

Guidance for Peatland Restoration and the Historic Environment in Scotland v1-1

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Summary

Peatlands are of enhanced historic environment significance because of the nature of the archaeological resource they may contain and owing to the unique preservation qualities of the peat. For millennia peatland areas have been exploited by humans for settlement, agriculture, industry, as route-ways and communication networks, and as “special” places for interring the dead and other ritual activities. This range of activity, and the demonstration of such activity over time, is often more complete than in other areas, as the peatlands have not been as developed or intensively exploited during later periods of history. Preservation of the evidence of human activity is also enhanced by the waterlogged conditions of peat, resulting in exceptional organic remains. In addition, peatlands also provide an invaluable and irreplaceable record of past human activity, vegetation, climate, and landscape change in the form of a palaeoenvironmental record or archive.

The greatest threat to the historic environment in peatland areas is the degradation of the peat itself. Peatland restoration aims to restore a healthy, functioning bog, and as such its outcome can fundamentally benefit the preservation of the historic environment. Nevertheless, ground works, such as those required by peatland restoration, have the potential to inadvertently damage the historic environment.

The intention of this Guidance Note is to set out an informed procedure to secure the protection of heritage and historic environment features within peatland restoration projects across Scotland. By doing so it seeks to ensure that applications submitted to Local Authorities meet the required standards under Permitted Development Rights in relation to archaeology and the historic environment, and for the process of planning authority approval in relation to these matters to be as streamlined as possible. It must be noted that there will also be aspects other than the historic environment which will need to be addressed as part of a Prior Notification application.

Front Cover: Engraving from a sketch by Rev. James Peter, Minister of Deer, of some of the local finds recovered from peat. Taken from *'The Peat Mosses of Buchan'*, 1876.

Background

The primary benefit of peatland restoration is in relation to climate change and storing carbon, though it has many other benefits including providing an internationally important habitat, protecting cultural heritage, improving water quality, reducing flood risk, and offering a setting for recreation. The 2020 update to the Scottish Government's Climate Change Plan sets a target to see restoration of at least 250,000 hectares of degraded peatland by 2030. The Scottish Government's support for peatland restoration and what it can mean for the environment, is confirmed in a number of strategic documents, including the Climate Change Plan.

Assessing potential impacts of restoration works on the historic environment is difficult for a range of reasons. Much of the archaeology of the peatlands is unknown and unrecorded. Some of these areas have never been archaeologically surveyed previously, and even where there have been surveys, records of known sites may be incomplete or incorrectly located. The peat itself can conceal relationships between individual structures and monuments, as well as between archaeological sites and landscapes.

The Association of Local Government Archaeological Officers (ALGAO) Scotland are of the view that in many cases peatland restoration projects will not have a significant impact on the historic environment. However, the possibility of causing unintentional impacts does exist and this document sets out the mechanism for ensuring such impacts are properly assessed and mitigated. Further guidance on good practice can be found at <https://www.nature.scot/climate-change/nature-based-solutions/peatland-action-project>.

1.0 Introduction to Permitted Development Rights for Peatland Restoration

- 1.1 Permitted Development Rights for peatland restoration schemes came into force on the 1st of April 2021. See Annexe J of [Circular 2/2015 'Non-domestic permitted development rights – consolidated circular – updated 2021'](#) for more details on these permitted development rights and the context for their use. Class 20A specifically grants planning permission for the carrying out of restoration works on peatland (for 'Classes' see [The Town and Country Planning \(General Permitted Development and Use Classes\)\(Scotland\) Amendment Order 2020](#)).
- 1.2 The Prior Notification / Prior Approval process is a two-stage process which allows a planning authority to consider whether a proposal requires closer scrutiny and approval of some aspects of the peatland restoration scheme which is subject to Permitted Development Rights. All such projects are required to undertake this prior notification process, regardless of how they are funded or who is undertaking the work. This process must be completed before the restoration works can begin.
- 1.3 Permitted development rights remove the need to apply for planning permission where proposals comply with the terms of the rights. Unlike applications for planning permission and other types of permission, prior notification is a procedure where, in this instance, the 'restorer' (i.e. those pursuing peatland restoration projects) must tell the planning authority about their proposals before taking advantage of permitted development rights. The result will be a decision that 'Prior Approval' is or is not needed. The intention is that proposals with no obvious risk of any negative impacts should be allowed to proceed without further consideration.
- 1.4 If the decision is that Prior Approval is needed, the planning authority may ask for more information before they can decide whether to give prior approval. If the planning authority decides to grant prior approval, they may also set Conditions that will have to be met by the applicant, including any costs incurred. Works undertaken to meet the requirements of suspensive Conditions must be completed prior to the peatland restoration works themselves commencing. Conditions can only be discharged by the planning authority.

2.0 What Constitutes Peatland Works under Permitted Development Rights

- 2.1 Class 20A (see 1.1 above for more details) grants planning permission for the carrying out on peatland of works for the restoration of that peatland. This includes works for the stabilisation, revegetation and re-profiling of bare peat and related drainage works, and the extraction of peat from within a peatland site for the sole purpose of the use of such peat in the restoration of peatland within that peatland site.
- 2.1.1 “re-profiling” means changing the surface of the peatland to reduce water runoff and encourage revegetation by spreading turves across the bare surface.
- 2.1.2 “revegetation” means by planting, applying locally won turves or seeding with peatland plants.
- 2.1.3 “stabilisation” means re-establishment of vegetation by seeding and the introduction of pre-grown seedlings (known as plug plants) with the use of temporary protective coverings, including a plant mulch or manufactured stabilisation product or fertilisers.
- 2.1.4 Drainage works in this context can include structures to block ditches, flood (*otherwise known as re-wet*) land or divert watercourses. Such structures (*which may be permeable or impermeable*) would normally be of soil, peat, locally won stone (or other inert material), vegetation, timber, plastic or wooden dams (*and may include alternative materials such as coir or wool*).
- 2.2 Works undertaken just for the maintenance and improvement within the boundary of existing private ways are also considered permitted development. Any new vehicular access track/s, or alterations of existing private ways (hill tracks), will however require a full planning application to be submitted for each restoration project regardless.

3.0 Prior Notifications - Submitting historic environment information for Peatland Restoration Schemes

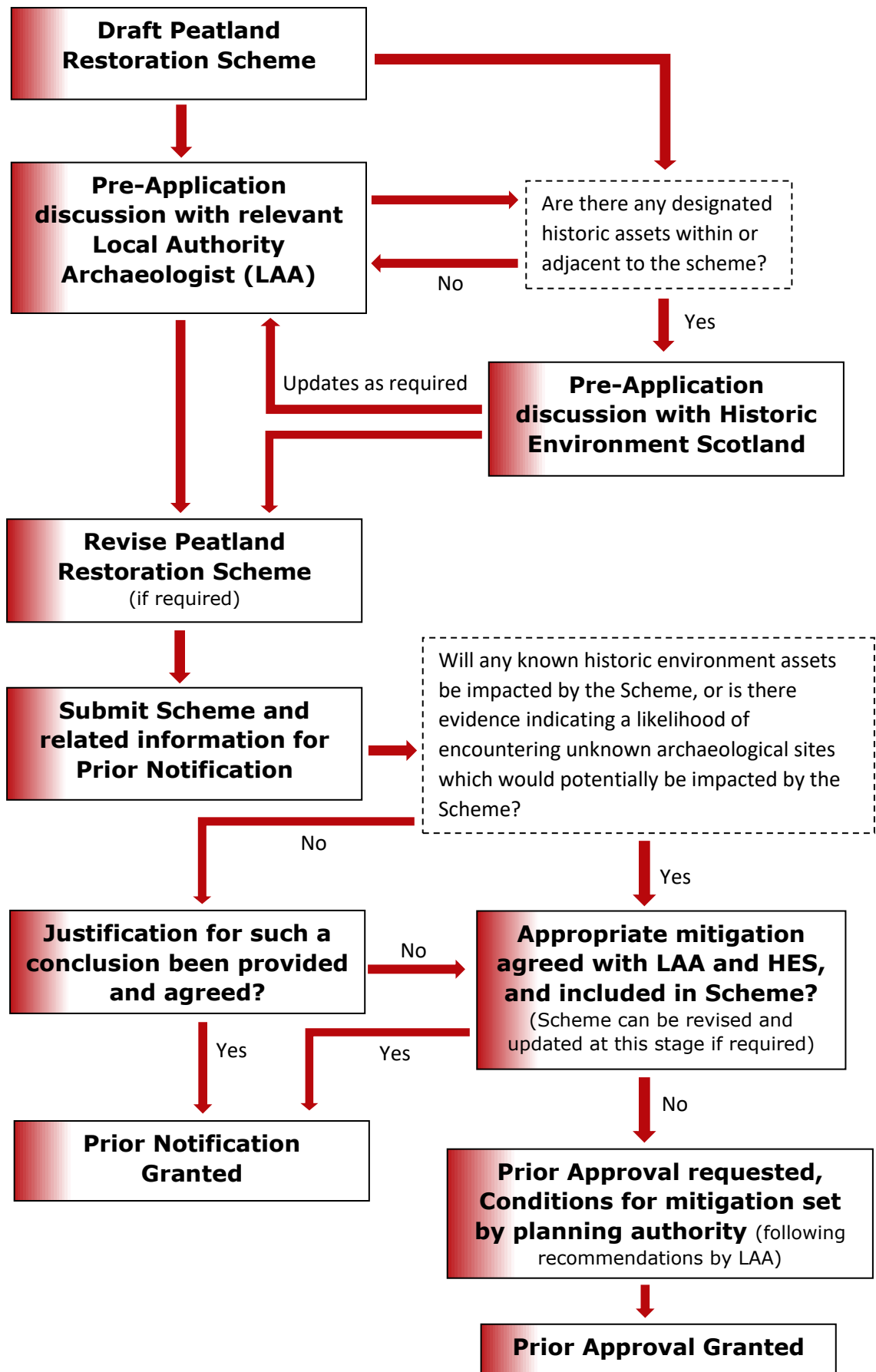
- 3.1 The Prior Notification / Prior Approval process is a two-stage process (see Section 1 above). Once the peatland restoration scheme is submitted for Prior Notification, the planning authority has 28 days to give a view on the need or not for Prior Approval.
- 3.2 Stage 1 - when submitting information for Prior Notification, in order for the ‘restorer’ (see 1.3 above for definition) to seek a view from the planning authority on the proposed peatland restoration scheme, that information must include:
- A map showing the location of the peatland site to be restored (*and if possible, the scheme boundary extents supplied digitally in a GIS file format to aid assessment by the Local Authority Archaeologist*),
 - A scheme which sets out the works to restore the peatland,
 - Details in respect of any measures to mitigate impacts of the proposed development on archaeology (*this would include both potentially buried archaeological features and upstanding heritage assets, see Section 7 below for how this can be achieved*),
 - Details in respect of any measures to mitigate the risk of contamination or flooding as a result of the development on the peatland site,
 - Details in respect of any measures to mitigate the impacts of the proposed development on soil,
 - Details in respect of the removal, felling, lopping, or topping of any trees.

- 3.3 In addition, when submitting information for Prior Notification, the following information should also be included (this is not a statutory requirement, but it will assist in understanding the nature of the types of archaeological find which may be encountered, and the condition that they are in):
- The type of peatland being restored (lowland raised, blanket, intermediate or fen).
 - The condition of the peat being restored (near natural, modified, drained, actively eroding).
- 3.4 The information submitted for the Prior Notification should demonstrate consideration of the historic environment for that specific scheme and type of peatland, and set out how the proposal addresses, if required, any mitigation of identified potential impacts and risks. In many cases, the historic environment will not be an issue, but the ‘restorer’ will need to explain how they reached that conclusion for their project (see Section 7 below for further detail).
- 3.5 If the planning authority is satisfied with either the proposed mitigation for impacts on the historic environment, or the justification for why no mitigation is required, and the project proceeds in line with the agreed peatland restoration scheme, there is no need for the planning authority to move to consider Stage 2 of the process - Prior Approval, Conditions, or potential refusal on the grounds of unacceptable impact upon the historic environment.
- 3.6 Submitting information required by the Prior Notification / Prior Approval procedure does not cover all the statutory requirements that might apply. A ‘restorer’ should consider what other requirements may apply, and check with the planning authority and, where relevant, other bodies, such as Historic Environment Scotland and Nature Scotland.

4.0 Prior Approvals – Adding Conditions to manage impacts on the historic environment

- 4.1 The Prior Approval process is the second stage of a two-stage process (see Sections 1 and 3 above), but one which is not always required depending on the outcome of Stage 1. Where the planning authority responds within the 28-day period to say Prior Approval is required, then the ‘restorer’ cannot proceed unless and until that prior approval is granted. In such cases, the planning authority will require the ‘restorer’ to submit a Prior Approval application (no additional fee) which is linked to the previous Prior Notification application. The planning authority then has two months to decide the application.
- 4.2 Where Prior Approval is required, the planning authority can refuse it or grant it, with or without Conditions. The planning authority can also require additional information in order to make that decision. What this additional information is to be submitted with the Prior Approval application will be clearly outlined in the Decision Notice for the Prior Notification.
- 4.3 Where Prior Approval is granted the ‘restorer’ can proceed in accordance with the peatland restoration scheme as approved, and subject to any Conditions attached by the planning authority. Other than attaching Conditions, the planning authority cannot amend the scheme itself. However, a ‘restorer’ could agree in writing with the planning authority changes to the scheme (e.g. to obtain prior approval without necessarily starting the whole process again). Where a ‘restorer’ later wishes to depart from the scheme as submitted (where no Prior Approval is required) or as approved, they can do so only with the written agreement of the planning authority.
- 4.4 Conditions applied relating to the mitigation of impacts on the historic environment by the scheme are to address issues affecting known archaeological remains and / or issues affecting areas of potential archaeological remains which have not been identified or resolved within the original peatland restoration scheme as submitted for the Prior Notification stage.

5.0 Summary Process for including the historic environment in Peatland Restoration Schemes



6.0 Assessing the Historic Environment for Peatland Restoration Projects

- 6.1 All historic environment features (which may also be called heritage, archaeological, or historic features) within or adjacent (within a 20m buffer) to the area to be restored, and within and adjacent (within a 20m buffer) of any new associated access routes, or existing routes where they are to be altered, will need to be identified and considered (including the hydrological setting for known waterlogged buried sites) along with an assessment of the potential to encounter unknown buried features based on existing sites within the planned works area and those known within the wider surrounding landscape. Advice on the potential for unknown buried features is best sought from the relevant Local Authority Archaeologist as this will vary from restoration site to restoration site. Mitigation will be undertaken, if required, based on these initial assessments following agreement with the relevant Local Authority Archaeologists and, if appropriate, Historic Environment Scotland.
- 6.2 The historic environment includes both designated historic assets (such as Scheduled Monuments, Listed Buildings, Gardens and Designed Landscapes, Historic Battlefields, and World Heritage Sites) and undesignated archaeological sites. It is important to stress that not only is peat itself of archaeological significance in terms of palaeoenvironmental evidence for past climates and land cover, but archaeological sites can survive on the surface of the peat, within it and under it. In addition, for millennia objects including human remains have been deposited in bogs, often for ritual purposes, which by the very nature of the peat has resulted in the preservation of organic remains. Any disturbance of peat runs the risk of disturbing archaeological objects. However, the principle of least disturbance embedded within restoration projects is mutually beneficial to both the historic and natural environment in this regard.
- 6.3 Although not included in the list of potential mitigation options in Section 9 below, sampling of peat for palaeoenvironmental evidence is an option to consider. While acknowledging this is a costly procedure, the potential benefits for informing our understanding the nature of the peat being restored are considerable, while at the same time contributing to our national understanding of climate change over the millennia and the impacts it had on vegetation and human activity at a local and regional scale. Example case studies (see [Informing innovative peatland conservation in light of palaeoecological evidence for the demise of *Sphagnum imbricatum*](#) and [Application of palaeoecology for peatland conservation at Mossdale Moor, UK](#)) suggest that knowing the previous subspecies of sphagnum and planting those species for instance (with due consideration for any subsequent changes in climate) can potentially make restoration plans more site specific and successful.
- 6.4 It should also be recognised that the outcomes from successful Peatland Restoration Schemes will help protect and preserve the historic environment features contained within the peat by preventing further erosion, drying and loss of the peat itself.
- 6.5 Local Authority Archaeologists (LAAs) will be able to advise (or if required insist via Conditions applied by the Planning Officer) on appropriate mitigation strategies for specific projects, and early engagement with the relevant LAA is encouraged (see Section 5 above).

7.0 Initial Step for ALL Peatland Restoration Schemes

- 7.1 Not all Peatland Restoration Projects will impact on the historic environment, and the scope of assessment and mitigation should be discussed with the relevant Local Authority Archaeologist at the earliest possible opportunity. In order to assess the level of impact a project may have, the Scheme for the project must include an assessment of the known historic environment sites within

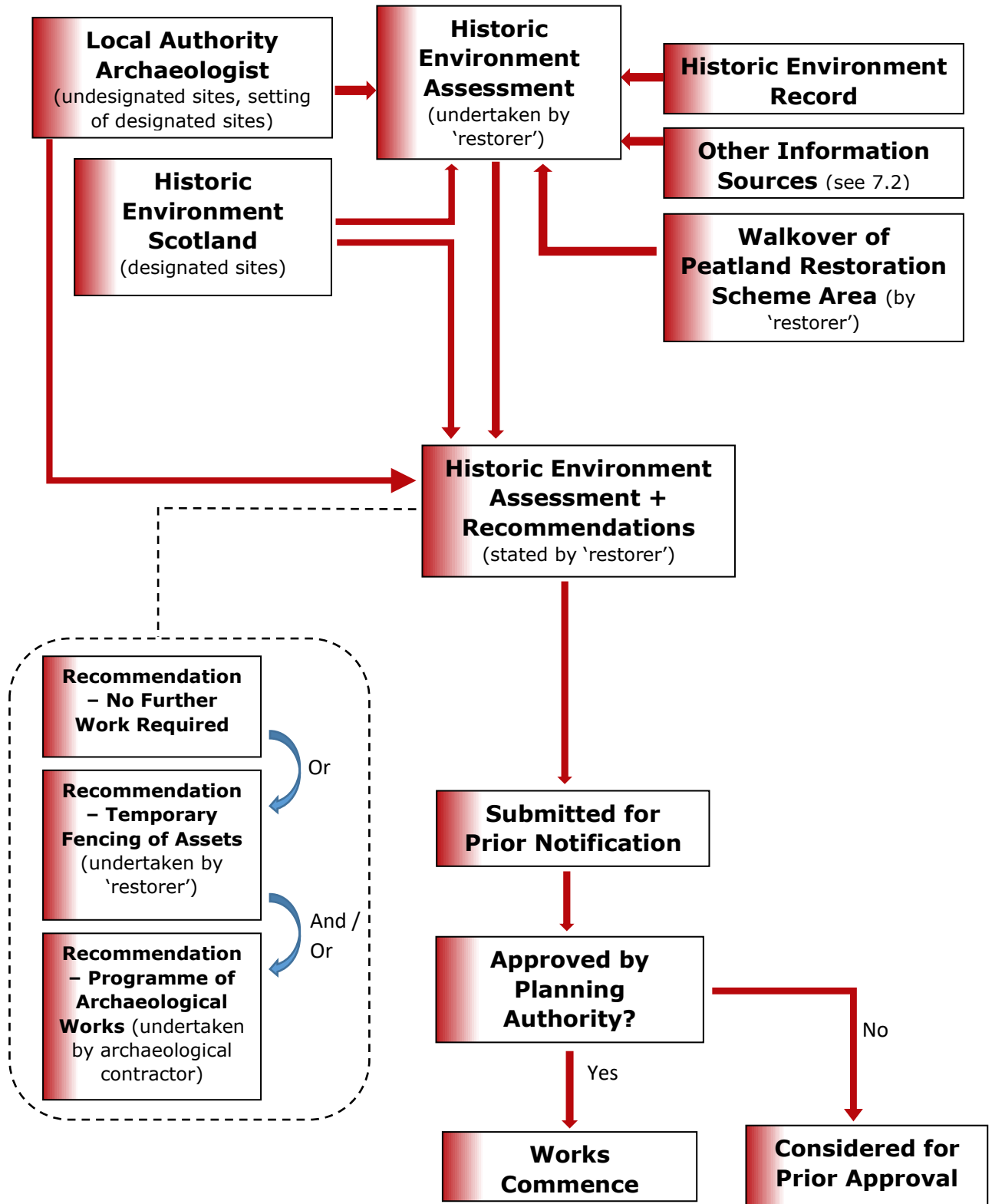
and immediately adjacent (within a 20m buffer) to the planned works area, and an assessment of the potential to encounter previously unknown archaeological remains based on existing sites within the planned works area and those known within the wider surrounding landscape. The assessment of these sites should be covered by the Historic Environment Assessment (HEA).

7.2 Historic Environment Assessment (HEA): the identification of known or potential historic environment sites through examining existing records. This work, unless Conditioned specifically otherwise in a Prior Approval, can be undertaken by the ‘restorer’.

- Consult the Historic Environment Record (HER). This is the primary resource used by planning authorities to check for recorded features of interest for the appropriate authority area. Contact details for each Scottish HER can be found at <http://smrforum-scotland.org.uk/her-contacts/>. The HER will form the primary basis of assessment and this information should be cross checked with information gleaned from consulting the other data sets below (*note that data extract requests from individual HERs may be subject to a charge*).
- Consult [Pastmap](#), the online map portal to all of Historic Environment Scotland’s datasets.
- Consult all available historic maps using [National Library of Scotland](#). Use the Ordnance Survey first edition, second edition and current edition as a minimum standard.
- Consult aerial photography and LiDAR where available.
- Speak to the landowner and, where applicable, their estate staff, to find out what is known locally about heritage on the site.
- Conduct a walkover of the area to be included within the Scheme. A walkover looking for evidence of the historic environment can be undertaken at the same time as other walkover assessments done by the ‘restorer’, such as for natural heritage designations, peat depth assessment, or peat slide risk assessment. For basic guides on how to do an archaeological walkover survey for a ‘restorer’, see [‘A Practical Guide to Recording Archaeological Sites’](#). Such walkover site visits at this stage for assessing the historic environment follows best practice as set out by the Chartered Institute for Archaeology.

7.3 At the end of the HEA process, following an assessment of the findings made by the HEA, the recommendations for the next stages of appropriate mitigation should be clearly stated. This may vary from no further mitigation work being required, to temporary marking of known assets during restoration works, to professional archaeological works being undertaken. Further advice at this stage is available from Historic Environment Scotland with regard to nationally designated sites, and from the relevant Local Authority Archaeologist for undesignated sites and the setting of Scheduled Monuments. It must be stressed that all costs incurred by mitigation requirements, including, where appropriate, post-excavation analysis and publication, are borne by the ‘restorer’.

8.0 Summary Process for preparing historic environment information for Prior Notification submission



9.0 Types of Mitigation for the Historic Environment in Peatland Restoration Schemes

As noted above, not all Peatland Restoration Projects will have a significant impact on the historic environment. Below is a brief summary of the types of mitigation which may be used within such Schemes, but only when deemed appropriate by the relevant key stakeholders and following agreement with the relevant planning authority. Where a 'programme of archaeological works' is required, either through the recommendation submitted for the Prior Notification process, or as part of Conditioned works under the Prior Approval process, one or more of the following mitigation techniques will be required, the details of which must be agreed with the relevant local authority archaeologist. Where mitigation is to be undertaken by a qualified and suitably competent archaeologist, then they will be expected to meet [ClfA accreditation](#) standards.

9.1 Walkover survey *(undertaken by the 'restorer' for the Historic Environment Assessment, or undertaken by an archaeological contractor if agreed as part of programme of archaeological works).*

9.1.1 A walkover survey can either be a 'prospective' or 'protective' depending on the circumstances which require such a survey:

- 'Prospective survey': undertaken to locate and define upstanding heritage features. Prospective surveys can take a variety of forms such as the targeted inspection and definition of known sites; the prospective survey of ground of high potential to locate previously unidentified sites; and the comprehensive inspection of all ground covered by a proposal.
- 'Protective and detailed survey': undertaken to support agreed design solutions such as a final walkover survey to mark out significant heritage features within the proposal; or a detailed archaeological measured survey to record the landscape prior to restoration.

9.1.2 When a feature is found on the walkover survey that is assessed to be at risk from restoration works, or a known site cannot be located, then further advice should be obtained.

9.1.3 Any previously known or newly identified features should be recorded by an accurate GIS system and included within the maps produced for the restoration project. A record should be made in the field that includes a central 10 figure grid reference for the feature, a sketch with measurements, and photos of the feature (see '[A Practical Guide to Recording Archaeological Sites](#)').

9.2 Temporary Fencing of Known Assets *(undertaken by the 'restorer').*

9.2.1 Maps used for the Peatland Restoration Scheme must clearly show all known historic environment features and what steps will be taken to protect them. The features (known upstanding assets and known buried archaeological remains) will be marked off clearly on site and have a buffer zone applied as agreed with the Local Authority Archaeologist and, if appropriate, Historic Environment Scotland. Maps are produced as part of the map package for contractors, and these preferably are provided at the tender stage with further details included in the Statement of Requirements for the peatland restoration work.

9.2.2 Where GPS enabled machinery is being used for the restoration works, then geofencing may be considered instead of physical fencing for identified sites.

9.2.3 Buffer zones will normally be applied as recommended:

- 10m for undesignated sites
- 10m for sites of Regional Significance
- 20m for sites of National Significance

However, be aware that some sites may require specific variations of the above (for instance, lithic scatters of an unknown extent). The Local Authority Archaeologist (LAA) will be able to advise on this.

9.2.4 It may be appropriate for the 'restorer' to consider limited restoration works within features that, while buffered, are in themselves being actively eroded or at imminent risk. In these circumstances the appropriate technique, such as use of coir matting to stabilise peat hags already extant within archaeological features, should be discussed with the relevant LAA or HES.

9.2.5 A pre-commencement meeting for the peatland restoration works should be held by the 'restorer' with contractors and include a visit to any historic environment features to confirm buffer zones and how the sites will be protected. A check must also be made to ensure that they understand the maps and where the features are.

9.3 Toolbox Talks and Chance Finds (*undertaken by the 'restorer' or the appointed project manager*).

9.3.1 Contractors undertaking the peatland restoration works should be given a toolbox talk about protocols if they notice anything during works that could be a previously unknown historic environment feature. This includes the legal requirements for reporting the chance discovery of artefacts under the law of Bona Vacantia (all works stop and the archaeological contractor, if one has been engaged on the project, the Local Authority Archaeologist and the Treasure Trove Unit are informed immediately); for reporting the discovery of human remains under the Right of Sepulchre (all works stop and the Local Authority Archaeologist and Police Scotland are informed immediately); or for reporting the chance discovery of aircraft remains (all works stop and the Ministry of Defence and the Local Authority Archaeologist are informed immediately).

9.3.2 Any chance discoveries may require further archaeological evaluation, excavation, and post-excavation works. The results of this process will need to be reported upon. All costs incurred by such chance discoveries remain the responsibility of the peatland 'restorer'.

9.4 Archaeological Watching-Brief (*undertaken by an archaeological contractor*).

9.4.1 The archaeological watching-brief is a formal programme of observation and investigation conducted during key identified stages or areas of the peatland restoration project where there is a possibility that archaeological deposits may be disturbed or destroyed. This mitigation technique should only be used in appropriate situations where its purpose can be clearly fulfilled (i.e. not undertaken for instance during the formation of wave dams).

9.4.2 The purpose of a watching-brief is to:

a) allow, within the resources available, the preservation by record of archaeological deposits, the presence and nature of which could not be established (or established with sufficient accuracy) in advance of the peatland works;

b) provide an opportunity, if needed, for the watching archaeologist to signal to all interested parties, before the destruction of the material in question, that an

archaeological find has been made for which the resources allocated to the watching-brief itself are not sufficient to support treatment to a satisfactory and proper standard

9.4.3 A watching-brief is not intended to reduce the requirement for excavation or preservation of known or inferred deposits, and it is intended to guide, not replace, any requirement for contingent excavation or preservation of possible deposits. The objective of a watching-brief is to establish and make available information about the archaeological resource existing on a site.

9.4.4 The results of this process will need to be reported upon and any post-excavation costs remain the responsibility of the peatland 'restorer'.

9.5 Archaeological Evaluation and / or Excavation *(undertaken by an archaeological contractor).*

9.5.1 An archaeological evaluation is a limited programme of non-intrusive and / or intrusive fieldwork which determines the presence or absence of archaeological features, structures, deposits, artefacts or ecofacts within key identified areas of the peatland restoration project. These archaeological mitigation works will be undertaken prior to any restoration works commencing within those areas.

9.5.2 If such archaeological remains are present then the archaeological evaluation, and if required excavation, of those remains will define their character, extent, quality and preservation, and enable an assessment of their significance in a local, regional, national or international context as appropriate.

9.5.3 The purpose of the evaluation and / or excavation is to:

- a) Formulate a strategy to ensure the recording, preservation or management of the archaeological resource;
- b) Formulate a strategy to mitigate any threats to the archaeological resource;
- c) Formulate a proposal for further archaeological investigation within a programme of research (on site or during post-excavation analysis as required).

9.5.4 There may be a requirement for further archaeological post-excavation analysis and reporting. The results of this process will need to be reported upon and any post-excavation costs remain the responsibility of the peatland 'restorer'.

9.6 Vehicle Operation on Peatland *(undertaken by the 'restorer' and their contractor).*

9.6.1 Linked to the principle of least disturbance within restoration projects, careful consideration should be given to the types and weights of vehicles used and their potential for compression of the peat, and to any moving and/or mixing of peat which may disturb the paleoenvironmental record. The [Peatland Action Guidance for Land Managers](#) refers to the use of low ground pressure excavators with tracks (ideally < 3psi to avoid damaging buried features), and for refuelling points to be off the peatland with contractors prepared with a spill kit should one be required. These precautions are embedded in guidance elsewhere but are emphasised here as they also contribute to the perseverance of the archaeological record contained within the peat.

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