

LOCAL DEVELOPMENT PLAN

- ENV 1:** Presumption in favour of protecting SSSIs unless outweighed by *social or economic benefits of national importance* (possible developer mitigation).
- ENV 2:** The Council will presume in favour of local natural heritage site value... (b) containing species protected by Habitats Directive (EU), Wildlife and Countryside Act 1981 or the Badgers Act 1992.
n.b. there is no mitigation space provided here for developers.
- ENV 3:** Local Biodiversity Action Plan (LBAP) and Wildlife Strategy: development proposals required to have regard for safeguarding features of nature conservation value including woodlands, hedgerows, lochs, ponds, watercourses, wetlands and wildlife corridors in accordance with the Wildlife Strategy. (Prospective developers should be aware that it may not be possible to adequately safeguard such areas of nature conservation value).
- ENV 8:** Scenic Areas – mainly upland area of South Carrick – (is this applicable?)
The acceptability of proposals located within or *having an impact* on scenic areas will be considered re
the *significance* of impacts and *cumulative impacts* on the environment, particularly the *landscape and visual impacts*; and where relevant, the extent of any *economic benefit**; or specific, justified requirement for a rural location.
- Economic benefit:** defined in the Plan as “scale of benefit to the economy of the local community, particularly in terms of *job creation or maintenance*.”
- ENV 10:** Historic Gardens and Designated Landscapes – Blairquhan – development proposals are assessed re the landscape impact to these designated sites.
- BE 2:** Council presumes in favour of protecting listed buildings and their *settings*, especially from inappropriate development.
- BE 3:** Conservation Areas – n.b. Straiton has been identified as having an *outstanding status* conservation area by the Scottish Government (as has Maybole. Kirkmichael, Crosshill are also Conservation Areas).
All development with or affecting *the setting* of a Conservation Area shall be required to preserve or enhance its character or appearance.
- BE 6:** The Council will seek to protect scheduled ancient monuments (including *their setting*) and archaeological sites....
Applicants must provide sufficient information to enable the evaluation of the importance of the site and enable a full assessment of the impact.
the use of management agreements to mitigate the effects of potentially conflicting land uses upon standing structures, earthworks or buried deposits may be required.

A list of all such sites requires to be compiled for instance there are many minor archaeological sites identified within the Linfairn development site.

BE 8: Country Estates proposals for alternative use must preserve the setting, character and appearance of the main house and associated buildings; proposals to preserve the integrity and setting of any recognised designed garden.
i.e. at Blairquhan, Cassilis (Maybole), Cloncaird Castle, Kilkerran, Kirkmichael House

A full list of some of these sites/areas can be found at the back of the Local Development Plan.

WIND (p.70-71)

The Council recognises the merit in promoting sensitive renewable energy production methods although these may have wide ranging benefits, they may not be without local detrimental impacts. Visual impact/dominance on the landscape may be an important issue.

Whilst generally encouraging renewable energy developments, **the Council will therefore seek to ensure that they do not result in any unacceptable impact on the natural or built environment.**

POLICY SERV 3: The Council will presume in favour of proposals for renewable... developments where it is demonstrated, though the provision of an environmental impact assessment, to *be acceptable* in terms of environmental, infrastructure and **community impacts.**

FOOTPATHS and CYCLEWAYS

The Countryside (Scotland) Act 1967 charges Councils... to assert, protect and keep open footpaths and rights of way.

POLICY SERV 8: The Council **will** seek the provision, improvement and protection from *loss or detriment* of pedestrian routes, footpaths, cycleways...

POLICY SERV 9: The Council **will** protect... recognised rights of way which are currently of recreational value, or which contribute to an established footpath or cycleway network and will seek to protect others for potential footpath/cycleway provision.

[FLOOD PREVENTION – Scienteuch. Please note that this is just a potential issue and would have to be verified.

POLICY SERV 16: ...the applicant will.. be required to demonstrate that the proposed development would not create a potential new flood risk or exacerbate flood risk elsewhere.]

FORESTRY STRATEGY

C. Community Concerns

- i) Forestry grant scheme and felling licence applicants should be encouraged to notify occupiers of property adjacent to forestry proposal sites at or before the consultation stage,
Applicants should be encouraged to discuss any significant or potentially sensitive forestry proposals with the local community at or before the consultation stage...

WILDLIFE STRATEGY

The strategy seeks to ensure the most effective use of resources in terms of “on the ground” action to:

provide for the enhancement and creation of habitats for wildlife..

raise awareness of, and provide opportunities for involvement in, biodiversity conservation.

Regarding designations, ‘there is a need to be aware of the wider natural heritage – habitats which whilst not meeting the criteria for designation are important in terms of overall conservation of biodiversity.

SSSI –Sites of Special Scientific Interest - is a UK Statutory designation (a full list can be found at the back of the Local Development Plan).

SPA – Special Protection Area – protected by European and/or International Law: Merrick Kells has been put forward by Scottish Natural Heritage (SNH) as a candidate for Special Area of Conservation status (I think this has been achieved, note the ‘setting’ protections for such a location).

Non Statutory Designations: Wildlife Sites and Ornithological Sites, designated by the Scottish Wildlife Trust and the RSPB are considered to be of greatest value for wildlife next to the statutory sites.

Council can designate local nature reserves which safeguards sites of local biodiversity importance and which are of value for environmental education, research and / or informal enjoyment of nature.

Forest Parks (ie Galloway Forest Park) are non-statutory and comprise of extensive tracts of multipurpose forestry, including areas of scenic value.

Natural Heritage interest... is not restricted solely to designated sites or areas with potential for designation...many habitats of wildlife value which are not designated but still important in terms of conserving overall biodiversity...in some instances the wildlife interest of a site may also be seasonal.

Planning Permissions:

The presence of a protected species is a *material consideration* when the planning authority is considering a development proposal which, if implemented, could result in *significant harm to the species or its habitat*.

le wild birds, red squirrel, otter, pine marten, badger, bats, reptiles, bluebell, greater yellow rattle and many more.

Habitat Protection

GP 3: The Council will seek to protect sites of nature conservation importance (including sites where protected or LBAP priority species are present) from harmful development.

GP 4: The Council will seek to ensure that compensatory habitats are provided in instances where habitat loss is unavoidable.

Wildlife Sites

Most of the River Stinchar, much of the water of Girvan (Linfairn site is part of the catchment area for the Stinchar and Girvan) and

No. 59 NS420040 Straiton hills

No. 60 NS366055 Blairquhan

No. 62 NS 380080 Loch Spallander and Cloncaird Moor

Ornithological Sites

Stinchar Valley Woodlands and River (Linfairn site is part of the catchment area for the Stinchar and Girvan)

Kirkmichael House to Blairquhan

Girvan Valley – Loch Derclach

A full list of the specific locations for wildlife and ornithological sites can be found at the back of the Local Development Plan.