



The Scottish Government
Rural Development Contracts - Rural Priorities



Scotland Rural Development Programme (SRDP)

Rural Development Contracts Rural Priorities (RDC-RP)

Guidance on the Use of Regional Priority 9 for Management of SSSI and Natura Features

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Version control

Author	Version	Date	Reason
Tracey Robinson (SNH) and Liz McTeague (SNH)	0.1	23 December 2008	draft prior to sign off
Tracey Robinson (SNH) and Liz McTeague (SNH)	1.0	12 January 2009	Final version, endorsed by Ron Macdonald (SNH) and Jenny Johnson (SNH/guidance owner) without any changes. Also by Yvonne Summers
Tracey Robinson (SNH) and Liz McTeague (SNH)	1.1	2 July 2009	Information added on how to deal with inappropriate use of Regional Priorities 8 and 9 based on discussion with the SNH RDC Implementation Group. Guidance signed off by Ron Macdonald 2 July 2009

Guidance on the Use of Regional Priority 9 for Management for SSSI and Natura features

1. What is the scope of Regional Priority 9?

The wording used for Regional Priority 9 varies slightly between the RPAC Regions, but includes the following elements:

The special features on Scotland's nationally important nature sites (SSSIs, SACs, SPAs and Ramsar sites) being in 'favourable condition' (95% by 2010). Particularly:

- *action which will help to bring special features on nationally important nature sites (SSSIs, SACs, SPAs and Ramsar sites) into favourable condition or maintain them in favourable condition*
- *collaborative proposals [e.g. across deer ranges or to address pollution issues within water catchments] to help special features on nationally important nature sites to maintain or reach favourable condition. Including action outwith the sites which is necessary to ensure special features within sites are maintained or move towards favourable condition.*

2. Guidelines on use of Regional Priority 9

- Regional Priority 9 must be selected for *on-site* management which addresses the needs of the features for which an SSSI or Natura* site is designated, i.e. management which is expected to bring these features into favourable condition or maintain them in favourable condition.

**a Natura site means a Special Area of Conservation (SAC) or a Special Protection Area (SPA)*

- Management which is *adjacent* to an SSSI/Natura site and aimed specifically at addressing the qualifying features should also normally come under Regional Priority 9. This will be less common than on-site management.
Examples: Preventing run-off from fields into a freshwater site; management of a deer population within and adjacent to an SSSI.
- Exceptional cases may arise, where the approach above does not seem to fit. Where there is uncertainty, please seek advice from Scottish Natural Heritage (SNH).
- Regional Priority 9 does not apply to works which happen to overlap an SSSI or Natura site but which are not about managing the special features for example a footpath through an SSSI. Such cases are likely to be fairly rare.
- Ideally, applicants or their agents planning management on SSSIs or Natura sites will contact SNH before submitting their Statement of Intent (Sol) and can be reminded about use of Regional Priority 9. However, if an applicant has inadvertently selected another Regional Priority (e.g. Regional Priority 8: biodiversity) at Sol stage, the Sol feedback should advise them to use Regional Priority 9 in their Proposal for the relevant Options.

3. Assessment and Scoring of Proposals involving Regional Priority 9

- SSSIs don't exist in isolation and a holistic approach is clearly desirable. Where a Proposal includes wider countryside works under Regional Priority 8 along with SSSI works under Regional Priority 9, if these are complementary then this should be recognised in the assessment.
- If the proposed works are adequately addressing the needs of the special features then they should normally achieve a good score; they should meet the Quality, Quantity and National Targets criteria and thus score 10 points for Group 1 alone. This should apply even in cases where the proposed works are necessarily small scale (e.g. where only a small portion of a site is managed by the applicant, and/or the features only require one or two options). In the unlikely event that cases arise which are adequately addressing feature needs but which score below the cut-off, then they can be considered individually by the RPAC.

4. What to do if (i) management of SSSI/Natura features has *not* been put under Regional Priority 9 or (ii) wider countryside management has been included under Regional Priority 9

4.1 Statement of Intent stage

If action to address SSSI/Natura features appears under another Regional Priority or if wider countryside management appears under Regional Priority 9 then one of the following scenarios will apply:

- a. The Case Officer (CO) considers that the Sol merits an amber rating as it is satisfactory apart from the question of Regional Priority selection. The CO awards amber but points out that in their submitted Proposal the applicant will need to separate out the management under the appropriate Regional Priorities or face the consequences of not doing so.

Suggested wording for Sol response when the Sol contains wider countryside management under Regional Priority 9:

You have been awarded an amber rating. However, please ensure when submitting your Proposal that only works addressing the special features of SSSIs and Natura sites are entered under Regional Priority 9. Failure to follow this advice could mean that your Proposal is rejected at stage 2 assessment. If you are uncertain about the use of Regional Priorities please get in touch for further advice.

Suggested wording for Sol response when the Sol contains designated site management under Regional Priority 8 or another Regional Priority:

You have been awarded an amber rating. However, you will need to ensure when submitting your Proposal that all works addressing the special features of SSSIs and Natura sites are entered under Regional Priority 9. Failure to follow this advice could mean that your Proposal is rejected at stage 2 assessment. If you are uncertain about the use of Regional Priorities please get in touch for further advice.

- b. The CO considers that the project merits a red rating (regardless of the selection of Regional Priorities) because the quality of the Sol is insufficient. The CO awards a red

rating and notes in their response that if the applicant submits a new amended Sol they will need to separate out the management under the appropriate Regional Priorities.

4.2 Submitted Proposal

If action to address SSSI/Natura features appears under Regional Priority 8 or if wider countryside management appears under Regional Priority 9 (where this is not related to the management of a notified feature), then the CO should return the case to the applicant stating that they will need to separate out the management under the appropriate Regional Priorities. The stage 1 assessment criteria can be cited by the CO (see Annex 1).

The applicant must be made aware of the consequences of not putting the management under the appropriate regional priorities. This should be recorded in the blue physical case file and also in the case notepad.

Suggested wording for Sol response when the submitted Proposal contains wider countryside management under Regional Priority 9:

Please ensure before committing your Proposal that only works addressing the special features of SSSIs and Natura sites are entered under Regional Priority 9. Failure to follow this advice will mean that your Proposal will be rejected at stage 2 assessment.

Suggested wording for Sol response when the submitted Proposal contains designated site management under Regional Priority 8 or another regional priority:

Please ensure before committing your Proposal that all works addressing the special features of SSSIs and Natura sites are entered under Regional Priority 9. Failure to follow this advice will mean that your Proposal will be rejected at stage 2 assessment.

4.3 Committed Proposal

Cases where the applicant has ignored Case Officer advice given at Sol or Proposal submitted stage and has committed the Proposal with inappropriate use of Regional Priority 8 or 9

Consequences of inappropriate use of Regional Priority 8

If a committed Proposal has the management of SSSI/Natura features under Regional Priority 8 then the Case Officer will give a “Low” score for the criterion “contributing to a national target” as it is not under Regional Priority 9.

Consequences of inappropriate use of Regional Priority 9

If the Case Officer receives a committed Proposal where works not related to designated feature management are included under Regional Priority 9 then they can reject the case at Stage 2 assessment (see Annex 1 below) as the management proposed does not fit with the regional priority selected and the application is thus ineligible. The RPAC will need to confirm this assessment at the next RPAC assessment round.

Notes:

a) These proposed sanctions are intended for cases where an applicant has ignored advice on the appropriate selection of Regional Priorities.

There will always be a few exceptional cases involving grey areas where the CO would not wish to use the approach outlined above. However, the sanctions are intended for cases where an applicant is combining designated site and wider countryside works into one Regional Priority in order to artificially improve the chances of getting the latter approved.

b) Some applicants have concerns that COs may not take a holistic view when assessing a Proposal that includes both Regional Priority 8 and Regional Priority 9. However the staff guidance on Regional Priority 9 says “SSSIs don’t exist in isolation and a holistic approach is clearly desirable. Where a Proposal includes wider countryside works under Regional Priority 8 along with SSSI works under Regional Priority 9, if these are complementary then this should be recognised in the assessment.”

ANNEX 1

Stage 1 assessment of submitted Proposals includes the following:

“Checking the fit with Regional Priorities: The Options, Packages and regional priorities you have selected are correctly aligned.”

Link to Stage 1 assessment guidance:

<http://www.scotland.gov.uk/Topics/Rural/SRDP/RuralPriorities/HowItWorks/Assessment/AssessSubmittedProposal>

Stage 2 assessment of committed Proposals includes the following:

“Once you have 'committed' your Proposal..... The Case Officer will repeat the checks they made at Stage 1 to ensure any issues previously raised have been addressed. They will consider all the information supplied, including outcome plans, consents, approvals and specialist advice together with any comments from public body advisors and/or formal and public consultation exercises.”

Fit with Regional Priorities

The Case Officer will carry out a final check that the work you are proposing to do will adequately address each of the Regional Priorities you have selected.”

Cases which fail Stage 2 assessment are not taken forward to Stage 3 (full assessment and scoring) but are referred to RPAC as having failed Stage 2.

Link to stage 2 assessment guidance

<http://www.scotland.gov.uk/Topics/Rural/SRDP/RuralPriorities/HowItWorks/Assessment/AssessCommittedProposal>

ANNEX 2 - Stage 2 Assessment Screen

SIACS II web

BRN: 144010 Current MFC: 582/6002

Business Name: Scotch Premier Meat

Case Number	Case Title	Case Status
20038957	Copy Case 3694723	Proposal At Case Officer Assessment

Case Officer Comments

enter text to support what you have done during the Stage 2 Assessment

Chars Left: 1930

Refresh

Assessment Of Proposal And Outcome Plan

Proposal fits with regional priorities? Yes No Record Outcome Plan Claim

Outcome plan is fit for purpose? Yes No

Waiting for further detail from applicant? Yes No

Reasons

enter a reason why and what details you are waiting for

Chars Left: 445

Refresh

Stage 2 assessment complete? Yes No Proceed To Stage 3 Scoring

Print Report