

**Instances of Expression of Scottish Government Ramsar Policy in Scotland**

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**1. Written and Oral PQs**

27 July 2018

**Question S5W-17892: John Finnie, Highlands and Islands, Scottish Green Party, Date Lodged: 27/07/2018**

To ask the Scottish Government what assessment the decision-maker should carry out for proposed developments with likely significant effects on the listed habitat features of a Ramsar site.

Answered by Roseanna Cunningham (04/09/2018):

I refer the member to the answer to question S5W-17309 answered on 11 July 2018.

**Question S5W-17891: John Finnie, Highlands and Islands, Scottish Green Party, Date Lodged: 27/07/2018**

To ask the Scottish Government under what circumstances adverse effects from a development proposal on a Ramsar site might be deemed acceptable.

Answered by Roseanna Cunningham (04/09/2018):

It is SG policy to apply the same level of protection for Ramsar sites as that afforded to designated Natura sites. Adverse effects from development proposals on Natura sites are considered against the tests set out in regulation 49 of The Conservation (Natural Habitats, &c.) Regulations 1994.

**Question S5W-17893: John Finnie, Highlands and Islands, Scottish Green Party, Date Lodged: 27/07/2018**

To ask the Scottish Government whether an assessment of the impacts of development proposals on a Ramsar site has to include consideration of alternative solutions.

Answered by Roseanna Cunningham (04/09/2018):

I refer the member to the answer to question S5W-17891 on 4 September 2018.

18 June 2018

**Question S5W-17311: John Finnie, Highlands and Islands, Scottish Green Party, Date Lodged: 18/06/2018**

To ask the Scottish Government what its position is on whether proposals in which there are concerns that the plans might adversely affect (a) Natura sites, (b) Ramsar sites and (c) sites of special scientific interest (SSSIs) should be considered as raising matters that are in the national interest.

Answered by Kevin Stewart (11/07/2018):

For any planning application, it is for the decision maker to consider the development plan position and other material considerations. Any matters of national interest which may be raised will be assessed on a case by case basis.

Current Status: Answered by Kevin Stewart on 11/07/2018

**Question S5W-17310: John Finnie, Highlands and Islands, Scottish Green Party, Date Lodged: 18/06/2018**

To ask the Scottish Government, in light of the area being a Natura site, a Ramsar site and a site of special scientific interest (SSSI), whether it will call in the planning application that has been submitted to The Highland Council for a golf course to be built at Coul Links, and what the reasons are for its position on this matter.

Answered by Kevin Stewart (11/07/2018):

As the Council is minded to grant consent for the Coul Links application, and there is an objection from Scottish Natural Heritage, the case has been notified to Ministers. Notification gives Ministers the opportunity to decide whether there are national interests at stake which would merit Ministers calling in the application for their own determination. The Minister for Local Government and Housing will consider the details of this case and decide whether Ministers should call in the application for their determination, or clear it back to The Highland Council.

Current Status: Answered by Kevin Stewart on 11/07/2018

**Question S5W-17309: John Finnie, Highlands and Islands, Scottish Green Party, Date Lodged: 18/06/2018**

To ask the Scottish Government what its position is on whether planning authorities should carry out the equivalent of habitats regulation assessments in cases in which there are concerns that proposed developments might adversely affect Ramsar sites.

Answered by Kevin Stewart (11/07/2018):

It is Scottish Government policy to apply the same level of protection for Ramsar sites as is applied for Special Protection Areas classified under the EU Birds Directive. This policy commitment to Ramsar sites is set out on the Scottish Government's web site at [www.gov.scot/Topics/Environment/Wildlife-Habitats/protectedareas/ramsar](http://www.gov.scot/Topics/Environment/Wildlife-Habitats/protectedareas/ramsar).

**Question S5W-17308: John Finnie, Highlands and Islands, Scottish Green Party, Date Lodged: 18/06/2018**

To ask the Scottish Government what guidance Scottish Natural Heritage provides to planning authorities regarding the process that they should follow when considering planning applications for projects in which there are concerns that the proposals might adversely affect (a) Natura sites, (b) Ramsar sites and (c) sites of special scientific interest (SSSIs).

Answered by Mairi Gougeon (13/07/2018):

Scottish Natural Heritage (SNH) provides a range of guidance documents regarding the handling of plans or projects which might affect protected areas in Scotland. This material is provided on SNH's website ([www.nature.scot](http://www.nature.scot)).

**S5W-17307: John Finnie, Highlands and Islands, Scottish Green Party, Date Lodged: 18/06/2018**

To ask the Scottish Government what criteria must be met before planning authorities should consider granting planning consent for projects that might affect Ramsar sites.

Answered by Kevin Stewart (11/07/2018):

I refer the member to the answer to question S5W-17306 on 11 July 2018.

**Question S5W-17306: John Finnie, Highlands and Islands, Scottish Green Party, Date Lodged: 18/06/2018**

To ask the Scottish Government what guidance it produces for planning authorities regarding the consideration of planning applications for projects that might affect Ramsar sites.

Answered by Kevin Stewart (11/07/2018):

Scottish Planning Policy sets out that Planning Authorities should identify and afford the appropriate level of protection to international, national and locally designated areas in development plans, and those plans should set out the factors that will be taken into account in determining a planning application.

Further to this, it is Scottish Government policy to apply the same level of protection for Ramsar sites as is applied for Special Protection Areas classified under the EU Birds Directive. This policy commitment to Ramsar sites is set out on the Scottish Government's web site at [www.gov.scot/Topics/Environment/Wildlife-Habitats/protectedareas/ramsar](http://www.gov.scot/Topics/Environment/Wildlife-Habitats/protectedareas/ramsar).

**Question S5W-17305: John Finnie, Highlands and Islands, Scottish Green Party, Date Lodged: 18/06/2018**

To ask the Scottish Government what action it takes to ensure that planning authorities implement the policy protection that is afforded to Ramsar sites when they consider planning applications in which there are concerns that the proposals might have an adverse impact.

Answered by Kevin Stewart (11/07/2018):

All Ramsar sites in Scotland are also Natura 2000 sites and / or Sites of Special Scientific Interest and are protected under the associated statutory regimes for which guidance and advice is provided by Scottish Natural Heritage. Further, it is Scottish Government policy to apply the same level of protection for Ramsar sites as is applied for Special Protection Areas classified under the EU Birds Directive.

Where a planning authority is minded to grant planning permission, they are required to notify Ministers in relation to development which has the potential to affect:

(a) a Site of Special Scientific Interest where the site has been notified to the planning authority by Scottish Natural Heritage or its predecessors under section 23 of the National Parks and Access to the Countryside Act 1949, section 28 of the Wildlife and Countryside Act 1981 or section 3 and section 5 of the Nature Conservation (Scotland) Act 2004;

(b) a European site as defined in regulation 10 of the Conservation (Natural Habitats, &c.) Regulations 1994;

(c) a site which has been announced by the Scottish Ministers as a proposed Special Protection Area or proposed Special Area of Conservation, or

(d) an area designated by the Scottish Ministers (or a previous Secretary of State) as a wetland of international importance in accordance with the 1971 Convention on Wetlands of International Importance especially as a waterfowl habitat (The Ramsar Convention);

Where Scottish Natural Heritage, on being consulted by the planning authority has indicated that the development may adversely affect such a site and has advised against granting planning permission, or has recommended conditions which the planning authority does not propose to attach to the planning permission.

This allows Ministers the opportunity to decide whether to call in an application for their own determination or to return it to the Council to issue the decision

24 April 2018

**Question S5W-16138: Peter Chapman, North East Scotland, Scottish Conservative and Unionist Party, Date Lodged: 24/04/2018**

To ask the Scottish Government what measures are in place to protect wetland wildlife.

Answered by Roseanna Cunningham (04/05/2018):

Roseanna Cunningham: A number of measures are in place for the protection of wetland wildlife (and their habitats) in Scotland. These include:

- the wetland components of our extensive network of Special Protection Areas
- Special Areas of Conservation, Sites of Special Scientific Interest and sites designated under the Ramsar Convention on Wetlands of International Importance
- numerous local nature reserves which contain wetland features and which are designated and managed by local authorities

- the legal protection which is given to many wetland species, such as natterjack toad, otter and curlew
- measures under the Scottish Rural Development Programme to create and manage wetlands to help improve biodiversity, the landscape and flood management
- the EU Water Framework Directive (covering freshwaters, estuaries and coastal waters) which requires Member States to take the necessary measures to achieve Good Ecological Status
- a ban on the use of lead shot in Scotland's wetland environments to address the issue of the poisoning of waterfowl through the ingestion of spent lead shot

18 April 2018

**Question S5O-01982 Claudia Beamish (South Scotland) (Lab):**

To ask the Scottish Government what its position is on whether its interpretation of the Ramsar convention gives wildlife at wetland sites less protection than that provided by the United Kingdom Government.

**The Cabinet Secretary for Environment, Climate Change and Land Reform (Roseanna Cunningham):**

Ramsar sites in Scotland are given legal protection through co-designation as special areas of conservation, special protection areas or sites of special scientific interest. That is the legal position, which I set out in my answer of 21 February. Further to that answer, I can clarify and confirm that it continues to be Scottish Government policy to apply the same level of protection to Ramsar sites as that which is afforded to designated Natura sites. That provides Ramsar sites in Scotland with the same level of protection as Ramsar sites throughout the rest of the UK.

**Claudia Beamish:**

Given that the Scottish Government has committed to applying that welcome level of protection, how does the cabinet secretary expect that that will affect planning authorities' consideration of planning proposals that affect Ramsar sites, and Scottish Natural Heritage's advice to planning authorities regarding them?

**Roseanna Cunningham:**

I need to be careful not to stray too much into the planning side. There has been no divergence in policy. The policy was expressed in the Scottish planning policy in 2010, which reflects the legal position. We are not aware of non-governmental organisations having raised any issues when the SPP was published.

Nothing has changed since then. It remains our policy to treat Ramsar sites as though they were Natura 2000 sites. I confirm that SNH is aware of the long-standing

Scottish Government policy, as well as the legal position in relation to Ramsar sites in Scotland.

Government policy has not changed since it was stated in the answer that was given to a parliamentary question in 2004 by the then responsible minister, Lewis Macdonald.

11 April 2018

**Question S5W-15867: John Finnie, Highlands and Islands, Scottish Green Party, Date Lodged: 11/04/2018**

To ask the Scottish Government what recent discussions it has had with (a) Scottish National Heritage, (b) The Highland Council, (c) the Ramsar Convention secretariat and (d) the UK Government regarding (i) the proposed golf course at Coul Links and (ii) protecting Scotland's Ramsar sites.

Answered by Roseanna Cunningham (03/05/2018):

Recent contact between Scottish Government officials, Scottish Natural Heritage and the UK Government on the topics referred to in the question has been for the purposes of preparing answers to Parliamentary questions and to give and receive prior notification on materials selected for release in response to requests for information. There has been no recent discussion with Highland Council or the Ramsar Convention Secretariat on either of the topics referred to in the question.  
Current Status: Answered by Roseanna Cunningham on 03/05/2018

21 Feb 2018

**Question S5O-01808 Claudia Beamish (South Scotland) (Lab):**

To ask the Scottish Government whether wetlands sites in Scotland that are covered by the Ramsar convention are given the same level of protection as those in the rest of the United Kingdom. (S5O-01808)

**The Cabinet Secretary for Environment, Climate Change and Land Reform (Roseanna Cunningham):**

I cannot speak for the rest of the United Kingdom, but, as stated in Scottish planning policy, protection for Ramsar sites in Scotland is achieved through such sites being either Natura 2000 sites or sites of special scientific interest. That means that they are protected by the relevant statutory regimes associated with those types of designation, which is entirely compatible with the requirements of the Ramsar convention on wetlands.

**Claudia Beamish:**

For a development proposal that is likely to have a significant effect on a Ramsar site, how would the Scottish Government expect the impacts of the planning application be assessed by itself or by the local authority?

**Roseanna Cunningham:**

We have had quite a few references to the planning process in this question time. The local authority, as the principal planning authority, will look for advice, and Scottish Natural Heritage and the Scottish Environment Protection Agency will be involved in any such consultation. In those circumstances, all that I can say is that, as far as I am aware, the planning process works remarkably well. In areas in which major national issues need to be dealt with, a particular planning application might end up being called in. However, I cannot talk about generalities; things will depend entirely on the specifics of an individual planning application.

12 January 2018

**Motion S5M-09864: Iain Gray, East Lothian, Scottish Labour, Date Lodged: 12/01/2018**

Celebrating Scotland's Wetlands

That the Parliament notes that 2 February 2018 marks World Wetlands Day; celebrates what it sees as the importance of Scotland's wetlands and the unique and productive habitats that these bring for an array of species, such as birds, fish, invertebrates and mammals, while supporting many more, including the short-eared owl, which commonly use them for hunting; recognises the international importance of these sites for biodiversity, with wetlands them being designated under the Ramsar Convention; notes what it considers are the ecological benefits that they offer, such as water filtration and flood control; highlights the potential threats that they face from climate and land use change, and notes calls encouraging the Scottish Government to continue to commit to protecting the country's wetlands. Supported by: Liam McArthur, Andy Wightman, Claudia Beamish, Jackie Baillie, John Mason, Alex Rowley, Angus MacDonald, Lewis Macdonald, Mairi Gougeon, Johann Lamont, Jackson Carlaw, John Finnie, Alex Cole-Hamilton, Claire Baker

Current Status: Fallen on 13/03/2018

18 December 2017

**Question S5W-13505: John Finnie, Highlands and Islands, Scottish Green Party, Date Lodged: 18/12/2017**

To ask the Scottish Government, further to the answer to question S5W-12978 by Fergus Ewing on 11 December 2017, what contact it has had or plans with the (a) Ramsar Convention secretariat and (b) UK Government regarding the proposed Coul Links golf club.

Answered by Fergus Ewing (25/01/2018):

An enquiry from the Secretariat of the Ramsar Convention regarding the planning application submitted by Coul Links Ltd to the Highland Council for a golf course at Coul Links has been forwarded to the Scottish Government by the UK Government. The United Kingdom is a signatory ('Contracting Party' in Convention terms) to the Convention.

Under the Convention, Contracting Parties must pass on information if the ecological character of a Ramsar site has changed, is changing or is likely to change as the result of technological developments, pollution or other human interference. Should it

be required, such information will be communicated through the UK Government to the Ramsar Secretariat at the appropriate time.

3 November 2017

**Motion S5M-08620: John Finnie, Highlands and Islands, Scottish Green Party,**

**Date Lodged: 03/11/2017**

Coul Links

That the Parliament notes that a major planning application for an 18-hole golf course and associated infrastructure has been submitted to the Highland Council; further notes that the proposed golf course is on and adjacent to Coul Links, which forms the southern part of the Loch Fleet Site of Special Scientific Interest, part of the Dornoch and Loch Fleet Special Protection Area (SPA) and Ramsar site; acknowledges the concerns of conservation organisations across Scotland and locally regarding not only the potential impact that this will have to this highly protected site but also doubts concerning stated potential economic benefits, and considers that, at a time when Brexit has caused considerable anxiety regarding environmental protections, granting permission for this development could send a dangerous message to developers that Scotland's highly protected sites are open to development at the expense of the environment.

Supported by: Mark Ruskell, Ross Greer, Alison Johnstone, Andy Wightman, Tavish Scott, Claudia Beamish, Iain Gray, Patrick Harvie

Current Status: Fallen on 24/01/2018

7 October 2016

**Question S5W-03596: Claudia Beamish, South Scotland, Scottish Labour, Date Lodged: 07/10/2016**

To ask the Scottish Government how the recent extension to the Forsinard Flows National Nature Reserve will be considered in the determination of the application for the Strathy South wind farm, which would be on a site adjacent to the reserve boundary.

Answered by Paul Wheelhouse (31/10/2016):

Scottish Planning Policy states that development which affects a National Nature Reserve should only be permitted where the objectives of designation and the overall integrity of the area will not be compromised; or any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance. The Forsinard Flows National Nature Reserve overlaps with the Caithness and Sutherland Peatlands Ramsar site, Natura 2000 sites and Sites of Special Scientific Interest which are protected under the relevant statutory regimes.

The Scottish Government will continue to take into account all material considerations and representations on the application received regarding any relevant matter, until a decision is taken.

Current Status: Answered by Paul Wheelhouse on 31/10/2016



**Question S5W-03595: Claudia Beamish, South Scotland, Scottish Labour, Date Lodged: 07/10/2016**

To ask the Scottish Government what discussions it has had regarding the proposed Strathy South wind farm since February 2016 with (a) the applicants, (b) Scottish Natural Heritage, (c) The Highland Council and (d) the European Commission.

Answered by Paul Wheelhouse (31/10/2016):

A key function of the Public Local Inquiry was to allow all interested parties to engage in debate on the issues of key importance in an open forum. The Scottish Government wishes to avoid disadvantage to any interested party through holding closed discussions on substantive points outside of the inquiry, although we will continue to take into account representations on the application received regarding any relevant matter until a decision is taken.

The applicant has on numerous occasions requested updates on the timescale for a decision however no information has been given. The Scottish Government requested confirmation of the description of the development from the applicant which was received.

There have been no discussions with Scottish Natural Heritage (SNH) about the proposal but SNH has provided the Scottish Government by email with a pro-forma appraisal of the impacts of the proposed development on the Caithness and Sutherland Peatlands SPA, SAC and Ramsar site consolidating the information it presented to the Public Local Inquiry. SNH has also informed the Scottish Government of the publication of a final version of a report presented to the Public Local Inquiry on Greenshank collision mortality estimates. No discussions have been had with the Highland Council or the European Commission.

Current Status: Answered by Paul Wheelhouse on 31/10/2016

19 February 2016

**Question S4W-30003: John Finnie, Highlands and Islands, Independent, Date Lodged: 19/02/2016**

To ask the Scottish Government how it oversees the effectiveness of the operation of (a) nature reserves, (b) sites of special scientific interest, (c) Ramsar sites, (d) special protection areas and (e) special areas of conservation.

Answered by Aileen McLeod (08/03/2016):

The requested information is available on Scottish Natural Heritage's website via the following links:

(a) <http://www.snh.gov.uk/protecting-scotlands-nature/protected-areas/local-designations/lnr/> (local nature reserves)

<http://www.snh.gov.uk/protecting-scotlands-nature/protected-areas/national-designations/nnr/> (national nature reserves)

(b) <http://www.snh.gov.uk/protecting-scotlands-nature/protected-areas/national-designations/sssisi/sssisi-management/>

(c) <http://www.snh.gov.uk/protecting-scotlands-nature/protected-areas/international-designations/ramsar-sites/>

(d) <http://www.snh.gov.uk/protecting-scotlands-nature/protected-areas/international-designations/spa/>

(e) <http://www.snh.gov.uk/protecting-scotlands-nature/protected-areas/international-designations/sac/>

Current Status: Answered by Aileen McLeod on 08/03/2016

6 November 2015

**Question S4W-28326: Claudia Beamish, South Scotland, Scottish Labour, Date Lodged: 06/11/2015**

To ask the Scottish Government how many sites of special scientific interest (SSSI) it has been notified of under the Nature Conservation (Scotland) Act 2004, also broken down by the number of natural features; how many of the (a) SSSIs and (b) natural features have unfavourable conditions due to (i) invasive non-native species, (ii) recreational use, (iii) overgrazing, (iv) under grazing, (v) inappropriate burning, (vi) other agricultural operations and (vii) other reasons, and what action (A) it and (B) the farming community is taking to address this.

Answered by Aileen McLeod (20/11/2015):

1,423 sites of special scientific interest (SSSI), comprising 3,693 natural features, have been notified under the Nature Conservation (Scotland) Act 2004.

434 of the SSSIs and 663 of the natural features have been assessed by Scottish Natural Heritage (SNH) as being in 'unfavourable no change' or 'unfavourable declining' condition. Additionally, 184 of the SSSIs and 206 of the natural features have been assessed as being in 'unfavourable recovering' condition. A net total of 575 SSSIs have features with 'unfavourable no change', 'unfavourable declining' or 'unfavourable recovering' condition.

The following table provides information on pressures which might contribute to site condition. Sites and features can have more than one negative pressure, hence the totals in columns (a) and (b) are higher than the total numbers of SSSIs and natural features in unfavourable condition.

	(a) SSSI sites		(b) SSSI features	
	Unfavourable (no change or declining)	Unfavourable (recovering)	Unfavourable (no change or declining)	Unfavourable (recovering)
(i) Invasive non native	98	31	113	31
(i)(b) Invasive other	121	46	139	48
(ii) Recreation	48	8	66	9

(iii) Overgrazing	159	64	214	68
(iv) Undergrazing	71	23	79	25
(v) Burning	29	12	35	13
(vi) Other agricultural operations	169	42	199	46
(vii) Other	146	30	184	30

A wide range of data on the condition of Scotland's natural features can be found at: <http://www.environment.scotland.gov.uk/get-interactive/data/protected-nature-sites/>

The Scottish Government and SNH are committed to working with land managers to address the causes of unfavourable condition of features which are highlighted through SNH's Site Condition Monitoring programme. This may take the form of advice, funding support through the Scotland Rural Development Programme (SRDP) or SNH's Management Agreement programme where more specialist management is required and, if necessary, enforcement action.

The SRDP Agri-Environment Climate Scheme supports land managers to undertake a wide range of environmentally-beneficial management options, many of which can be used to manage the natural features of SSSIs. 'Enhancing the condition of designated features of SSSIs, Natura and Ramsar sites' is one of the national priorities in the scoring system for the Agri-Environment Climate Scheme. This means that applications are awarded additional points if they include land on or adjacent to a SSSI (or other designated site) and if the proposed management is likely to benefit the features of the site.

The new SRDP Environmental Co-operation Action Fund is available to help facilitate landscape-scale projects that meet the Scottish Government's environmental priorities. This will support the delivery of a range of environmental actions (such as deer management, control of invasive non-native species and restoration of degraded habitats) and can also be used to improve the condition of SSSI features.

Current Status: Answered by Aileen McLeod on 20/11/2015

10 November 2014

**Question S4W-23087: Elaine Murray, Dumfriesshire, Scottish Labour, Date Lodged: 10/11/2014**

To ask the Scottish Government what the minimum distance required is between a wind turbine and a (a) community and (b) single property.

Answered by Derek Mackay (19/11/2014):

There is no minimum distance between individual wind turbines or wind farms and communities or individual properties.

Table 1: Spatial Frameworks

Group 1 – Areas where wind farms will not be acceptable: National Parks and National Scenic Areas.

Group 2 – Areas of significant protection: Recognising the need for significant protection, in these areas wind farms may be appropriate in some circumstances. Further consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.

National and international designations	World Heritage Sites Natura 2000 and <b>Ramsar</b> sites Sites of Special Scientific Interest National Nature Reserves Sites identified in the Inventory of Gardens and Designed Landscapes Sites identified in the Inventory of Historic Battlefields
Other nationally important mapped environmental interests	Areas of wild land as shown on the 2014 Scottish Natural Heritage map of wild land areas Carbon rich soils, deep peat and priority peatland habitat.
Community separation for consideration of visual impact	An area not exceeding two kilometres around cities, towns and villages identified on the local development plan with an identified settlement envelope or edge. The extent of the area will be determined by the planning authority based on landform and other features which restrict views out from the settlement.

Group 3 – Areas with potential for wind farm development: Beyond groups 1 and 2, wind farms are likely to be acceptable, subject to detailed consideration against identified policy criteria.

Other impacts on communities and individual dwellings including visual impact, residential amenity, noise and shadow flicker can also be considered at the development management stage.

The planning process itself offers the opportunity for comments to be made on planning applications before a decision is made.

Current Status: Answered by Derek Mackay on 19/11/2014

12 June 2012

**Question S4W-07782: Claudia Beamish, South Scotland, Scottish Labour, Date Lodged: 12/06/2012**

To ask the Scottish Executive what proportion of sites of special scientific interest under the Nature Conservation (Scotland) Act 2004 or predecessor legislation are in favourable condition; what the target for this is in the national performance framework; whether the target has been amended and, if so, for what reason.

Answered by Stewart Stevenson (26/06/2012):

The latest figures tracking the proportion of protected features in favourable condition were released by Scottish Natural Heritage (SNH) on 29 May 2012. They show that 77% of features at National (Sites of Special Scientific Interest), European (Special Areas of Conservation and Special Protection Areas) and international (Ramsar) levels were in favourable condition on 31 March 2012. The proportion of protected features on sites of special scientific interest in favourable condition by that date was 79%.

SNH is currently working on advice to the Scottish Government on options for the formulation of a new target under the updated national indicator: "to improve the condition of protected nature sites". This indicator was updated as part of the refresh of the National Performance Framework in December 2011 with the aim of improving clarity and ensuring that indicators are underpinned by targets that are up to date and reflect the Scottish Government's current priorities.

Current Status: Answered by Stewart Stevenson on 26/06/2012

23 June 2009

**Question S3W-25169: Peter Peacock, Highlands and Islands, Scottish Labour, Date Lodged: 23/06/2009**

To ask the Scottish Executive whether it will list the prosecutions that have been brought under section 19 of the Nature Conservation (Scotland) Act 2004 and the outcome in each case.

Answered by Roseanna Cunningham (17/07/2009): A list of the prosecutions which have been brought under section 19 of the Nature Conservation (Scotland) Act 2004 is as follows.

1. Upper Solway Flats and Marshes SSSI, SPA, Ramsar and Solway Firth Special Area of Conservation, Dumfries Sheriff Court (2007). A land owner was charged and prosecuted for dumping and spreading hardcore for the purposes of forming a vehicle track without the required consent from Scottish Natural Heritage. The Court invited the guilty party to voluntarily restore the damaged feature before returning for sentencing. The habitat was restored and the Court issued an admonishment.
2. Shingle Islands SSSI and Special Area of Conservation (SAC), Perth Sheriff Court (2007 "09). The charge related to the carrying out of works to extend a flood embankment through the Shingle Islands SSSI without consent from Scottish Natural Heritage. On the basis that the prosecution failed to bring forward evidence that the accused required to be granted consent by Scottish Natural Heritage, the Court found that there was no case to answer.

3. Slamannan Plateau SSSI & Special Protection Area (SPA), Falkirk Sheriff Court (2007 - 09). This site hosts over 50% of the GB population of wintering Taiga bean geese. The charge related to the erection of a large farm building within the SSSI without consent from Scottish Natural Heritage. Following the case being heard in court (intermediate diet) the Procurator Fiscal convened a meeting with Scottish Natural Heritage to explore aspects of the case and any satisfactory alternatives to prosecution. After a potential alternative was identified and proven to be successful, the procurator fiscal closed the case.

4. Arran Northern Mountains SSSI and Arran Moors SSSI; Arran Moors SPA, Kilmarnock Sheriff Court (2008). Charges were brought for intentional or reckless damage to the SSSI after a fire was started. The Court reached a guilty verdict, sentencing the guilty parties to community service.

Current Status: Answered by Roseanna Cunningham on 17/07/2009

26 March 2009

**Question S3W-22415: Elaine Murray, Dumfries, Scottish Labour, Date Lodged: 26/03/2009**

To ask the Scottish Executive whether it will provide in table form the total numbers of respondents to each of the consultations carried out in December 2006 and May 2008 respectively on the transposition of the EU environmental liability directive into Scots law and how many of those respondents were (a) in favour; (b) not in favour or (c) made no mention of Sites of Special Scientific Interest (SSSIs) and Ramsar sites being included in the scope of the directive's application in Scotland.

Answered by Roseanna Cunningham (07/04/2009): This information may be found in the Summary of Responses for each of the public consultation exercises published by the Scottish Government at:

<http://www.scotland.gov.uk/Resource/Doc/203481/0054256.pdf>

<http://www.scotland.gov.uk/Resource/Doc/244256/0068289.pdf>.

Current Status: Answered by Roseanna Cunningham on 07/04/2009

**Question S3W-21786: Elaine Murray, Dumfries, Scottish Labour, Date Lodged: 12/03/2009**

To ask the Scottish Executive for what reason it has not included sites of special scientific interest and Ramsar sites within the scope of its draft regulations on the transposition of the EU environmental liability directive into Scots law.

Answered by Roseanna Cunningham (25/03/2009): The Environmental Liability Directive (2004/35/CE) covers only those sites mentioned in the draft Regulations. Other sites are already adequately dealt with under other regimes.

Current Status: Answered by Roseanna Cunningham on 25/03/2009

12 March 2009

**Question S3W-21790: Elaine Murray, Dumfries, Scottish Labour, Date Lodged: 12/03/2009**

To ask the Scottish Executive whether it considers that omitting sites of special scientific interest and Ramsar sites from protection under the EU environmental liability directive will cause confusion between operators and authorities, and among authorities themselves, where responsibility overlaps or covers certain aspects of a site but not all of it and, if so, whether it considers that including such sites would alleviate these potential problems.

Answered by Roseanna Cunningham (25/03/2009): We are confident the draft Regulations may be properly applied.

No. We do not believe there will be confusion. The majority of respondents to our first public consultation exercise including Scottish Natural Heritage were not in favour of including SSSIs in our Regulations.

Current Status: Answered by Roseanna Cunningham on 25/03/2009

**Question S3W-21789: Elaine Murray, Dumfries, Scottish Labour, Date Lodged: 12/03/2009**

To ask the Scottish Executive whether it considers that sites of special scientific interest and Ramsar sites will be given second class status among sites of biodiversity and ecological importance if they are not protected under the EU environmental liability directive.

Answered by Roseanna Cunningham (25/03/2009): No. Sites of special scientific interest and Ramsar sites are adequately covered under existing regimes, where protected sites will not be affected by the new regime. The Environmental Liability Directive (2004/35/CE) does not require that sites of special interest and Ramsar sites be covered by transposing legislation.

Current Status: Answered by Roseanna Cunningham on 25/03/2009

**Question S3W-21787: Elaine Murray, Dumfries, Scottish Labour, Date Lodged: 12/03/2009**

To ask the Scottish Executive whether it intends to include sites of special scientific interest and Ramsar sites in the latest draft of regulations to transpose the EU environmental liability directive into Scots law in light of concern shown in responses to the Scottish Government's second consultation on the matter.

Answered by Richard Lochhead (23/03/2009): The majority of respondents were not in favour of including sites of special scientific interest and Ramsar sites and, as these sites are not within the scope of the Directive, they have not been included in the draft Regulations.

Current Status: Answered by Richard Lochhead on 23/03/2009

17 December 2004

**Question S2W-12893: Eleanor Scott, Highlands and Islands, Scottish Green Party, Date Lodged: 17/12/2004**

To ask the Scottish Executive, further to the answers to questions S2W-11984 and S2W-12004 by Lewis Macdonald on 19 November 2004, what part of the Conservation (Natural Habitats, &c.) Regulations 1994 applies to listed features of interest of Ramsar sites to afford protection outside the candidate Special Area of Conservation to the listed peatland and blanket bog interest of the Lewis Pentlands Ramsar site.

Answered by Lewis Macdonald (19/01/2005): The habitat features of the Lewis Peatlands Ramsar Site designated under Criterion 1 of the Ramsar Convention are found wholly within the boundary of the Lewis Peatlands candidate Special Area of Conservation (cSAC). They therefore receive protection under the Conservation (Natural Habitats, &c.) Regulations 1994 as amended in 2004.

Current Status: Answered by Lewis Macdonald on 19/01/2005

8 December 2004

**Question S2W-12894: Eleanor Scott, Highlands and Islands, Scottish Green Party, Date Lodged: 08/12/2004**

To ask the Scottish Executive, further to the answer to question S2W-11985 by Lewis Macdonald on 19 November 2004, what part of section 38 of the Nature Conservation (Scotland) Act 2004 deals with the management and protection from damage of Ramsar sites.

Answered by Lewis Macdonald (21/12/2004): Section 38 of the Nature Conservation Scotland Act is concerned with ensuring that the existence of Ramsar sites is notified to relevant interested parties.

The appropriate management and protection of Ramsar sites is secured by virtue of the classification of each Ramsar site as a site designated under the EC Habitats or Birds Directives and/or its designation as a Site of Special Scientific Interest (SSSI).

Current Status: Answered by Lewis Macdonald on 21/12/2004

**Question S2W-12891: Eleanor Scott, Highlands and Islands, Scottish Green Party, Date Lodged: 08/12/2004**

To ask the Scottish Executive, further to the answers to questions S2W-11985 and S2W-11986 by Lewis Macdonald on 19 November 2004, what mechanisms are in place to protect features of interest of Ramsar sites from damage where those features are not also listed as features of interest of the relevant Special Protection Area, candidate Special Area of Conservation or Site of Special Scientific interest (SSSI) covering the area concerned or where the boundaries and features of interest of a Natura site or SSSI do not match the features of interest of the Ramsar site in question.

Answered by Lewis Macdonald (10/01/2005): Scottish Natural Heritage have advised there are no features of interest of Ramsar sites which are not also identified as features of interest of a relevant Natura site or SSSI.

They have also advised that there is no instance where the land within the boundary of a Ramsar site is not within the boundary of a Natura site and/or SSSI.



The procedures in the Nature Conservation Scotland Act 2004 and the Conservation (Natural Habitats, &c.) Regulations 1994 to protect SSSIs and Natura Sites ensure that Ramsar sites are protected.

Current Status: Answered by Lewis Macdonald on 10/01/2005

**Question S2W-12892: Eleanor Scott, Highlands and Islands, Scottish Green Party, Date Lodged: 08/12/2004**

To ask the Scottish Executive, further to the answers to questions S2W-11985 and S2W-11986 by Lewis Macdonald on 19 November 2004, whether the tests set by the EU Habitats Directive in relation to features of interest of Natura sites should also be applied to plans or projects with the potential to have an adverse effect on features of interest of Ramsar sites.

Answered by Lewis Macdonald (10/01/2005): I refer to my answer to the question S2W-12891 answered on 10 January 2005. All answers to written parliamentary questions are available on the Parliament's website, the search facility for which can be found at <http://www.scottish.parliament.uk/webapp/wa.search>.

Current Status: Answered by Lewis Macdonald on 10/01/2005

5 November 2004

**Question S2W-12005: Mark Ruskell, Mid Scotland and Fife, Scottish Green Party, Date Lodged: 05/11/2004**

To ask the Scottish Executive what the procedure is for complying with Articles 3.1 and 3.2 of the Ramsar Convention in relation to Ramsar sites (a) which are also Sites of Special Scientific Interest (SSSIs) and (b) which are not SSSIs.

Answered by Lewis Macdonald (19/11/2004): All Ramsar sites in Scotland are designated as Special Protection Areas or candidate Special Areas of Conservation under the EC Birds and Habitats Directives, except one which has been notified as a Site of Special Scientific Interest.

Compliance with Article 3.1 and 3.2 of the Ramsar Convention is ensured through the procedures for designated Natura sites and Sites of Special Scientific Interest set out in The Conservation (Natural Habitats, &c.) Regulations, the Wildlife and Countryside Act 1981 (as amended), and the Nature Conservation (Scotland) Act 2004.

Current Status: Answered by Lewis Macdonald on 19/11/2004

4 November 2004

**Question S2W-11986: Eleanor Scott, Highlands and Islands, Scottish Green Party, Date Lodged: 04/11/2004**

To ask the Scottish Executive what its policy is in relation to Ramsar sites under the Ramsar Convention that are not also Sites of Special Scientific Interest.

Answered by Lewis Macdonald (19/11/2004): It is Scottish Executive policy that all Ramsar sites receive the same level of legal protection as areas that have been designated as Special Protection Areas under the EC Birds Directive or candidate Special Areas of Conservation under the Habitats Directive.

Current Status: Answered by Lewis Macdonald on 19/11/2004

**Question S2W-11985: Eleanor Scott, Highlands and Islands, Scottish Green Party, Date Lodged: 04/11/2004**

To ask the Scottish Executive whether it is aware of statements of government policy in relation to Ramsar sites under the Ramsar Convention in England and Wales and whether it intends to publish a similar statement in relation to Scotland.

Answered by Lewis Macdonald (19/11/2004): The Scottish Executive is aware of all UK Government policy statements on the protection of Ramsar sites.

The Scottish Executive issued Guidance on the EC Habitats and Birds Directives in June 2000. This Guidance states that it is Scottish Executive policy to apply the same level of protection for Ramsar sites as that afforded to designated Natura sites. This is in line with the statement of the Government's policies for the protection and management of Ramsar sites in England by the then Minister of State for the Environment, Michael Meacher, in November 2000.

No further statement is intended following the enactment of Section 38 of the Nature Conservation (Scotland) Act 2004 which deals with Ramsar sites.

Current Status: Answered by Lewis Macdonald on 19/11/2004

11 November 2003

**Question S2W-04020: Sylvia Jackson, Stirling, Scottish Labour, Date Lodged: 11/11/2003**

To ask the Scottish Executive whether it has identified any marine and coastal areas that are of international importance for seabirds and, if so, what measures it is taking to protect such areas from inappropriate development and commercial exploitation.

Answered by Allan Wilson (25/11/2003): Forty-eight sites have been classified by the Scottish Executive as special protection areas (SPA) under the EC Birds Directive (79/409/EEC) which have one or more species of seabird as a qualifying interest. Eight of these are also designated as wetlands of international importance under the Ramsar Convention. These sites are listed in the following table.

All SPAs for seabirds are "European sites" and are protected by the duties placed on competent authorities (through the 1994 habitats regulations) not to consent to plans or projects that would damage the conservation interest of the site.

They may be protected by contractual measures (including management agreements with the proprietors or tenants). Where necessary ministers may introduce a special nature conservation order for a European site, prohibiting any operation which would be likely to damage the conservation interest of the site.

Scottish Natural Heritage (SNH) may make byelaws to protect European sites from damage by parties other than the owner/occupier. In European sites underpinned by Special Sites of Scientific Interest (SSSI) notifications, SNH is given the power to amend the lists of potential damaging operations (PDOs) which form part of an SSSI notification when this is necessary to bring them into line with the ecological objectives of a European site. It is Government policy that SPA and Ramsar sites be afforded similar protection.

In the marine environment, all relevant authorities (such as harbour authorities, local authorities, and the Scottish Environment Protection Agency) having functions relevant to marine conservation, are obliged to exercise those functions to protect the integrity of European marine sites.

National Planning Policy Guideline 14 sets out for planning authorities the overall national planning policy for the protection of the natural heritage in designated areas and the wider countryside including coastal areas. In terms of development planning, structure plans include policies for the protection and, where appropriate, enhancement of European sites and indicate their broad locations while local plans provide more detailed provision and identify the sites. The accompanying texts should emphasise the very strict protection that must be afforded to the interests for which European sites are designated and the implications this has for development proposals which would adversely affect those interests.

SPA Sites in Scotland with One or More Species of Seabird as a Qualifying Interest.

Site Name	Local Authority Area
Ailsa Craig	South Ayrshire
Auskerry	Orkney
Buchan Ness to Collieston Coast	Aberdeenshire
Calf of Eday	Orkney
Canna and Sanday	Highland
Cape Wrath	Highland
Copinsay	Orkney
Cromarty Firth	Highland
East Caithness Cliffs	Highland
Fair Isle	Shetland
Fetlar	Shetland
Firth of Forth	Lothians and Fife
Firth of Tay and Eden Estuary	Angus, Dundee, Perth and Kinross
Flannan Isles	Eilean Siar
Foula	Shetland
Fowlsheugh	Aberdeenshire
Glas Eileanan	Argyll and Bute
Handa	Highland

Site Name	Local Authority Area
Hermaness, Saxa Vord and Valla Field	Shetland
Hoy	Orkney
Inner Moray Firth	Highland
Loch of Strathbeg	Aberdeenshire
Marwick Head	Orkney
Mingulay and Berneray	Eilean Siar
Monach Isles	Eilean Siar
Mousa	Shetland
North Caithness Cliffs	Highland
North Colonsay and Western Cliffs	Argyll and Bute
North Rona and Sula Sgeir	Eilean Siar
Noss	Shetland
Papa Stour	Shetland
Papa Westray (North Hill and Holm)	Orkney
Pentland Firth Islands	Orkney
Priest Island (Summer Isles)	Highland
Ramna Stacks and Gruney	Shetland
Ronas Hill - North Roe and Tingon	Shetland
Rousay	Orkney
Rum	Highland
Shiant Isles	Eilean Siar
South Uist Machair and Lochs	Eilean Siar
St Abb`s Head to Fast Castle	Scottish Borders and Berwickshire
St Kilda	Eilean Siar
Sule Skerry and Sule Stack	Orkney
Sumburgh Head	Shetland
Treshnish Isles	Argyll and Bute
Troup, Pennan and Lion`s Heads	Aberdeenshire
West Westray	Orkney
Ythan Estuary, Sands of Forvie and Meikle Loch	Aberdeenshire

Current Status: Answered by Allan Wilson on 25/11/2003

13 November 2003

**Question S2W-04106: Roseanna Cunningham, Perth, Scottish National Party, Date Lodged: 13/11/2003**

To ask the Scottish Executive how potential impacts on nature conservation are assessed when considering renewable energy developments and what protection is afforded to species and habitats of international conservation significance listed on

EU conservation directives, the Ramsar Convention and similar conventions to which Scotland is party.

Answered by Mary Mulligan (26/11/2003): A range of mechanisms are in place to ensure potential impacts are fully assessed, including scrutiny against development plan policies, environmental impact assessment and consultation with Scottish Natural Heritage.

Projects which would have an adverse effect on the conservation interests for which a site of international significance has been designated should only be permitted where there is no alternative solution and there are imperative reasons of over-riding public interest, including those of a social or economic nature. Where a priority habitat or species (as defined in Article 1 of the Habitats Directive) would be affected, prior consultation with the European Commissions required unless the development is necessary for public health or safety reasons.

Current Status: Answered by Mary Mulligan on 26/11/2003

## 2. Published Policy

### i) Scottish Government Website

<https://www2.gov.scot/Topics/Environment/Wildlife-Habitats/protectedareas/ramsar>

#### Questions and Answers

##### **Q. What is Scotland 's contribution to the Ramsar Convention on Wetlands?**

A. There are 51 Ramsar sites within Scotland. Their locations span an area from the Shetland Isles to the Solway Firth and together they constitute around four percent of Scotland's land area. While the majority of Ramsar sites in Scotland are important for birds, some are also important for aquatic plants, invertebrates and mammals, including seals and otters, or else are prime examples of important habitats, such as bogs and mires, salt marshes and dunes.

##### **Q. How are Ramsar sites protected in Scotland?**

A. All Ramsar sites in Scotland are also either co-designated as either Natura 2000 sites and/or Sites of Special Scientific Interest and are protected under the relevant statutory regimes. It is Scottish Government policy to apply the same level of protection for Ramsar sites as if they were classified as SPAs.

##### **Q. The Ramsar Convention was signed in 1971, how relevant is it in the 21st century?**

A. The Ramsar Strategic Plan (2003-08) was undertaken to continue wetland conservation and promote sustainable development worldwide. It aims in particular to address global issues including poverty eradication, food and water security, integrated approaches to water management, climate change and its predicted impacts, increasing globalisation of trade and international development.

### ii) Scottish Planning Policy

<https://www.gov.scot/publications/scottish-planning-policy/pages/5/>

#### Ramsar Sites

211. All Ramsar sites are also Natura 2000 sites and/or Sites of Special Scientific Interest and are protected under the relevant statutory regimes.

### iii)

**Scottish Office Environment Department Circular 6/1995 (“NATURE CONSERVATION: IMPLEMENTATION IN SCOTLAND OF EC DIRECTIVES ON THE CONSERVATION OF NATURAL HABITATS AND OF WILD FLORA AND FAUNA AND THE CONSERVATION OF WILD BIRDS THE BIRDS AND HABITATS DIRECTIVES”)**. This document was superseded by the doc at no.3 below is not available on-line but we have a hard copy. Under RAMSAR SITES (para 30) it says:

“For those sites which qualify for designation only under the Ramsar Convention (and not as SAC or SPA) the Government has chosen as a matter of policy to apply the same considerations to their protection as if they were classified as SPAs. SNH will be able to advise planning authorities on the conservation of Ramsar sites.”

iv)

National Planning Policy Guideline (NPPG 14) published 1 Jan 1999 (superseded by SPP in 2010)

“Natura 2000 Areas

39. Under the Habitats Directive, SPAs and SACs are together intended to form a Community-wide network of protected areas designed to maintain or restore the distribution and abundance of species and habitats of Community interest, to be known as Natura 2000. They are identified for the purposes of protecting those habitats and species within the EU which are endangered, vulnerable, rare or otherwise require special attention. Many areas qualify for both SPA and SAC designation and the protection regime which applies to SACs designated under the Habitats Directive applies also to SPAs classified under the Birds Directive. The Government has also decided as a matter of policy to accord both potential SPAs and SACs and sites which qualify for designation only under the Ramsar Convention the same level of protection.

40. The Conservation (Natural Habitats &c.) Regulations 1994 place a statutory duty on planning authorities to meet the requirements of the Habitats Directive. Detailed advice on the requirements of the Directive is contained in SOEnD Circular 6/1995. The Regulations require that where an authority concludes that a development proposal unconnected with natural heritage management is likely to have a significant effect on a Natura 2000 area, it must undertake an appropriate assessment of the implications for the conservation interests for which the area has been designated. Guidance on the assessment of proposals affecting Natura 2000 areas is set out in Appendix A of Annex D to Circular 6/1995. In cases where an assessment of the proposal is also required under the Environmental Assessment (Scotland) Regulations 1988, authorities should ensure that the environmental statement prepared in respect of the proposal meets the requirements of both sets of regulations.

41. As the Directive requires the protection of the interests for which the area has been designated, the need for appropriate assessment extends to proposed developments outwith the boundary of the designated area. Authorities should consult SNH if they are in any doubt about whether a development outside a Natura 2000 area could have a significant effect on it.”

v)

**REVISED GUIDANCE UPDATING SCOTTISH OFFICE CIRCULAR NO.6/1995 published in June 2000 (“Nature Conservation: Implementation in Scotland of EC Directives on the Conservation of Natural Habitats and of Wild Flora and Fauna and the Conservation of Wild Birds (“The Habitats and Birds Directives”)).** This is the document which our IT people pulled from the website without consultation and which was never returned.

## **“RAMSAR SITES” (Para 42)**

“For those sites which qualify for designation only under the Ramsar Convention (and not as SAC or SPA) the Government has chosen as a matter of policy to apply the same considerations to their protection as if they were classified as SPAs. SNH will be able to advise planning authorities on the conservation of Ramsar sites.”

vi)

### **SNH website entry on Ramsar**

**<https://www.nature.scot/professional-advice/safeguarding-protected-areas-and-species/protected-areas/international-designations/ramsar-sites>**

Ramsar sites are classified under the Convention on Wetlands of International Importance.

The mission of the Convention is “the conservation and wise use of all wetlands through local and national actions and international cooperation, as a contribution towards achieving sustainable development throughout the world”.

The UK Government signed up to the Convention in 1976.

Globally, more than 2,200 sites across 169 countries are included on the List of Wetlands of International Importance (the Ramsar List).

Find out more on the Ramsar website.

### **Ramsar sites in Scotland**

Scotland has 51 Ramsar sites designated as internationally important wetlands, covering a total area of about 313,000 hectares.

Most Ramsar sites in Scotland are linked to the Natura 2000 network - either as a Special Protection Area (SPA) or Special Area of Conservation (SAC). All are underpinned by Sites of Special Scientific Interest (SSSIs). These sites may be of importance for their wide variety of water birds, bogs, lochs, coastal wetlands and other water-dependent habitats and species.

Learn about designating Ramsar sites on the Ramsar website.

### **Protection of Ramsar sites**

In July 2018 Scottish Government reiterated and clarified their policy regarding Ramsar sites

Ramsar sites are protected through measures to protect and enhance the Natura sites (and SSSIs, where relevant) that they overlap with.

We also include Ramsar sites in our Site Condition Monitoring programme.



If you manage land or water within a Ramsar site, you may be able to get funding to help you carry out appropriate conservation management. Find out about the Scottish Rural Development Programme (SRDP).

You can also read about managing Ramsar sites on the Ramsar website.

### **Find Ramsar sites in Scotland**

Search for a Ramsar site in Scotland on SiteLink:

- by using the interactive map
- by entering the site name or local authority
- by designation type – i.e. Ramsar site

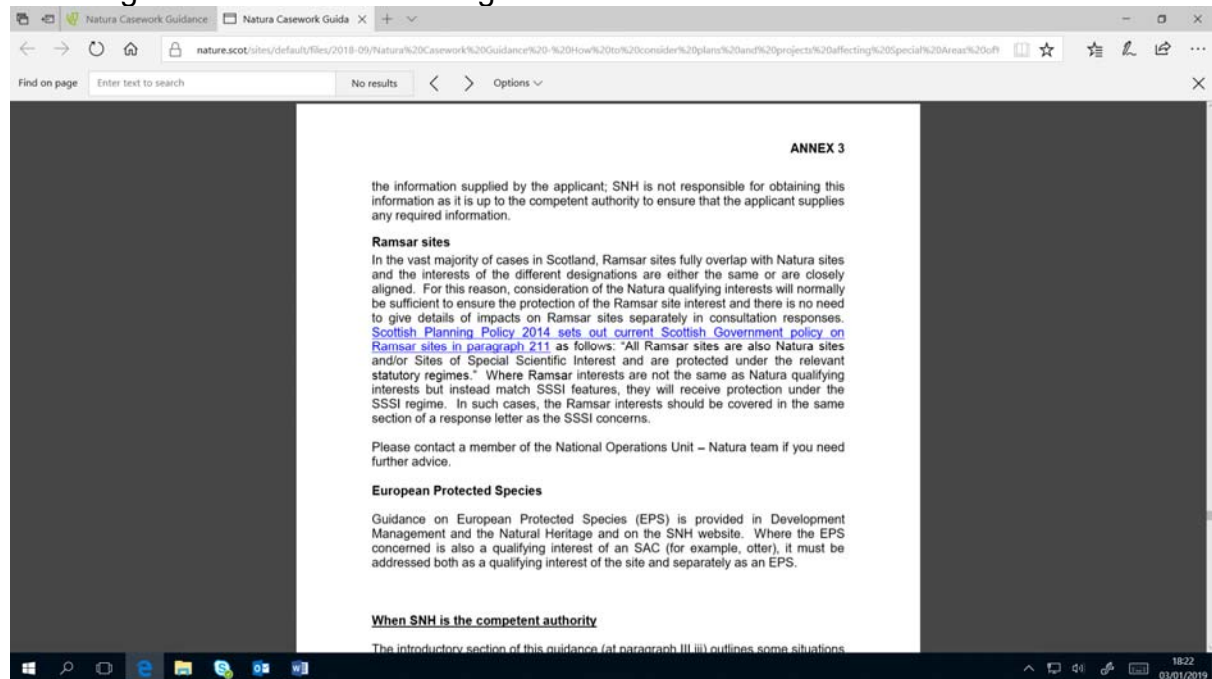
Or view a list of all designated and proposed Ramsar sites in Scotland on the Joint Nature Conservation Committee website. Click on the 'New Site Code' for any site to see the Information Sheet on Ramsar Wetlands for that site.

### 3. Additional Collated Material

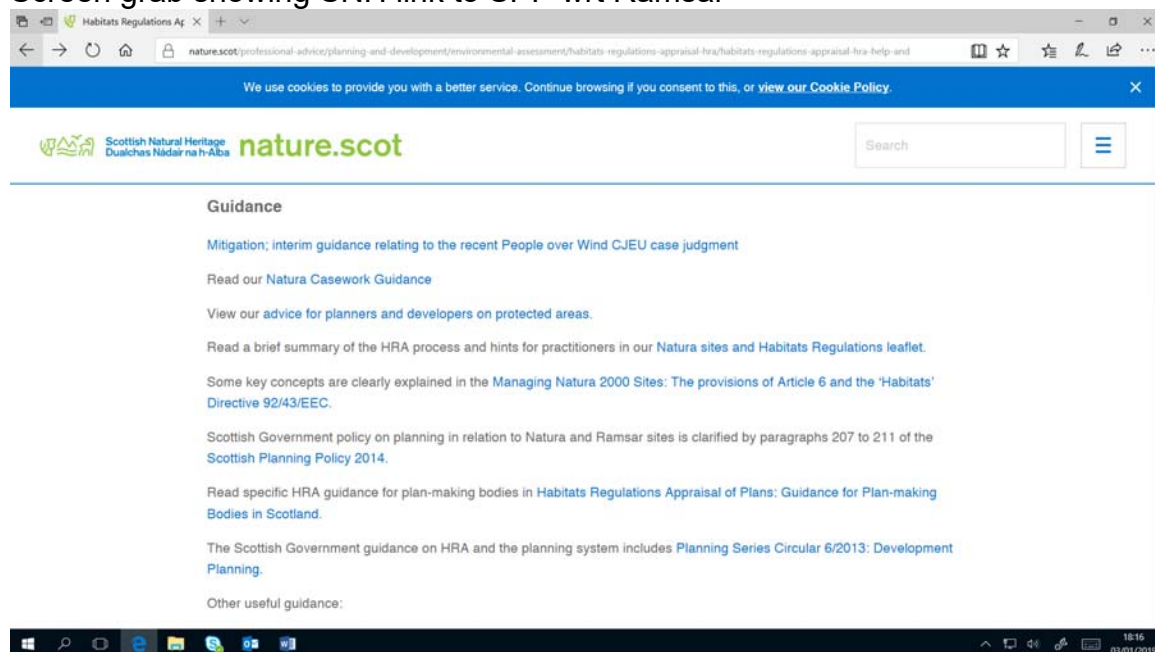
#### SNH Natura Casework

#### [Natura Casework Guidance: How to consider plans and projects affecting Special Areas of Conservation \(SACs\) and Special Protection Areas \(SPAs\)](#)

#### Screen grab of Natura casework guidance from SNH on Ramsar



#### Screen grab showing SNH link to SPP wrt Ramsar



#### [SNH guidance on proposed SACs and proposed SPAs](#)

#### Scottish Government Policy for proposed SACs and proposed SPAs

In Scotland, a proposed Special Area of Conservation (pSAC) is a site that has been approved for consultation by the Scottish Government but has yet to be submitted to the European Commission. A proposed SPA (pSPA) is a site that has been approved for consultation by the Scottish Government but is not yet classified.

The Scottish Government has a policy of protecting such sites as if they were designated. This policy is set out in paragraphs 207 to 210 of Scottish Planning Policy. The UK Government has a similar policy<sup>1</sup> which applies in relation to reserved matters<sup>2</sup> in Scotland.

The legal protection afforded to designated European sites<sup>3</sup> is set out in the Conservation (Natural Habitats, &c.) Regulations 1994 as amended ('the Habitats Regulations'), or for reserved matters, the Conservation of Habitats and Species Regulations 2017 (the '2017 Regulations').

Accordingly, when a plan or project has the potential to affect a pSPA or pSAC competent authorities should apply the procedural requirements of Regulation 48 of the Habitats Regulations or, with respect to reserved activities, regulation 63 of the 2017 Regulations.

This means that the competent authority should:

- determine whether the proposal is directly connected with or necessary to site management for conservation; and, if not,  determine whether the proposal is likely to have a significant effect on the site either individually or in combination with other plans or projects; and, if so, then  make an appropriate assessment of the implications (of the proposal) for the site in view of that site's conservation objectives (This consideration is commonly known as Habitats Regulations Appraisal (HRA) and extends where appropriate to plans or projects outwith the boundary of the site in order to determine their implications for the interests protected within the site.)
- If significant effects are unknown or likely, the competent authority can only agree to the proposal if it can be ascertained by means of the appropriate assessment that the proposal will not adversely affect the integrity of the site and having first consulted and had regard to any representations made by SNH.
  - Department for Communities and Local Government (2012). The National Planning Policy Framework. Department for Communities and Local Government, London (paragraph 118)
  - Reserved matters (within the meaning of Schedule 5 of the Scotland Act 1998) include: activities consented under sections 36 or 37 of the Electricity Act 1989; activities consented under the Pipelines Act 1962; matters related to the exploration for, and exploitation of, deposits of oil and natural gas; and matters related to defence of the realm <sup>3</sup> In Scotland, European sites are defined in regulation 10 of the Habitats Regulations and include candidate SACs, designated SACs and classified SPAs