

| Section                             | Comment Summary  | Received From       | PKC Officer Response   | Change to be Made to Guidance   |
|-------------------------------------|--|---------------------|--|---|
| <b>PLANNING FOR NATURE GUIDANCE</b> |  |                     |  |   |
| <b>GENERAL</b>                      |  |                     |  |   |
|                                     | Welcomes the guidance  | Public              | Noted  | No change required  |
|                                     | Welcomes guidance especially when focus is on climate emergency; appreciates consolidation of guidance and legislation in one document as guide for developers and decision makers | Public              | Noted  | No change required  |
|                                     | Provide a landscape plan template to meet SEPA/NatureScot requirements   | Public              | A useful suggestion. :Landscaping goes beyond biodiversity and is largely addressed through the open space guidance. A template or more detailed guidance will be considered through development of the open space SG.   | No change required  |
|                                     | Objects to Building on flood plains and agricultural land, new building rather than using existing stock, objects to cycle paths in countryside                                    | Scotia Cabins       | Comments are relevant to the Local Development Plan rather than this guidance.   | No change required  |
|                                     | Habitats are being destroyed for perceived gains in environment arguments  | Scotia Cabins       | Operation of guidance will provide greater transparency of gains v losses  | No change required  |
|                                     | Recommend greater inclusion of impact on insects e.g. floodlighting and removal of vegetation  | Public              | With the exception of protected species guidance does not provide specific guidance on species, with consideration for wider biodiversity set out in principle throughout the report. However it is recognised that impacts on insects is seldom addressed and the guidance has been reviewed to incorporate invertebrates | Insect consideration introduced into s 5 and annex 4. Priority species and habitats also added in section 3 and associated table. |
|                                     | Guidance repeats what is already in legislation, test will be in application by decision makers  | Public              | Noted. Summarising requirements in one place is intended to promote improvement in practice  | No changes required   |
|                                     | Concern about assessment and enforcement of CTRL   | Public              | Outwith scope of this guidance   | No change required  |
|                                     | Council not competent to issue guidance  | Public              | No change requested  | No change required  |
|                                     | Ideas already covered by legislation; but requires PKC to insist on rules; green space is often unusable, SUDS and greenspace  | Scone & District CC | Guidance is intended to consolidate existing guidance to promote best practice amongst officers and developers. In recent Open Space guidance unincorporated SUDS do not count towards open space contribution.  | No change required  |

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|         | Support guidance as disappointed with past practice in Blairgowrie including development related loss of woodland, loss of connectivity with impacts on bats, red squirrels and moths. Concern about clearance of sites before planning permission granted | Blairgowrie Civic Trust | Guidance has been reviewed to ensure references to connectivity are clear. Scottish Forestry has powers to prevent or prosecute felling where there is no permission in place.   | Maintaining connectivity is already noted in several places. Additional references added in 5.1.1,5.1.2 and annex 4<br><br>No change required. |
|         | A good start, hope this makes a change. What was in place before?  | Public                  | Support welcome. Requirements have been in place in policy and associated legislation previously. The guidance is to promote best practice in an accessible document.  | No changes required.   |
|         | Welcome guidance and request information on promotion, dissemination and monitoring  | NatureScot              | To be discussed with NatureScot. Internal promotion will be carried out through workshops. A communication plan for external promotion is being developed. No change to guidance requested   | No change required.  |
|         | Reference should be made to biodiversity and climate crises and further reference within text.   | NatureScot              | Agreed. Text has been reviewed for opportunities to highlight these.   | Language in 1.1 strengthened   |
|         | Consider division of policy 41 across document is confusing. Recommend setting out in introduction and referring back in rest of document  | NatureScot              | Split is designed to highlight the part of the policy that the section is meeting. Reviewed and considered best to retain current format to avoid repetition and danger of summarising.  | No change required   |
|         | Guidance should place greater emphasis on Blue Green Infrastructure and nature based solutions. Relationship between guidance and GI guidance should be set out i.e. should be read together to deliver multiple benefits of multifunctional B/GI          | NatureScot              | Agreed. Document reviewed for opportunities to emphasise and link.   | Green infrastructure and nature based solutions emphasised in sections 1.3, 4.2 5  |
|         | Planning should be key in protecting wildlife.   | Public                  | Noted and the intention is to improve practice through the application of this guidance  | No change required   |
|         | Welcome guidance. Concern that conditions not carried into full approval or trees cleared before application made.   | Public                  | Noted. Guidance is intended to make requirements clearer to decision makers and developers. Officers have no power to prevent felling before an application is made unless the tree is protected by condition, TPO or in a conservation area. Scottish Forestry has powers to prevent or prosecute significant tree felling. | No change required   |

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|         | Guidance aimed at site impacts but not broader impacts from site such as water runoff  | Public                                | Water runoff is generally dealt with through flooding policies and guidance. Wider impacts of site activities are addressed in survey / assessment guidance but further consideration could be added   | Reference to impacts outside the site added to section 4, 4.1 and 4.4 |
|         | Require that policy 41 is required to be considered for development under P 19 Housing in the Countryside  | Public                                | Policy 41 applies to all policies. There is a specific reference to biodiversity as a requirement for all proposals in the Housing in the Countryside supplementary guidance. Concerns passed to officer responsible for policy 19 to consider for the next LDP. | No change required.   |
|         | Guidance welcome. Concerns about how well developers will adhere   | Public                                | Noted. The guidance is intended to provide clarity for developers to promote adherence   | No change required.   |
|         | Little impact unless applies to farming. Concern about impacts of farming on many aspects of nature.   | Public                                | As respondent points out, little control through planning over agriculture.  | No change required.   |
|         | Why are 2m high solid fences being allowed?  | Public                                | The guidance requires hedgehog highways in all fences, this will also benefit amphibians and small mammals   | No change required  |
|         | Concern re lack of staff to enforce, fewer rangers and environmental staff. No tree officers or in house tree experts.   | Public                                | Funding for environmental staff is outside the scope of this guidance. Note that dedicated tree officers in planning, enforcement and community greenspace   | No change required  |
|         | Excellent document but concerns about past practice. Hope all officers and developers are familiar with it   | Kinross-shire Civic Trust             | Noted. Once adopted guidance will be promoted both within the Council and externally   | No change required.   |
|         | Applications should not be validated until required surveys e.g. tree surveys are provided. Concern that often provided at end of or after public consultation period. | Kinross-shire Civic Trust             | The regulations for validation define what can prevent a proposal being validated. Tree or ecology surveys are not covered by the regulations. There is an option to readvertise if in the officer's opinion new issues arise out of an updated survey.          | No change required.   |
|         | Guidance needs to be compatible with New Natural Environment Bill and others coming forward  | Braes of the Carse Conservation Group | Noted. Guidance is up to date with current legislation and policy but will need to be revised in future, particularly once NPF4 is reviewed and adopted.   | No change required.   |

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|                           | Orchards are mentioned a few times but not historic orchards which have highest biodiversity including insects and lichen  | Braes of the Carse Conservation Group | Agreed. Guidance reviewed to incorporate issue. Historic orchards already noted in section on policy 40.  | Importance of historic orchards for biodiversity noted in annex 4.  |
|                           | A glossary of technical terms would be helpful   | Public                                | Most of the terms are explained within the text, however it is agreed this will be useful as a quick reference.   | Glossary added.   |
|                           | We also support the requirement for guidance for developers to consider, implement and deliver measurable biodiversity net gain at an early stage of project development                         | SSEN                                  | Noted. Net gain is encouraged in the guidance in accordance with existing policy. Currently no requirement for measurable net gain in Scotland.   | No change required.   |
|                           | Request reference to Ground Water Dependent Terrestrial Ecosystem  | SEPA                                  | Review guidance re survey and avoidance requirements  | Additional section added for priority species and habitats including protected habitats and added to table in the same section. Note added to wind farm section |
|                           | Guidance is only paper exercise unless enforced  | Scone & District CC                   | Noted   | No change required  |
|                           | Document is inspiring and hopeful  | Public                                | Noted   | No change required  |
|                           | Concern about previous loss of wildlife areas including red squirrel crossings and lepidoptera; concern with clearing site before planning permission secured – need to take a stricter approach | Blaigowrie Civic Trust                | Concerns noted and will be highlighted to committee. Comments are however outwith the scope of this guidance.   | No change required.   |
|                           | Welcome document but not strong enough. Introduction too woolly. Language needs to be punchy. Biodiversity should be policy 1  | Public                                | Noted. This accords with NatureScots comments re the biodiversity crises.   | Language in 1.1 strengthened  |
| <b>1 INTRODUCTION</b>     |  |                                       |   |   |
| <b>1.1 Background</b>     |  |                                       |   |   |
|                           | LPA's should insist not ask for biodiversity to be considered in planning applications   | Public                                | Agree that wording could be strengthened  | Wording change to "require" planning applications to show that biodiversity has been considered   |
| <b>1.3 Policy Context</b> |  |                                       |   |   |
|                           | b) No clarity on ecosystem and natural meanings in PKC. What is difference between ecosystems and natural processes? Why capital N in natural?   | Public                                | Sentence is in policy 41 and cannot be changed. Ecosystems and natural processes overlap but should be taken as defined. The guidance throughout promotes this approach. "[N]atural" is a typo. | Typo corrected.   |

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| <b>2 PROTECTED AREAS</b>                    |   |                     |  |   |
|   | Concern that avoidance should be first step, not mitigation. Council not competent to make decisions.   | Public              | Tests in policy reflect national legislation but avoidance could be emphasised in introductory text. Council has a qualified ecologist to advise on practice, NatureScot advises on developments affecting a national designation. | Sentence emphasising avoidance in section 2 introduction.                                       |
|   | Request for Wild Land Areas to be included  | Public              | WLAs are a landscape designation, refer Landscape SG   | No change required.   |
|   | HRA section should refer to European Sites section in policy 41.  | NatureScot          | European Sites are covered by Policy 38 as set out in the beginning of the section. Reference could be made to the policy in this box.   | "per policy 38A" added to HRA section.  |
|   | Requests further reference to NatureScot guidance in the text   | NatureScot          | Guidance reviewed for additional opportunities to reference NatureScot guidance.   | Additional references to NatureScot guidance added to protected species and licensing sections. |
|   | No development should be permitted in designated areas  | Scone & District CC | Tests in policy reflect national legislation.  | No change required.   |
|   | Map is not very clear due to background colours   | Public              | Agreed map could be clearer due to underlying map  | Map replaced with a different background  |
| <b>2.2 National Sites</b>                   |   |                     |  |   |
|   | Who decides social environmental or economic benefit of national importance   | Public              | Test is set in LDP policy and national legislation and cannot be changed here. Final decision is made by the relevant decision maker.  | No change required.   |
|   | Geological Conservation Review Sites should be mentioned  | Public              | Reference already in local sites. Agree GCRs should be noted in 2.2 as well. Note that all GCRs within the Planning Authority area not already designated will be assessed for adoption as local nature conservation sites         | Note re GCRs added to section 2.2   |
| <b>3 PROTECTED SPECIES</b>                  |   |                     |  |   |
|   | Breeding Birds  |                     |  |   |
|   | Support retention/replacement of nests as close to original location as possible, but would welcome further consideration of high risk environments | SSEN                | High risk environments such as substations would come within the definition of "not possible"  | No change required  |
| <b>4 SURVEYS AND IMPACT ASSESSMENTS</b>     |   |                     |  |   |
| <b>4.1 Preliminary Ecological Appraisal</b> |   |                     |  |   |

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|  | Support PEA but consider that in some cases with limited site specific issues, a comprehensive PEA could be disproportionate and should be limited to significant impacts. | SSEN                                  | A PEA by its nature is expected to be proportionate to the site and application. What impacts are significant will depend on the PEA.  | No change required.   |
|  | Emphasis on qualified ecologists reasonable but essential that qualified ecologist available to assess due to concern with EIAs.   | Braes of the Carse Conservation Group | Council has in experienced and qualified in house ecologist.   | No change required.   |
|  | Concerned that EIA and surveys are not just tick boxes; pleased about emphasis of correct time of year for surveys   | Public                                | Noted. Aim of guidance is to promote best practice   | No change required  |
| <b>4.2 Ecological Impact Assessment</b>    |  |                                       |  |   |
|  | CIEEM allows reports to be tailored to specific species. Broad EclA may not be required. Note UKHAB should be noted as alternative to Ph1                                  | SSEN                                  | Guidance already states that extent and scope of the EclA will be proportionate and depend on the site. No reference to phase 1 is made but reference to CIEEM guidelines which include UKHAB. | Reference to UKHAB added to ecological survey table.                |
| <b>4.4 Survey Best Practice</b>            |  |                                       |  |   |
|  | Some confusion between surveys and assessment  | NatureScot                            | Agreed this could be clearer.  | Heading changed and bullet points reordered / reworded to be clear. |
|  | Change 18 month survey requirement to 24 month to fit with new NatureScot practice   | PKC Biodiversity Officer              | Agreed, to amend per request – clear that is age of survey not report.   | Amended per comment; and in annex 4.                                |
| <b>4.4.1 Appropriate Timing of Surveys</b> |  |                                       |  |   |
|  | Very good but needs to be enforced   | Braes of the Carse Conservation Group | Guidance is intended to promote adherence  | No change required  |
| <b>Bat Note</b>                            |  |                                       |  |   |
|  | Remove requirement for bat housing as bats are a health risk and protected species requirement was in European legislation   | Public                                | No proven health risk is associated with bats in roof or bat boxes as there is no direct contact. Protection for these species is in domestic law.   | No change required  |
|  | Include reference to safe locations for bat roosts.  | SSEN                                  | Requirement is that location is set by ecologist.  | No change required.   |
| <b>5 GOOD DESIGN AND MITIGATION</b>        |  |                                       |  |   |
|  | Best practice examples should be detailed throughout guidance. On-site opportunities design could be overwhelming as does not describe measures.                           | NatureScot                            | Best practice principles are set out throughout the guidance. Detailed best practice measures are not the purpose of the guidance but referred to in links.                                    | No change required.   |

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|                                 | Best practice example reference to retaining trees and avoiding loss of TPO trees should refer to control of woodland removal policy, loss of woodland etc  | NatureScot                            | This is an example rather than policy which may need to be made clearer. CWRP is covered in the Trees and Woodland section.  | Title of page edited to emphasise that this is an example.   |
|                                 | “retain marshy ground”. Any improvements must be subject to detailed survey   | Braes of the Carse Conservation Group | Noted. This is an example of what could be done. Requirements for surveys is clear in previous chapter   | No change required.  |
|                                 | Surface water measures not just about ponds and raingardens   | SEPA                                  | Agreed. This is just an example, the introduction makes clear other measures are available, but could be appended “raingardens, swales, green walls and roofs reduce water...” .   | Amended as per comments.   |
| <b>5.1 Mitigation Hierarchy</b> |   |                                       |  |  |
| 5.1.2 Mitigate                  |   |                                       |  |  |
|                                 | Hedgehog cutout should be standard to allow hedgehogs to move across roads, and wildlife highways, should be standard   | Public                                | Introduction of features to retain connectivity is required by the checklist at the end of the document. Scale of the intervention is necessarily proportionate to the impact of the proposal. Hedgehog highways as a standard requirement are introduced by the guidance. | No change required.  |
|                                 | Pleased with hedgehog highways but concerns that walls will be a barrier  | Kinross-shire Civic Trust             | Fences are the main issue but agree walls will also be a barrier and new walls should incorporate hedgehog/amphibian passage.  | Walls added to requirement for hedgehog passage.   |
|                                 | Unaware that mitigation can be demonstrated e.g. return of relocated lizards  | Braes of the Carse Conservation Group | Noted. Translocation of species or habitat already noted to be only where loss is acceptable.  | addition of “unlikely to be considered as mitigation”  |
|                                 | Concern that mitigation and compensation are not defined, these are often indistinguishable in practice.  | Public                                | Distinction should be clear for adherence to mitigation hierarchy; other options for “mitigate” such as “reduce impact” may better.  | “reduce impacts” added to first sentence of mitigation paragraph and compensation defined in first sentence of that paragraph. |
| 5.1.3 Compensate                |   |                                       |  |  |
|                                 | Biodiversity Net Gain principles, mentioned for first time on page 20. BNG principles apply throughout project lifecycle. Should be addressed though sections 4 and 5, 6 and 8 from site assessment to monitoring | WSP                                   | Recognised that BNG principles are best practice but this is not currently expressly required by policy so cannot be required here but can be recommended. An update of the guidance will be required following finalisation   | Applicants encouraged to utilise BNG principles in introduction to mitigation section.   |

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|               |  |                                       | of NPF4. Guidance reviewed for opportunities to note BNG principles earlier in process  |   |
|               | Compensation planting should not automatically be incorporated with recreation areas e.g. dogs disturbing badgers, using hawthorn etc to deter people from disturbing  | Scottish Badgers                      | Planting is appropriate for recreational areas, but existing wildlife and new wildlife should be safeguarded from recreational impacts.   | Addition made to enhancement and mitigation checklist to ensure recreational impacts are mitigated  |
|               | Concern re “unavoidable acceptable loss of a section of woodland could be compensated...” as woodland cannot be replaced due to ground flora and microflora ecosystem. Local source for planting should be used e.g. using ash seed collected on site for woodland.  | Braes of the Carse Conservation Group | Compensation is clearly noted as “ <i>only</i> acceptable and unavoidable tree loss can be compensated” . Points about why this is so are valid.  | Additional comments about ground flora and local sources (as far as possible) added to box about trees and woodland policy.                       |
|               | Use of Biodiversity Net Gain metrics must be approached with caution and reviewed by experienced expert as simple changes can make big difference, and not suitable for all environments   | Braes of the Carse Conservation Group | Noted. Metrics are provided here as transparent examples of how compensation can be demonstrated but will not replace professional opinion. Recognised that the metric is not suitable for all habitats in Scotland | Concerns regarding use of metrics in Scotland and use of expert advice inserted.  |
|               | BNG approach should be implemented at very earliest stages of development process. DEFRA not tailored to Scotland so other metrics (such as SSEN metric) should be considered where clear evidence based methodology. Concerns especially re ancient woodland, waterbody assessment, peatland restoration. | SSEN                                  | Agreed. Reference to DEFRA is an example only and may not be suitable in all circumstances.   | Concerns regarding limitation of metrics in Scotland and use of expert advice inserted. Reference to other evidence based methodologies included. |
| 5.1.4 Enhance |  |                                       |   |   |
|               | Guidance should require positive effects and reflect NPF4  | NatureScot                            | Guidance is compatible with current LDP3 policy in line with transition requirements. Guidance will be reviewed once NPF4 is adopted.   | No change required.   |
|               | Guidance should state that enhancement measures should be proportionate to scale of development  | NatureScot                            | Agreed  | Enhancement section (5.1) amended to reflect comment.   |



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|   | Suggestions for enhancement such as swift boxes and hedgehog corridors should be requirement  | Scottish Badgers | These are a requirement set out on pages 9 and 19.  | No change required.  |
|   | Proof of correct installation of enhancement measures should be required. Bird spikes to prevent nesting should not be permitted  | Scottish Badgers | This is a valid concern. However robust conditions are considered sufficient to require rectification of uninstalled/poorly installed enhancement. Requiring photographs would require additional officer time for an issue which should be adequately addressed by conditions.   | No change required.  |
| <b>Policy 40 Forestry, Woodland and Trees</b> |   |                  |   |  |
|   | Policy should be the same format as Policy 41; remove additional text outside the box   | NatureScot       | The discussion in the box is about the interpretation of the policy as with the green "legislation" boxes. Agreed this could be made clearer.   | Policy section noted as a summary of the policy. Other comments continue outside this box. |
|   | Concern about suggestion of replacing mature or ancient tree with large number of young trees, when these cannot compensate for biodiversity and CO2 sequestration of older trees | Public           | Noted. The importance of mature and veteran trees is emphasised in the guidance. Ancient trees are only cited with reference to protection. The policy allows for loss where "unavoidable" taking into account that value. If that occurs the guidance requires that compensation needs to be provided which should be commensurate with its value. | Changes as a result of other comments have addressed this concern.                         |
|   | Supports enhancement and protection of orchards   | Public           | Noted   | No change required.  |
|   | Disagree compensation should be on site or adjacent as not always possible, strategic approach could help deliver wider benefits.   | SSEN             | On/adjacent site compensation avoids the issue of "death by 1000 cuts" and is a best practice principle. The policy explanation allows for off site compensation in exceptional circumstances. The guidance will be updated when further strategic green network work is undertaken to inform strategic planting.                                   | No change required   |
|   | Do not agree specific number of trees for compensation, but should refer to forestry guidelines and control of woodland policy; best  | SSEN             | Minimum planting ratio is to ensure no net area loss and address the carbon impacts as well as biodiversity of the trees lost. Reference to CWPR is set out.  | No change required.  |

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|                                      | enhancement may be no net loss with more options for enhancement  |                                       |   |   |
|                                      | Number of trees for compensation not enough, compensatory trees in Scone have died and not replaced   | Scone & District CC                   | Policy is for at least 3 trees. Number of trees will be based on expert assessment. Maintenance period is a standard condition for trees noted in 5.2   | 5.2 updated to make clear includes new planting.                    |
|                                      | Trees should be retained on site even if loss of one house. Should not be loss of trees then compensation but plan around nature. Loss of trees should be last resort with plans submitted showing tree retention | Scone & District CC                   | Agreed. Guidance intended to promote strict language in policy 40 and mitigation hierarchy. Green Infrastructure SG also promotes masterplanning around existing natural features. Tree/woodland survey guidance included here promotes best practice.                                      | No change required  |
|                                      | TPO should be ordered for every development and issued before planning permission to avoid them being cut down  | Scone & District CC                   | TPOs have specific criteria and would not address all tree loss which is controlled by condition on development sites. Use of TPOs for valued trees or woodland on or adjacent to a development site will be considered further in LDP3.  | No change required  |
| <b>5.2 Management and Monitoring</b> |   |                                       |   |   |
|                                      | Reference to Site BAP should include long term management plan  | SSEN                                  | Agreed, and is consistent with policy.  | References to Site BAPs augmented with "long term management plans" |
|                                      | CEMP needs financial bond   | Braes of the Carse Conservation Group | We work with applicants and ECOW to ensure best practice. Bond conditions have significant legal implications and would significantly delay decisions. This is also counter to Scottish Planning Policy advice. Robust conditions allow for action in the case of a breach.                 | No change required.   |
|                                      | What are the consequences for developer who tick the boxes then destroy a site anyway? Will the developer have to put it right if monitoring shows it's not working?  | Public                                | We work with applicants and ECOW to ensure best practice. Co-operation and enforcement powers are considered sufficient to prevent or rectify non-compliance during construction. Conditions are imposed to secure habitat requirements during the establishment period. See comment above. | No change required.   |

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| <b>ANNEXES</b>   |  |               |   |  |
| <b>Appendices 2 and 3. Survey and Mitigation Calendars</b> |  |               |   |  |
|  | Add key aquatic species to mitigation calendar incl fresh water pearl mussels and salmon   | Public        | Current text requests developers refer to needs of different species which is considered proportionate. The need for specific advice for Fresh Water Pearl Mussels however is recognised. | FWP Mussels added to survey and mitigation calendars.                            |
|  | Note UKHAB alongside Phase 1   | SSEN          | Agreed.   | Reference to UKHAB added to calendars  |
| <b>Annex 4: Enhancement and Mitigation Checklist</b>       |  |               |   |  |
|  | Concern that carbon rich soils not protected in past during windfarm construction. Portmoak bog restoration was not related to development | Public        | Guidance requires avoidance of peat to address concerns in future. Photo is example of bog restoration regardless of source.  | No change required.  |
|  | Carbon rich soils noted with reference to windfarms, this applies to all development and should reflect policy 51.                         | SEPA          | Append reference to restriction and survey requirements in policy 51 in "all proposals" section   | Potential impacts on peatland and carbon rich soils referencing policy 51 added. |