PE 1277: Calling on the Scottish Parliament to urge the Scottish Government through Scottish Planning Policies and Planning Advice Notes to establish a geodiversity duty which integrates all necessary local and national structures for the efficient collection, analysis and sharing of geodiversity data to inform better decision making processes.

I would like to thank the Petition Committee for their consideration of our petition. On behalf of GeoConservationUK and GeoConservation Scotland, we would wish to make the following brief comments in reply to the letter from Mr Bob McNeill (Rural and Environment Directorate, Natural Resources Division). Question 3 contains the key issue based upon the wording of our petition so is dealt with first.

**Question 3. Do you agree with the benefits of having a geodiversity duty as identified by Scottish Natural Heritage (PE1277/C) and how are these benefits being realised?**

‘In their letter to the Committee dated 27 November 2009 SNH identify the benefits of a geodiversity duty which would help bridge the gap between the current focus on statutory protected sites and Scotland’s wider geodiversity, as well as providing more effective linkages with the 5 Strategic Objectives of the Scottish Government. It would place a duty on all local authorities, agencies and other public bodies to further the conservation and enhancement of geodiversity and to recognise its wider economic, social, cultural and environmental values. It would thus underpin a Scottish Geodiversity Framework that would sit within the developing UK Geodiversity Action plan (UKGAP).

However, the joint study states that a geodiversity duty should not be regarded as essential to the development and implementation of a geodiversity framework (see at section 7.3.1 of the report). Clearly this is an issue which requires further discussions with both SNH and BGS and we hope that this will form part of the discussions we plan to have with them.’

**Our reply** is firstly a reminder of statements in key Scottish documents on Biodiversity and Archaeology:

‘The Nature Conservation (Scotland) Act 2004 gives all public bodies a duty to further the conservation of biodiversity. The Act came into force on the 29 November 2004. Whether you are a local authority, health board, agency or any other public body, involved in health, arts, tourism, sport, education or business development there is a role you can play to support biodiversity from simple direct actions to educating others and raising awareness.’

(Scottish National Planning Framework 2009)’ Archaeological sites and monuments are an important, finite and non-renewable resource and should be protected and preserved in situ wherever feasible. The presence and potential presence of archaeological assets should be considered by planning authorities when allocating sites in the development plan and when making decisions on planning applications. Where preservation in-situ is not possible planning authorities should, through the use of conditions or a legal agreement, ensure that developers undertake appropriate excavation, recording, analysis, publication and archiving before and/or during development. If archaeological discoveries are made during any development, a professional archaeologist should be given access to inspect and record them’.

It will be no surprise therefore that we are extremely disappointed that ‘further discussions with both SNH and BGS’ is, or appears to be the outcome of our petition and also the separate exercises of the SNH/BGS Commissioned Report No 417 to which Mr McNeill refers and other related ones (373, 416, 420). Most of us should be only too well aware of the value to Scotland’s Economy of geodiversity measured in £billions (minerals, hydrocarbons, coal, hydroelectric and other renewable power, tourism etc). We suppose this value is the subject of a Strategic assessment of the value and state of Scotland’s geodiversity: an assessment of potential approaches to the economic and social evaluation of geodiversity’ in the as yet unpublished SNH Commissioned Report 420.

The report’s comments are in contrast to the Scottish Government’s 5 Strategic Objectives, which state that ‘Scottish geodiversity will add value to the Scottish economy and provide a healthy environment for future generations to enjoy’. It will be no surprise therefore that we are extremely disappointed that ‘further discussions with both SNH and BGS’ is, or appears to be the outcome of our petition and also the separate exercises of the SNH/BGS Commissioned Report No 417 to which Mr McNeill refers and other related ones (373, 416, 420). Most of us should be only too well aware of the value to Scotland’s Economy of geodiversity measured in £billions (minerals, hydrocarbons, coal, hydroelectric and other renewable power, tourism etc). We suppose this value is the subject of a Strategic assessment of the value and state of Scotland’s geodiversity: an assessment of potential approaches to the economic and social evaluation of geodiversity’ in the as yet unpublished SNH Commissioned Report 420.

The lack of a duty especially in very difficult economic times means that Scottish geodiversity will / may not receive adequate conservation and access to any relevant funding for such work from sources that might still be available. The former Aggregates Levy Fund effectively bypassed support for geodiversity in Scotland, and yet the Welsh Assembly funded all of Wales’ Local Geodiversity Site Audits, and this happened widely also across England along with Geodiversity Action Plans and many ‘on the ground’ projects. Report 417 seems to be in favour of and in praise of geodiversity audits and action plans and integrating LGAPs and LBAPs - so why the negative outcome, especially as Scotland has so few audits and LGAPs for geodiversity? Such matters are surely highly relevant to any Annual Scottish State of the Environment Report.

We note that a Geodiversity Duty is recommended on p. 92 of Report 417 (PDF p. 103), but with the caveat “Although non-statutory”. We draw the Petitions Committee attention to the fact that this caveat is neither explained nor justified anywhere in the report and basically remains so notwithstanding Mr McNeill’s comments. The report's comment that the duty is not essential to the Framework is not actually that relevant. It may be true, but the crucial point is the extent to which the duty could help ensure geodiversity actions are actually put into
practice. The report fails to look into this. Indeed it is amazing that the duty forms so little of the report content.

We quote from SNH Commissioned Report No 416 (Strategic Assessment of the value and state of Scotland’s geodiversity: Links with the current policy framework): ‘In view of the serious gaps in the current policy framework and an absence of references to geodiversity in high-level policy documents, as well as in development planning policies, suites of model geodiversity objectives and policies are presented as a practical ‘toolbox’ to provide examples that can be used directly or adapted by those drafting new development plan policies. These include model objectives and illustrative policies for mitigating pressures and threats to geodiversity and also for integrating geodiversity more widely into existing policies for areas such as sustainable economic development, educational resources, safer and stronger communities, climate change, health, landscape and the historic and built environment’. Why are these not included and properly cross referenced in Report 417 and commented upon by Mr McNeil?

We would also be pleased to see geodiversity linked more clearly into the ecosystems services approach now being developed in the Biodiversity Sector.

**Question 1** What detailed actions will you take, once the joint study by British Geological Survey and Scottish National Heritage to establish the evidence base for a geodiversity framework for Scotland is completed, that will directly address all the issues raised in the petition?

‘This is a comprehensive report which assesses the value and status of geodiversity in Scotland and develops a case for a national strategic framework to enable better recognition of geodiversity within relevant policy areas. It identifies research needs and evidence gaps and recommends development of a framework for geodiversity, using the study’s outline framework proposals as a starting point, through the mechanism of a “Scottish Geodiversity Forum” or Working Group who would also be tasked with preparing an implementation plan, targets and actions.

I have circulated the joint study widely in the Scottish Government for comment as its proposals impact on many policy areas. Once we have considered the study’s recommendations we plan to meet with its authors’ and others to discuss these and the issues raised in the petition. The creation of a Forum or Working Group would of course have resource implications as would the delivery of any actions arising from its proposals.’

**Our reply** is we agree that this is a generally comprehensive report and is very much to be welcomed as the basis for the Geodiversity Framework including for the marine environment. It should not be a stalling device to establishing the geodiversity duty now.

GeoConservation Scotland, currently an informal association, is involved in formally setting up the Scottish Geodiversity Partnership (i.e. the Forum of Mr McNeill’s reply) that will adopt its constitution and have its first elections in March. This new body will hopefully have a much wider membership than our current assembly of Scottish local geoconservation groups and the Scottish Geoparks. This will have resource implications if it is to be successful. This is another reason for a duty to be in place (suitable minimal editing of the biodiversity statement given above would be a basis). Could it not be included even at this late hour in the Wildlife and Natural Environment Bill now through Stage 2 in Parliament?

**Question 2. Will you act upon the recommendation made in the British Geological Survey’s submission (PE1277/D) that “all Scottish site investigation records should be legally required to be deposited with the BGS to ensure their preservation for the long-term public good, as currently happens in Northern Ireland”. If not, why not………..**

**Our reply** is that although this issue is not raised as part of the petition but as part of the reports, we are of the opinion that primary legislation is desirable but good practice guidance or Planning Advice Note in the interim might work. We suggest that as well as collecting expensive and invaluable borehole data; the acquisition to national collections of 2D/3D geophysical data should be included (where not covered by existing statutory arrangements). For instance, laser techniques are just being developed to look at the earth’s structure (producing a record rather like that of drilling a borehole) to great depths below ground. Dudley Metropolitan Borough have adopted good practice guidance on geodiversity and GeoConservationUK received permission to turn their document into a general draft available on our GCUK website for several years (2006). This, along with the Scottish Biodiversity Forum’s Sector Guidance Note on Geodiversity were provided to the authors by ourselves but were apparently ignored.

Concluding, we would prefer you continue to take forward the petition,

Yours sincerely,

Mike Browne 25th March 2011Chair, GeoConservationUK