CONSIDERATION OF PETITION PE1277

Thank you for your letter of 4 Nov addressed to my officials. I am replying on behalf of the Scottish Government, and set out our response to each of the points you raised, as follows:

- **Will it establish a geodiversity duty in the terms specified by the petitioner and when? If not why not?**

We are awaiting the conclusions of a study commissioned by SNH and BGS into Scotland's geodiversity to inform our consideration of this matter. I understand that this study is considering a rationale for protection and conservation of Scotland's geodiversity to establish an evidence base for the development of a 'Scottish geodiversity framework'. The aims of such a framework would be to instigate a process through which key stakeholders would work together to achieve better protection of geodiversity and better integration of geodiversity in policy and guidance to deliver sustainable management of land and water, consistent with the economic, social and environmental needs of Scotland. I understand that the report will be available from late spring 2010. I do not consider it appropriate for Ministers to make firm decisions about the place of geodiversity in public policy and programmes until I have received and considered this Report.

The Committee may wish to note that the 'biodiversity duty' on Scottish Public bodies is given effect by the Nature Conservation (Scotland) Act 2004. An analogous
'geodiversity duty' could not be achieved through policy instruments such as Scottish Planning Policy but would require a provision in a statute.

- **What is its answer to SNH's response to the Environmental Statement relating to SPP's Draft that: “The Geological Conservation Review identified sites of national (Great Britain) and international importance. Many of these nationally and internationally important sites have not been formally designated as SSSIs and therefore remain without any recognised form of protection. If these sites are not accorded appropriate recognition, then it is incorrect to say that it is unlikely there will be nationally significant effects. It isn't clear what is meant by "given the long term nature of geological evolution it is not expected that any changes to the SPP are likely to generate many nationally significant effects on this aspect of our environment." Many geological features are irreplaceable if damaged by planning related activities.”**

It is the statutory duty of SNH to notify as a SSSI land that it considers to be of special interest by reason of any of its natural features – that is any of its flora, fauna or geological or geomorphological features.

To date in Scotland from the current list of Geological Conservation Review (GCR) sites, 607 have been notified, 17 are partly notified and 257 have not been notified. SNH's current approach is to notify new SSSIs to underpin international designations and where a natural feature of national importance is under immediate threat of damage or destruction. Additionally, through the programme of reviewing SSSI documentation, SNH is adding GCR sites which lie within existing SSSIs (about 60 in total) as notified features of relevant SSSIs. Where only part(s) of a GCR site lie within an SSSI, these parts may also added to the list of natural features for that site. Planning authorities may also identify GCR sites as local nature conservation sites. The final SPP will confirm the factors (including geodiversity value) which planning authorities should take into account when identifying such local sites.

The Joint Nature Conservation Committee (JNCC) and country agencies are currently embarking on a review of the SSSI selection guidelines. These guidelines, adopted by Scottish Ministers under section 54 of the Nature Conservation (Scotland) Act 2004 provide the agreed criteria for the selection of SSSIs and their natural features. The timescale for this review will be established in December 2009. SNH may require to review its current policy on SSSI notifications following this review and adoption by Scottish Ministers of the amended guidelines.

All responses received to the SPP Environmental Report and its Annex, including the response of SNH of which part is quoted above, are being considered and will inform the finalisation of the SPP. An SEA Statement is required by the Environmental Assessment (Scotland) Act 2005 to explain how the findings of the assessment and consultation responses to the Environmental Report have been taken into account in finalising the SPP. The SEA Statement will be produced as soon as reasonably practicable following the adoption of the finalised SPP.
• Will it incorporate geodiversity in the planning system? If not why not?

The concept of geodiversity is incorporated into Scottish Planning Policy currently. This will be continued in the consolidated SPP, which is currently being finalised. Geodiversity will be given explicit expression in policy on local designations in the consolidated SPP. Policy on national designations, also ensures adequate protection for the geodiversity interests which exist in many SSSIs. Policy on Landscape and Natural Heritage is informed by the natural processes and ecosystems services which are essential to our well-being and of which geodiversity is a key part.

• Will it make a local geodiversity action plan process mandatory?

We will consider this matter further once we have received advice from officials on the conclusions of the SNH and BGS report. As you may know a pilot geodiversity audit and action plan were prepared for West Lothian Council by the British Geological Survey in partnership with other bodies including RIGS Groups and SNH. This has potential to be a model for other authorities, and both the Cairngorms and the Loch Lomond and the Trossachs National Parks have preparation of geodiversity audits and action plans in their Park Plans.

• What are the risks associated with not incorporating geodiversity in the planning system?

Again, we will consider this matter further once we have received advice from officials on the conclusions of the SNH and BGS report. There are, however, currently a number of actions being undertaken by SNH to raise awareness of geodiversity amongst planners, including guidance on geodiversity and soils.

I trust that the Committee will find the information given in these answers helpful in considering the petition.

[Signature]

STEWART STEVENSON