



**REPORT TO: ECONOMIC DEVELOPMENT AND INFRASTRUCTURE
SERVICES COMMITTEE ON 2 MAY 2023**

SUBJECT: NATURE AND BIODIVERSITY POSITION STATEMENT

**BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND
FINANCE)**

1. REASON FOR REPORT

- 1.1 To inform the Committee of how existing Council strategies and action align with national and international biodiversity policy and to ask the Committee to approve continuing support for the North East Biodiversity Partnership for the next three years.
- 1.2 This report is submitted to Committee in terms of Section III (F) (13) of the Council's Scheme of Administration relating to matters regarding environmental protection.

2. RECOMMENDATION

2.1 It is recommended that the Committee:-

- (i) note how existing council policies, strategies and action align with the Global Biodiversity Framework and Scottish Biodiversity Strategy;**
- (ii) note the opportunities and challenges involved in delivering the council's statutory duty to further the conservation of biodiversity, and;**
- (iii) approve continued support for the North East Scotland Biodiversity Partnership for next three years;**
- (iv) agree to add the biodiversity actions highlighted in appendix 1 to the Climate Change Plan and Route Map to Net Zero; and**
- (v) agree that the actions identified within this report form the basis of a Moray biodiversity strategy to be reported in 2024 setting out priority actions for nature recovery in Moray in accordance with the limitations set out in para 5.12.**

3. **BACKGROUND**

- 3.1 Moray Council declared a climate and ecological emergency on 27 June 2019 (para 6 of the minute refers). 'Land use, biodiversity & adaptation' was identified as one of the resulting strategy themes, however the associated action plan contained notably few actions relating to these areas.
- 3.2 The council has since strengthened its commitment to act on biodiversity loss by agreeing to sign the Edinburgh Declaration on 10 August 2022 (para 21 of the minute refers) and by declaring a Nature Emergency on 2 February 2023 (para 9 of the minute refers). Council also agreed at that meeting that a further report be submitted that;

"8) Outlines how existing Council strategies such as the North East Scotland Local Biodiversity Action Plan, Climate Strategy, and woodland strategy align with the GBF and Scottish Biodiversity Strategy, and notes any changes to existing strategies required to deliver against these.

9) Provide an update on the North East Scotland Local Biodiversity Action Plan, including specific consideration to:

An ecological coherence approach to effectively identify and target actions required to tackle the nature emergency and deliver against the various strategies listed above, including through the further development of the region's Nature Network as defined and outlined in the Scottish Biodiversity Strategy to 2045.

Adopt a partnership approach, including working with project partners, to maximise opportunity for delivery of the strategies listed above, and taking learning from the partnership model developed as part of the 2030 Climate Strategy work"

- 3.3 The council undertakes various functions that can either drive biodiversity loss or nature recovery. These include our responsibility as a planning authority through delivery of the Development Plan, the development management function and Regional Spatial Strategy; as a landowner by how we manage greenspace; our work with partners and communities to deliver projects; and as an education authority through how well we connect young people with nature.
- 3.4 There are a range of benefits to the council resulting from action to reverse biodiversity loss and restore nature. Reversing biodiversity loss will help prevent climate change and help us adapt to its impacts, will improve health outcomes and create jobs. These nature based solutions are considered to be cost-effective responses to a wide range of challenges.

4. **CURRENT DELIVERY OF BIODIVERSITY DUTY**

- 4.1 Under the Nature Conservation (Scotland) Act 2004, Moray Council has a duty to further the conservation of biodiversity. In accordance with the Wildlife and Natural Environment (Scotland) Act 2011 the council must also publicly report its compliance with this biodiversity duty. The next biodiversity duty report is due for publication in 2024, covering the period 2021-2023.
- 4.2 It is recognised by the Scottish and UK governments that this is a critical decade for tackling the biodiversity crisis. The Scottish Government's new Biodiversity Strategy aims to reverse nature loss by 2030 and restore biodiversity by 2045, and is aligned with the Global Biodiversity Framework, of which the UK is a signatory.
- 4.3 These strategies are primarily focused at the national and international level, however the Scottish Government have outlined several actions that are directly relevant to local authorities within the Scottish Biodiversity Strategy;
- "Ensure we secure positive effects for biodiversity from our National Planning Framework (NPF4)
 - Ensure that every local authority area has a nature network improving ecological connectivity across Scotland
 - Ensure that productive forests and woodlands deliver increased biodiversity and habitat connectivity as well as timber production
 - Maintain and seek to increase investment in nature restoration through our £65 million Nature Restoration Fund"
- 4.4 A range of actions are already in progress that align with the Scottish Biodiversity Strategy and Global Biodiversity Framework and fulfil our biodiversity duty, most of which are outlined below.

Biodiversity enhancement through the planning process

- 4.5 The recently adopted National Planning Framework (NPF4) presents a step change in the planning system by placing climate change and biodiversity loss at the heart of development decisions.
- 4.6 The council's Local Development Plan 2027 and Regional Spatial Strategy will embed this principle and NPF4 outcome that biodiversity will be 'enhanced and better connected including through strengthened nature networks and nature-based solutions.' Several pieces of work have been commissioned to support their delivery;
- Local habitats and species data will be collated and mapped. This evidence base will inform planning decisions, the protection and development designated sites and Nature Networks. Nature Networks are similar to what would often be referred to as wildlife corridors, linking internationally designated nature sites through coherent routes for biodiversity to move freely.
 - The revised Woodland and Forestry Strategy will bring together opportunities for biodiversity, carbon reduction, health and wellbeing as well as skills development and the economy. The strategy will support the Scottish Biodiversity Strategy's action to: "Ensure that productive

forests and woodlands deliver increased biodiversity and habitat connectivity as well as timber production”.

- A baseline review of natural capital has been undertaken using Just Transition funding (referenced in the Climate Change Plan and Route Map to Net Zero reported separately to this committee). The study recommends a biodiversity first approach to pursuing opportunities for carbon offsetting.

- 4.7 A series of Topic Papers are being collated by officers within Strategic Planning and Development. These will form the basis of workshops with members to inform the Local Development Plan Evidence Report which will be presented to Planning and Regulatory Services Committee in March 2024.

Local Biodiversity Partnership

- 4.8 The North East Scotland Local Biodiversity Action Plan is a locally driven process to meet the requirements of Scottish and UK government biodiversity action plans and the Convention on Biological Diversity, of which the UK is a signatory. The North East Biodiversity Partnership (NESBiP) produced and maintains this action plan, which outlines the habitats and species in most need of urgent local action.
- 4.9 The partnership strives to progress ‘joined-up’ approaches to tackling landscape scale threats to nature, also referred to as ecological coherence. It also seeks to support the delivery of projects on the ground to enhance biodiversity as well as people’s lives and wellbeing. This approach will support the Scottish Biodiversity Strategy’s goal to not only expand protected areas by 30% by 2030 (referred to as ‘30x30’), but to ensure they are adequately linked through nature networks. It can also contribute to the councils meeting its biodiversity duty, which extends beyond the management of sites, habitats and species and also aims to increase connection between people and nature and encourage biodiversity to be considered throughout all aspects of our work. It is likely that councils will also be responsible for mainstreaming biodiversity when delivering nature networks.
- 4.10 Supporting NESBiP enables the council and partners to pool limited resources to meet legal obligations as well as the requirements of our own policies and plans. Currently the council makes limited use of the partnership and there are a number of opportunities that could be taken advantage of through more active involvement;
- Habitat and species statements (the local biodiversity action plan) on the NESBiP website can be used by developers and other key parties
 - Influence content and advice provided to developers on NESBiP website can improve quality biodiversity considerations within planning applications
 - Training for Planning, Roads and Environmental Protection on best practice and ensuring compliance with wildlife laws and statutory duties
 - 30x30 and Nature Networks may become statutory duty. Being in partnership with neighbouring local authorities will help deliver this

- Project support and collaborative working, potentially also for joint funding
- Support with communication, engagement and awareness raising online and at community events

A copy of NESBiP's Strategic Plan 2022-2025 is published on the council's website.

4.11 The partnership agreement is currently being renewed. Moray Council has been making its financial contribution from the Strategic Planning Revenue budget, within Economic Development and Infrastructure. It is proposed that this same budget continue to cover the financial contribution to the partnership and it is anticipated that this budget will be able to accommodate the funding for the next three financial years.

4.12 The proposed contribution for the duration of the renewed agreement, and as requested by the partnership, is as follows:

2023/24	£1750.48
2024/25	£1803.00
2025/26	£1857.09

4.13 Moray Council's contribution is the lowest of all the partners, by a wide margin when compared to the two other local authority partners, Aberdeenshire and Aberdeen City. Small though it may be, Moray Council's contribution is very valued by the partnership and ensures that the core costs of the partnership can be met.

4.14 An officer from within Strategic Planning and Development currently sits on the NESBiP management and steering groups but there is very limited capacity to contribute additional time to support the work of the partnership.

Nature Positive Management of Council Land

4.15 While in-house capacity to drive and deliver positive outcomes for nature has been severely limited by budget restraints over the years, officers from Environmental Protection have continued to make improvements in how council land is managed for nature while carrying out statutory functions.

4.16 Investment in the last two years from the Scottish Government through the Nature Restoration Fund has enabled some additional work to be progressed that contributes to the fulfilment of the council's biodiversity duty. Strategic Planning and Development officers have taken the lead on delivering the direct grant and continue to be well supported by officers from Environmental Protection, with both sections managing this alongside other heavy workloads. The challenges associated with delivering projects that directly benefit nature under existing resources were outlined in a report to this committee on 5 November (para 9 of the minute refers).

4.17 The living lawn and wildflower program approved by the Economic Growth, Housing and Environmental Sustainability Committee on 1 December 2020

(para 19 of minute refers), continues to support the national strategy for action on pollinators. 26 sites across Moray have already benefitted from wildflower planting and/or adjusted mowing patterns. Simple signage has engaged public support for these improvements.

- 4.18 Scotland's four most invasive non-native plant species are Giant hogweed, Japanese knotweed, Himalayan balsam and Rhododendron ponticum, all of which may be treated by the council if they present an issue on council land. The council has, via the Nature Restoration Fund, supported the work of the Scottish Invasive Species Initiative who co-ordinate a wider program of work along the river catchments within and upstream of Moray.
- 4.19 Renewed management of two key nature sites has been enabled via the Nature Restoration Fund grant. One of the largest areas of woodland under council management, Millbuies, now has a plan in place to protect and enhance the site for both nature and public enjoyment. The Wards wildlife site is of exceptional value as an urban wetland and predominantly wild space. Restoration of the site was an action identified by NESBiP, and now has a new management plan in place with community engagement and gradual wetland improvements currently underway. Climate resilience and biodiversity are at the heart of both projects.
- 4.20 Many schools have been taking opportunities to improve outdoor learning environments to support deliver of this approach to learning which is embedded in the curriculum. These spaces often directly enhance biodiversity in addition to connecting young people with nature and developing green skills within the young workforce. The Moray Growth Deal STEM project is considering options to develop a dedicated outdoor learning hub for young children.
- 4.21 The use of glyphosate based herbicides to treat unwanted vegetation is being monitored, with its application being minimised where practical and at no additional cost. On 7 February 2023 this committee agreed that a report will be brought to committee detailing how glyphosate will be phased out by 2025 (para 14 of the minute refers).
- 4.22 Biodiversity is a key benefit identified within the Moray Food Growing Strategy which was approved 3 March 2020 (para 7 of the minute refers) to fulfil the council's duty under the Community Empowerment (Scotland) Act 2015. Staffing capacity means a reactive approach to the strategy is currently being taken, however a more proactive approach will be taken in 2024/25 once early engagement on the Local Development Plan is complete. The council continue to support communities to deliver on the ground projects including Elgin allotments, REAP's therapeutic garden and various community orchards and other edible planting in suitable locations.

5. OPPORTUNITIES and CHALLENGES GOING FORWARD

- 5.1 The new Scottish Biodiversity Strategy calls on us to raise our ambition and act decisively on nature loss in conjunction with our climate action. However it

is also recognised that these are extremely challenging times and that there are limited resources available to achieve this.

- 5.2 The strategy outlines that every local authority will be required to have a nature network. NatureScot are currently developing guidance on this but it is clear that the delivery of these networks will be the responsibility of local authorities.
- 5.3 A primary lever for delivering nature networks will be through the planning system, with the commissioned work outlined in para 4.6 and the development of the Regional Spatial Strategy providing an excellent opportunity to ensure we are prepared for these increased duties through identifying strategic ecological connections.
- 5.4 Cross-border collaboration will be essential to this process and the council's contribution to NESBiP presents an efficient mechanism for collaborating with our neighbours to identify the network connections and pool resources for biodiversity enhancements. This will be an increasingly valuable partnership going forward as our biodiversity responsibilities expand.
- 5.5 Partnership working at the local level will also be required for successful delivery of nature recovery and officers from Strategic Planning and Development are currently identifying a network of stakeholders to co-ordinate biodiversity action within Moray.
- 5.6 The management of council land presents both challenges and opportunities. It is clear after the council meeting of 2 February 2023 that there is a strong mandate among the public and councillors to enhance biodiversity, however any major change to current management practices would require additional resource and resource allocation must be looked at in the context of wider financial planning.
- 5.7 There are grant opportunities for biodiversity and greenspace enhancement, however there is limited capacity to access funding, discussed in more detail in a report to this committee on 5 November 2022 (para 9 of the minute refers). In the immediate term, multi-benefit opportunities such as carbon insetting, delivering nature networks, working with volunteers and enhancing health and wellbeing and STEM opportunities within the curriculum should therefore be explored.
- 5.8 The Scottish Government has committed to continuing its Nature Restoration Fund, however the direct grant to local authorities is not guaranteed. NESBiP presents opportunities for the kind of landscape scale partnership working the Nature Restoration Fund competitive streams ask for – reducing the burden on Moray Council while contributing to biodiversity duty.
- 5.9 The Climate Change Strategy includes a vision to 'work to retain, protect and enhance biodiversity across Moray', however the accompanying list of actions do not strongly support this aspiration. Closer alignment of the council's action on nature within the Route Map to Net Zero will reflect the twin relationship of these two emergencies, as well as recognise the value and statutory importance of the existing actions being undertaken across council services.

- 5.10 It is proposed that the actions listed in **Appendix 1** be included within the Climate Change Plan and Route Map to Net Zero and updated Climate Change Strategy due in 2024. There are no additional costs to the council resulting from the inclusion of these actions within the strategy. To the contrary it will enable closer monitoring of biodiversity actions through an existing and appropriate channels, thereby streamlining existing work. The outcome should be reduced, rather than increased, officer time and should facilitate greater accountability and detail in future biodiversity duty reports.
- 5.11 The interlinking work currently being commissioned (outlined in para 4.6) provides an excellent opportunity for the development of a biodiversity plan to deliver national and local strategic priorities. It is proposed that a biodiversity strategy be prepared and reported to this committee in conjunction with the biodiversity duty report in 2024.
- 5.12 Given the budget gap, it is proposed that a biodiversity strategy be prepared using existing staff capacity. It should be noted that if members wish to progress biodiversity action beyond the ongoing work described in this report, further resource would be required at a time when the council cannot meet its current resource demands. Biodiversity should also not be viewed in isolation but within the wider approach to managing the network of green and blue spaces. Many areas of the council's work that do not have an obvious link to nature may have surprising influence, and so embedding knowledge across the council will greatly improve the council's success in meeting our biodiversity duty.
- 5.13 Supporting the recovery of local wildlife is very important to people and concern around issues such as the use of glyphosate based herbicides and the spread of avian flu are currently high. However there are also conflicts to be balanced between expectations of what is aesthetically acceptable, cost-effective, and provides real space for nature to recover.
- 5.14 These are changing times. The traditional expectation of how public greenspaces should be managed, and the built environment developed, has centred on the control of nature and tidiness, which we are only now starting to recognise has come at a cost. Reframing the council's relationship with nature will not be without its challenges, however there is strong public support for protecting and enhancing our natural environment and there are significant benefits to be realised, including for health and wellbeing, the economy and climate resilience.

6. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

Action on biodiversity loss also supports the delivery of corporate plan priorities for people place and the future by; improving health and wellbeing, strengthening communities, minimising harm and costs arising from climate change impacts, creating economic opportunities.

(b) Policy and Legal

Some policies and legislation relating to biodiversity that are particularly relevant include;

- Nature Conservation (Scotland) Act 2004
- Wildlife and Natural Environment (Scotland) Act 2011
- Scottish Biodiversity Strategy to 2045
- Pollinator Strategy for Scotland
- Local natural heritage designations
- National Planning Framework 4
- Climate Change (Scotland) Act 2009 and 2019
- Moray Climate Change Strategy
- Moray Woodland and Forestry Strategy
- Moray Food Growing Strategy
- Curriculum for Excellence through Outdoor Learning
- Scotland's National Strategy for Economic Transformation

(c) Financial implications

The actions outlined in para 4.6 are being funded through Just Transition grant and through existing revenue budget as part of preparation of the Evidence Report for LDP2027. The proposed contribution outlined in para 4.12 is anticipated to be covered by existing revenue budget. The activities referred to in 4.17 - 4.21 have been funded through the Nature Restoration Fund grant and existing operational resources.

(d) Risk Implications

There is a risk that should the council choose not to renew its contribution to NESBiP, it will be more difficult to demonstrate we are fulfilling our biodiversity duty and to deliver nature networks.

There is a risk that staff resources are not sufficient to deliver a Moray Biodiversity Strategy so the preparation of this will need to take account of staff capacity to ensure it is realistic and achievable.

There is also a reputational risk should the council not take meaningful action following its declaration of a Nature Emergency.

(e) Staffing Implications

. While the actions set out above can be managed by climate change and planning officers within Strategic Planning and Development, additional actions would require additional resources.

Some areas, such as delivery of the food growing strategy, are currently unable to progress due to limited staff capacity and reprioritisation however this will be delivered more proactively in future.

(f) Property

None directly arising from this report.

(g) Equalities/Socio Economic Impact

Decisions taken to enhance biodiversity should also contribute to community health and wellbeing and aim to reduce inequalities of access to nature.

(h) Climate Change and Biodiversity Impacts

Humans are part of nature and our survival depends on healthy ecosystems and rich biodiversity. However, Scotland is one of the most nature depleted countries in the world and we are continuing to lose biodiversity at an alarming rate. Pressures on nature include changes in land and sea use, climate change impacts, pollution, over exploitation and invasive non-native species. NatureScot recognises the underlying driver of these combined pressures as stemming from people's disconnect with nature and lack of recognition for its value.

The risks associated with the loss of vital ecosystem services range from disrupted food systems and water supplies to increased damage resulting from climate change impacts and reduced capacity to absorb carbon emissions. The independent Dasgupta Review published by HM Treasury in 2019 clearly outlines that we need to adequately value and take action on biodiversity. Failure to act now will lead to catastrophic implications on our economy and the health and wellbeing of future generations.

While the recommendations in this report have limited impact on their own, there are significant positive biodiversity, carbon reduction and climate resilience impacts arising from the approaches and actions referenced.

(i) Consultations

The Depute Chief Executive (Economy, Environment and Finance), Head of Economic Growth and Development, the Legal Services Manager, Open Spaces Manager, Chief Financial Officer, Lissa Rowan (Committee Services Officer) and Equal Opportunities Officer have been consulted and comments received have been incorporated into the report.

7. CONCLUSION

- 7.1 Biodiversity has not been a priority for the council in recent years, however there are increasing opportunities to both influence and take action to restore nature. The policy drivers for local authorities are only expected to increase as the global response to the climate and nature emergencies continue to align more closely and the additional benefits of working with nature are recognised.**

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Background Papers:	Economic Development and Infrastructure Services Committee, 5 November 2022 Moray Council, 2 February 2023

Economic Development and Infrastructure Services
Committee, 3 March 2020
Economic Growth, Housing and Environmental
Sustainability Committee, 1 December 2020
10 August 2022

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<http://spman.moray.gov.uk/MANComRepDraftSite/DevServLib/2023%2005%2002%20EDI%20Committee/20230502%20Nature%20and%20Biodiversity%20Position%20Statement.doc>