



REPORT TO: SPECIAL MEETING OF MORAY COUNCIL ON 24 APRIL 2024

SUBJECT: BIODIVERSITY STUDY

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

1. REASON FOR REPORT

- 1.1 To inform the Council of the contents and recommendations from a Biodiversity Study undertaken to provide evidence for the next Local Development Plan.
- 1.2 This report is submitted to Committee in terms of Section II (13) of the Council's Scheme of Administration relating to approval of Council Reports and Strategies of a corporate nature including Local Development Plans.

2. RECOMMENDATION

- 2.1 **It is recommended that the Council considers and notes the contents and recommendations within the Biodiversity Study and their relation to the next Local Development Plan (LDP), and;**
- 2.2 **Approve the approach outlined in 4.6 to outsource ecological expertise for larger or complex planning applications.**

3. BACKGROUND

- 3.1 Nature is being lost at unprecedented rates, one of the primary causes in Scotland being changes in land use. To address this, the National Planning Framework (NPF4) has rebalanced the planning system by placing climate change and biodiversity loss at the heart of development decisions. This and wider biodiversity issues have been discussed previously in other reports (see background papers).
- 3.2 Positive effects for biodiversity are secured across NPF4 policies and underpin the spatial strategy as a whole. Policy 3 in particular states that;

'LDPs should protect, conserve, restore and enhance biodiversity in line with the mitigation hierarchy. They should also promote nature recovery and nature restoration across the development plan area, including by: facilitating

the creation of nature networks and strengthening connections between them to support improved ecological connectivity; restoring degraded habitats or creating new habitats; and incorporating measures to increase biodiversity, including populations of priority species.'

- 3.3 The next LDP will therefore require strong evidence and policies to be in place in order to help nature recover.

4. BIODIVERSITY STUDY

- 4.1 A detailed ecological study was commissioned to establish baseline evidence on the existing biodiversity of the area (**Appendix 1**). The study provided data that will be used to develop the LDP 2027 in line with the biodiversity policies set out in NPF4. The study is split into several topics summarised below.

Priority Species and Habitats

- 4.2 This desk based research identified species locations, priority areas and hotspots across Moray from a range of sources. The spatial and descriptive evidence draws this together, providing a baseline of what areas/ habitats/ species are of particular importance in Moray.

Site Reviews

- 4.3 Former Sites of Interest to Natural Science were reviewed for their potential to contribute to delivering NPF4 policies through the LDP. Of the 36 historical sites, many overlapped with statutory designated sites and so 9 were selected for field visits in order to determine what features may require protection. The ecologist's recommendations will inform the development of the Moray [Nature Network](#) and consideration of potential new land use designations.

Biodiversity Enhancements Through the Planning System

- 4.4 A gap analysis was undertaken of the current LDP and NPF4, with recommendations where these diverge. A similar analysis was undertaken for the various planning guidance available for NPF4, the current LDP and the North East Biodiversity Partnership (NESBiP) developer hub information on habitats and species important to the North East, with the key immediate recommendation being to promote the use of Nature Scot's Developing with Nature Guidance and for developments to more closely consider the site's local context when proposing biodiversity measures.
- 4.5 The study also examined the ability of current staff to address the significant changes that NPF4's strengthened biodiversity policies introduce, particularly the planned introduction of a biodiversity metric. Aberdeenshire Council are implementing such a tool already, and the Scottish Government is expected to develop a national tool roughly in time for the adoption of Moray's next LDP.
- 4.6 In order in order to implement NPF4's aspiration to secure positive effects for biodiversity, three options were explored; to upskill existing staff, recruit additional staff with ecological qualifications, and to outsource assessment to a consultant ecologist. In light of current budget pressures, a practical approach using existing budget will be taken, upskilling existing staff and outsourcing larger or more complex applications to an ecologist.

- 4.7 The key outcomes of the study that will impact on the LDP are to:
- Inform the development of planning guidance to aid interpretation of NPF4 in the local context
 - Support the planning process to consider the local/ site context and ensure ecological coherence
 - Highlight training and skills development requirements for planners and other council staff, councillors and developers
 - Highlight the requirement for ecological expertise for larger or complex applications
 - Inform a baseline nature network map that will be further developed following engagement with key stakeholders
 - Inform the development of a biodiversity strategy that is due to be reported to Economic Development and Infrastructure Services Committee in early 2025.

5. **SUMMARY OF IMPLICATIONS**

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

Well-designed development integrating nature-based solutions provides multiple benefits that support the delivery of corporate plan priorities by; contributing to better places that promote wellbeing, provide for healthier lifestyles, enable people to connect with nature, support greater attachment to place and can enhance the economic value attributed to a development.

(b) Policy and Legal

Planning (Scotland) Act 2019
National Planning Framework 4
Nature Conservation (Scotland) Act 2004
Wildlife and Natural Environment (Scotland) Act 2011
Conservation (Natural Habitats, &c.) Regulations 1994
Wildlife and Countryside Act 1981 (as amended)
Scottish Biodiversity List
NESBiP habitat statements

(c) Financial implications

An ecological consultancy was contracted to undertake the study at a cost of £19,859 using the LDP revenue budget. Recommendations from the study, including external ecological advice noted in 4.6, will be implemented using existing budgets.

(d) Risk Implications

The council must be able to evidence biodiversity enhancement through the planning process and to justify planning decisions on this basis. Without following the study's recommendations set out in 4.4 the council may not be able to do this adequately.

(e) Staffing Implications

Additional duties can be met at present using existing staff and budgets, however this has an impact on other duties of the climate change officers. It should be noted that this is a bare minimum approach that should be reviewed as further guidance, particularly on biodiversity metrics, is forthcoming.

(f) Property

None.

(g) Equalities/Socio Economic Impact

An Equality Impact Assessment is not required at this stage as the Proposed LDP will set out place based proposals and will be subject to a detailed EIA.

(h) Climate Change and Biodiversity Impacts

The study provides robust evidence to support the council in delivering planning policies that will have direct and wide ranging impacts on climate change and biodiversity.

(i) Consultations

The Depute Chief Executive (Economy, Environment and Finance), the Head of Economic Growth and Development, the Legal Services Manager, the Head of Financial Services, the Democratic Services Manager, and the Equalities Officer have been consulted and comments received have been incorporated into the report.

6. CONCLUSION

6.1 That the Council considers and notes the contents of this report and approves the recommendation to outsource large and complex cases to an ecologist.

Author of Report: Sophie Ward, Climate Change Strategy Officer

Background Papers:

- Biodiversity Position Statement [Economic Development and Infrastructure Services Committee 2 May 2023 Item 14](#)
- Biodiversity Duty Report 2021-2023 [Economic Development and Infrastructure Services Committee on 14 Nov 2023 - Item 8](#)

Ref: <https://www.nature.scot/scotlands-biodiversity/key-pressures-biodiversity#:~:text=The%20IPBES%20identified%20the%20five,on%20the%20importance%20of%20nature.>

