being built (or at any time for a nest habitually used by a bird listed under Schedule A1); to obstruct or prevent a bird from using its nest; to take or destroy the egg of any wild bird; to disturb any wild bird listed on Schedule 1; or to harass any wild bird listed on Schedule 1A. The nests of species listed in Schedules A1 and 1A are protected year round.</p> | <p>opportunities for birds to nest in through the inclusion of appropriate planting, the provision of swift bricks, swallow and house martin nest cups and bird boxes.</p> <p>More information on what levels of protection specific wild bird species have can be found on the <a href="#">SNH website</a></p> <p>Advice on barn owls can be found <a href="#">here</a>.</p> |                      |

**5. Non Designated Habitats**

Although many important wildlife habitats are protected through site designations such as a SAC, SSSI, LNR or LNCS, many other valuable habitats exist outside of designated areas. Some of these habitats will be listed in the

UK or [North East Scotland Local Biodiversity Action Plan](#). Others may be of low overall wildlife value, such as close-mown amenity grassland. Nonetheless, these habitats may be the only place for some species to live in that area, so their protection and conservation is important for the

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biodiversity of the whole city and it may be possible to make them more attractive for wildlife.

These habitats may also be hedgerows, mature or veteran trees, standing dead wood habitats, species-rich grassland, wetland habitats, and woodlands and spinneys. Other more 'man-made' habitats include parks, gardens, railway embankments, roadside verges, disused quarries, landfill sites, buildings and bridges.

Together, these habitats form green corridors or networks which allow species to move from one place to another, preventing habitat fragmentation and isolation of species. Green networks will also allow species to adapt to climate change.

## 6. Principles for Protecting and Enhancing Natural Heritage

Properly planned development can avoid a loss of biodiversity and can in fact enhance it. Important habitats and species should be protected from harmful development. Any adverse effects should be avoided, minimised and/or compensated, and every opportunity should also be taken to create improvements for biodiversity, which will make a significant contribution to the achievement of national, regional and local biodiversity targets.

The measures taken should be proportionate to the scale of the development. Even for small proposals there is usually some scope for wildlife conservation and opportunities for habitat enhancement. As a matter of good practice, the following steps should be taken:

### 8.1 Initial Survey

An initial 'walk over' survey provides a quick assessment of the ecological interest of a site and helps to identify the need for further habitat and species surveys. If conducted early on, an initial survey will save time and help to speed up the planning process. It should also help to inform the layout and design of the development as well as enhance biodiversity.

A desktop survey should also be conducted to gather existing information about the site including habitat and species records.

The North East Scotland Biological Records Centre (NESBReC) has a wide range of records. The North East Scotland Raptor Study Group, site owner, local residents and community groups could also provide further information.

### 8.2 Careful Timing of Surveys and Works

For any given species, wildlife surveys must be carried out at the correct time of year by a suitably experienced, and if necessary, licensed, surveyor. It may also be necessary to visit more than once and at different times of the day to



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identify the full range of species present. To avoid unnecessary delays, applicants should ensure that all survey requirements are identified as soon as possible, taking into account the correct time of year, and are conducted before submitting an application.

Previous survey data should not be relied upon for new planning applications. In order to avoid development which is damaging to wildlife habitats, applicants should ensure that any previous wildlife surveys on the site are valid and were carried out at the appropriate time of year for the species in question.

When required, new surveys will be requested for each new application and should be based on current data. A decision/recommendation on a planning application will not be made until the appropriate survey is complete.

Although it is illegal to disturb some animals, in some cases careful timing of operations may allow work to proceed, for example by avoiding the nesting/breeding season.

### 8.3 Incorporate Existing Habitats and Create New Ones

Proposals should aim to protect and incorporate existing habitat features such as hedges, trees, ponds, streams, wetlands and even old buildings or walls into the plans. These could also be expanded and enhanced, for example

by provision of bat and bird boxes, planting native species etc.

Roosting sites could be created by including bat lofts and grassland created by using topsoil and/or turf moved from the site.

The [Biodiversity Planning Toolkit](#) is a very useful interactive tool. This toolkit has been created via a partnership of key agencies including the Scottish Government, SNH and The Association of Local Government Ecologists. Further information can also be found within Buglife's [guidance](#).

### 8.4 Using SuDS to Enhance Biodiversity

Sustainable Drainage Systems (SuDS) are required for the majority of new developments but should be considered even for small-scale projects such as new driveways. SuDS have multiple benefits, which includes biodiversity enhancement as they may also serve as valuable wildlife habitats. More information on SuDS can be found in [Section 3 of this chapter](#).

### 8.5 Link Natural Features

Ensure natural, functioning green links or networks between habitats are not broken, as these can be vital for the continued existence of many species populations. Where proposals have the potential to affect wildlife corridors,

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consider whether the ecological viability (ability to sustain its wildlife populations) of the corridor will be affected.

Take the opportunity to create new networks where possible. Consider the ecological purpose of the network and ensure its design is suitable to serve this. This will help maintain green networks. Further advice on Green Space Networks can be found in [Section 4 of this chapter](#).

#### 8.6 [Invasive Non-Native Species](#)

If there are any invasive non-native species on a development site, the Council may attach a condition to any consent requiring a method statement for dealing with them. The method statement should set out how the species would be treated, disposed of and monitored. [SNH's website](#) provides information on invasive non-native species.

#### 8.7 [Construction Environmental Management Plans \(CEMP\)](#)

The construction of new development can impact on the environment, its species and habitats in a number of ways, such as emissions to air, land contamination, noise pollution, waste disposal and discharges to water. All specific potential pollution risks associated with a planning application and all aspects of site work that may impact on the environment should be identified, as well as preventative measures and mitigation.

Therefore, the Council may require a Construction Environmental Management Plan (CEMP) to be submitted prior to construction works commencing, demonstrating how environmental impacts will be avoided, minimised and mitigated during the construction phase of the development.

### 7. **Bats and Development**

Bats are European Protected Species (EPS) and are protected by European, UK and Scottish Law.

#### 7.1 [Bats and Licensing](#)

In some circumstances, actions that would otherwise constitute an offence can be carried out under a licence. Scottish Natural Heritage (SNH) has a power to grant licences for scientific, educational or conservation purposes including surveys. Where an impact on bats cannot be avoided, SNH will only grant a licence if the proposal satisfies all of the 3 tests (see paragraph 8.1.4 of this section). Likewise, the planning authority will only grant planning permission if it is satisfied that a licence can be granted, where needed.

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## 7.2 Bats and Land Use Planning

When an application for development is received without a bat survey and it is suspected that a bat roost is present, the Council will request a bat survey to establish the impacts on bats before the planning application is determined.

A bat survey cannot be included as a condition of planning permission but must be completed prior to granting planning permission. This is a requirement of the EPS legislation. The local planning authority can refuse planning permission under its duty to protect EPS. If the survey identifies the presence of bats or their roosts, a protection plan should be submitted.

## 7.3 Permitted Development

Householder permitted development rights mean that certain home improvement projects will not require planning permission. However, even small home improvements such as small alterations or extensions could affect bats.

Therefore, the same principles of this Supplementary Guidance should be followed. If it is suspected that any permitted development work could not proceed without an offence being committed, SNH should be contacted prior to commencement.

## 7.4 Potential Bat Roosts

Bats can be found in any kind of building old or new, and it is important to note that almost any roof or building, such as flat or pitched roofs, wall cavities and window frames, is a potential bat roost.

Summer roosts, frequently in buildings, are generally close to good feeding habitat and rich in insects. Good habitats include grassland, wetland, rivers and woodland. Bats hibernate in winter, but wake occasionally to feed on milder evenings. Winter hibernation sites include caves, cellars, ice-houses, tunnels, bridges and other places which provide cool, stable conditions. Hibernating bats are very vulnerable to disturbance. Tree holes can be used in both summer and winter.

## 7.5 Built Structures – When a Bat Survey Will Always Be Required

Where planning permission is sought, a survey will always be required for any structural work or demolition of any building with a known bat roost or where bats are known to be present in the building. This may be highlighted by a North East Scotland Biological Records Centre (NESBReC) data search or as notified by any competent authority (SNH) or other.

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## 7.6 Built Structures – When a Bat Survey May Be Required

Where it is not known if bats or a bat roost is present, a survey may be required for development or demolition including alterations or extensions that would affect the following types of buildings:

- Any constantly heated building such as residential homes, hospitals, schools and swimming pools;
- Traditional buildings including churches and castles, with complex roof spaces;
- Stone and slate buildings including farmhouses; steadings; estate lodges; gatehouses; mill buildings; and old school buildings with an intact or almost intact roof structure;
- Underground and other structures such as tunnels, kilns, cellars, ice houses, or fortifications which provide stable winter temperatures can provide appropriate hibernation sites; and
- Any building or structure close to freshwater and wetland habitats (such as rivers, burns, streams, ponds or wet grassland), woodland, hedgerows and/or lines of trees. This includes bridges and other structures over water features or wet ground.

## 7.7 Trees

Other activities that may require a bat survey include proposed tree work (felling or pruning) and/or development affecting:

- Old and veteran trees older than 100 years; and/or
- Trees with obvious holes, cracks or cavities; and/or
- Trees with a girth greater than 1m at chest height.

Note that trees other than these can sometimes contain bat roosts. Trees are more likely to be used by bats if they are linked by other trees or hedgerows to woodland or other habitat suitable for bats.

Applicants should not presume that bats will not be present outside the areas listed in 7.5, 7.6 and 7.7 above. Where development is proposed outside these areas, it will be up to the Local Planning Authority to determine if a survey is required or not. If there are reports that bats have been seen flying over a site where development is proposed, this may mean that they are foraging in the area and will have a roost nearby. It is recommended that for outside known sites used by bats, sightings can be used together with information on the type of buildings present along with the type of habitats in the vicinity, to determine whether a bat survey should be carried out. Any sightings received from a member of the

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public should be passed to NESBReC to enable them to keep records up to date.

Remember, bats can be found in any structure and/or building both old and new if it is in the correct environment.

Figure 1, below, indicates areas in a house where bats may be found.

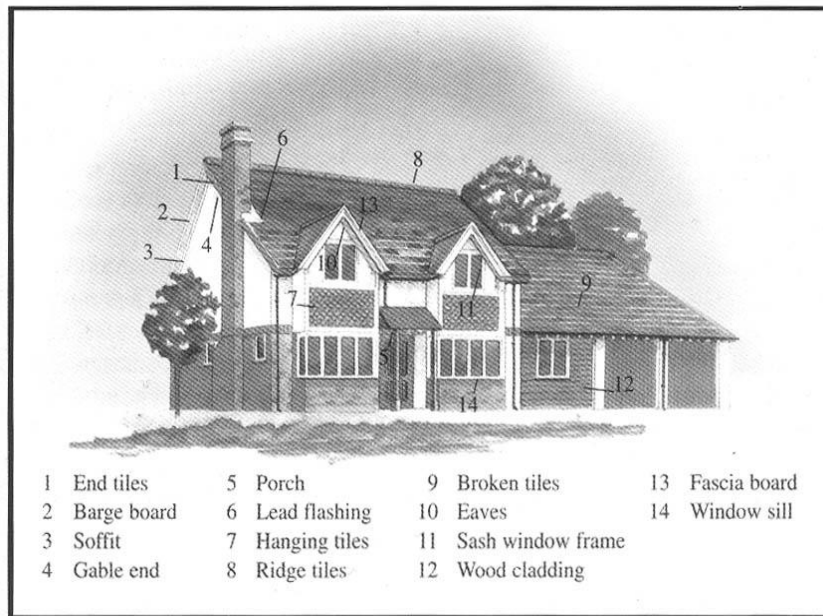


Figure 2 presents the different activities by bats and at what time of year these activities occur. Please note that unusual weather patterns can shift normal timings.

**Figure 2: Bat Activity Calendar**

|   |  |  |   |
|---|--|--|---|
| <b>MARCH</b>  | <b>APRIL</b>   | <b>MAY</b>   | <b>JUNE</b>   |
| Signs of limited activity: small numbers feeding on warmer nights.          | Active and hungry. Become torpid <sup>1</sup> again when cold.                 | Fully active. Females search for suitable nursery sites.     | Young are born.   |
| <b>JULY</b>   | <b>AUGUST</b>  | <b>SEPTEMBER</b>   | <b>OCTOBER</b>  |
| Mothers suckle young. Some young almost full-size; others still very small. | Females desert nursery sites and seek males. Juveniles begin catching insects. | Mating takes place. Fat begins to build up ready for winter. | More mating. Seeking suitable hibernation sites. Periods of torpor. |
| <b>NOVEMBER</b>   | <b>DECEMBER</b>  | <b>JANUARY</b>   | <b>FEBRUARY</b>   |
| Bats begin hibernation, becoming torpid for longer periods.                 | Hibernating.   | Hibernating. Using stored fat as fuel.                       | Hibernating. Little fat left.                                       |

- Mid May through to Mid-August is the best time to carry out activity surveys.
- October through to March is the best time to carry out hibernation surveys

<sup>1</sup> Torpid is when the body temperature lowers and the heart rate slows.

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## 7.8 Bat Survey Standards

As bats can be disturbed during survey work, surveys must be carried out by a surveyor that is suitably experienced and must be detailed, complete and the correct methodology must be used. The minimum standard for bat survey details must be met, and any surveys which do not meet them, will not be accepted. Surveys must be undertaken at the correct time of year (see Figure 2, above).

All surveys submitted for development proposals should include the following as a minimum:

1. Objectives of the survey;
2. Time and date of the survey, and who carried the survey out;
3. Brief descriptions of weather conditions at the time of the survey;
4. Description of the proposed works including timings and stages;
5. Sources of pre-existing information such as records from NESBReC or the National Biodiversity Network (NBN) together with local sightings of bats;
6. Description of the buildings (including type of structure and materials) and/or trees being surveyed and their suitability as a bat roost for all locally recorded species of bat;
7. Habitat description of the site and surrounding area for context. This should include information on exposure of the site, proximity to water courses and water features, trees/hedgerows/woodland or other semi-natural habitat;
8. Methods of survey (for example, dawn and dusk emergence survey, daytime inspection of building). Justification should be provided for the method of survey used and details of any equipment used;

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9. Results of survey including sufficient evidence to justify conclusions. Results should include:
    - Species present and approximate numbers
    - Details found of signs of usage by bats and
    - How habitats or features present are used by bats and an indication of level of use;
  10. Interpretation and evaluation. These details should include:
    - Presence or absence of bats
    - Constraints and limitations of survey, including factors influencing the survey results such as temperature and weather, and any limitations on accessibility to areas of the building. Are any areas of the survey inconclusive, and if so, what is the worst case scenario
    - Assessment of usage by bats including sex of bats present, type of roosts i.e. winter site or maternity roost, and approximate size of roost; and.
    - Site status assessment, assessing the importance of roost to the local bat species population.
  11. Impact assessment either at the time of development and/or long term. In order to assess this accurately, adequate information on the proposed development will have to be made available to the surveyor. If bats are present, a summary of impacts should be provided including details of type, magnitude and duration of long term and short term impact. This should consider impact at site level in a wider context.
  12. Mitigation and compensation. This is essential where bats are present and will be affected by the development. These details should include:
    - Mitigation strategy – overview of how the impacts will be addressed with justification for timings of works if this is to be used to avoid disturbance to bats
    - Roost creation or restoration and/or enhancement



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- Exclusion – timing and methods
  - Post development site safeguard and monitoring
  - Work schedule with phasing and
  - Relevant maps or plans or diagrams;

13. References;

14. Photographs, grid references and maps of key features of structure and surrounding habitat;

15. Qualifications and experience of surveyor including relevant licences;

16. Summary of survey findings at the beginning of the report.

## 7.9 Planning Conditions

Conditions may be placed on planning consents to highlight the applicant's legal responsibilities and give clear guidance on how to give protection to bats.

Examples may include:

- Restrictions on the timings when work can take place if a bat roost is present;
- Use of building materials such as bat bricks or special tiles which provide access points for bats;
- Management prescriptions to be agreed for habitats adjoining the development, e.g. grassland, scrub, woodland, hedgerows;
- The creation of feeding habitats adjoining the development, e.g. grassland, meadows, large ponds; and
- Appropriate lighting considerations (see '[Bats and Lighting in the UK](#)' produced by the Bat Conservation Trust).

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## 8. Buffer Strips Adjacent to Water Bodies

A buffer strip is a wooded or vegetated area surrounding a waterbody or watercourse, which helps to protect it from the physical and polluting impact of adjacent land uses. Buffer strips also provide valuable habitats and recreational opportunities and they may also count towards open space requirements for new development (see Section 4 of this chapter).

### 8.1 Recommended Width of Buffer Strips

The optimum width of a buffer strip adjacent to water bodies will be affected by the width of the water body, site conditions and topography. Buffer strips should be proportional to the bed width of the water body and should be a minimum of 6 metres with up to 20 metres+ on either side for larger water bodies such as the Rivers Dee and Don. The general rule is that the bigger the water body, the more space will be required for the buffer strip.

- *Semi-Natural Habitat* - if present and adjacent to a water body (e.g. riparian woodland), the whole of this habitat should be protected, regardless of width.
- *Steeply Sloping Ground* - run-off will be faster and a wider buffer will be required.]

- *Straightened / Realigned Water Bodies* - where there are opportunities to undertake restoration of straightened or realigned water bodies, a wider buffer may be required.
- *Still Water* - for example, lochs and ponds, the margin should be between 6m and 20m wide, depending on the size of the water body with larger areas having a wider buffer.
- *Ditches* - for smaller ditches there is some discretion to reduce the buffer strip to a minimum of 3m depending on requirements for access for maintenance.
- *Bridge Abutments* - where possible bridge abutments must be a sufficient distance back from a river bank to allow for future river movement, and where appropriate access under the structure.

Table 3: Guidelines for Width of Buffer Strips

| Width of water Body | Width of Buffer Strip |
|---------------------|-----------------------|
| Less than 1 metre   | 6 metre buffer        |
| 1-5 metres          | 6-12 metres           |
| 5-15 metres         | 12-20 metres          |
| 15 metres plus      | 20 metres plus        |

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Table 3 is supported by the Scottish Environment Protection Agency (SEPA) and Scottish Natural Heritage (SNH). This table provides guidelines only, as the width will be dependent on site size, plus, other conditions such as the nature and topography of the surrounding land. Areas at risk of disturbance by fluvial processes will require a geomorphological assessment in order to assess the appropriate buffer strip.

Scottish Planning Policy (2014) states that development should not be permitted where there is a significant probability of it being affected by flooding, increase the probability of flooding elsewhere, or affect the storage capacity of a functional flood plain. This overrides the buffer width recommendations made in this supplementary guidance.

## 8.2 Creating a Buffer Strip

The characteristics of a buffer strip will influence its effectiveness. During the development phase, buffer strips should be fenced off and vegetation should be left undisturbed and this is particularly so where wetlands, woodland, grassland or other semi-improved habitats are present. Within a buffer strip, all works should be carried out in accordance with SEPA Pollution Prevention Guidelines.

If the land forming the buffer strip is arable or improved grassland, there may be some merit in sowing with a grassland or wildflower mix.

This should be made up of indigenous species, where possible from a local source. Some planting of locally native trees and shrubs can enhance a buffer strip and can help to stabilise banks and limit erosion. However, care must be taken to ensure that new planted areas do not cause hydraulic issues downstream in a river. Overhanging trees create shade and the leaf litter can provide shelter and food for invertebrates. Care should be taken to avoid too much planting with at least 50% of the water body left open to sunlight during the summer when leaves are on the trees.

It is important to avoid gaps in buffer strips in order to provide continuity of habitat. The creation of hard standing such as vehicle access track should be avoided within buffer strips as this will increase run-off, however, pedestrian access with permeable surfaces is generally acceptable.

## 8.3 Management of Buffer Strips

Management measures will be site specific and should be included in any Landscape Maintenance Plan. In general, the preference would be to leave buffer strips as natural areas with limited management of the vegetation. This will avoid buildup of leaf litter, development of scrub, and in the case of rivers, risk of blockages in the channel downstream.

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More intensive management of some areas may be appropriate for particular uses such as access and recreation. Wherever possible buffer strips should be retained with open space for the development to ensure long term protection.

For information regarding Groundwater Dependent Terrestrial Ecosystems see [SEPA's Guidance](#).

## 9. Environmental Impact Assessment (EIA)

There is a statutory requirement that, for developments of particular scale or on particularly sensitive sites, an Environmental Impact Assessment (EIA) is carried out. Such projects are listed in Schedules 1 and 2 of the [Environmental Impact Assessment \(Scotland\) Regulations \(2011\)](#). Examples are outlined below.

A Schedule 1 development will always require an EIA, because, by virtue of its nature or scale, it is always likely to have significant environmental effect. For example, this may include (depending on size):

- groundwater abstraction
- disposal of hazardous waste
- installation for the intensive rearing of poultry or pigs

A Schedule 2 development will require an EIA if it is likely to have significant effects on the environment by virtue of factors such as its size, nature or location. For example, this may include:

- urban development including car parks and leisure centres
- drilling for water supplies

It must also be a development which meets one of the relevant criteria or exceeds one of the relevant thresholds listed in the second column of the table in Schedule 2, or is located wholly or in part in a sensitive area as defined in regulation 2(1) (e.g. SSSI, SAC).

A full list of Schedule 1 and Schedule 2 developments can be found [here](#).

## 10. Habitats Regulations Appraisal

The Habitats Regulation Appraisal (HRA) process requires competent authorities to assess certain plans or projects that affects a Natura 2000 (European) site. The River Dee is a SAC, and the Ythan Estuary, Sands of Forvie & Meikle Loch (extensions) is a pSPA therefore both are Natura 2000 sites. This process helps to decide whether to undertake a full Appropriate Assessment or not. Further information is available on [SNH's website](#).