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**REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON 1 MARCH 2022**

**SUBJECT: SECURING POSITIVE EFFECTS FOR BIODIVERSITY DRAFT GUIDANCE CONSULTATION**

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

**1. REASON FOR REPORT**

- 1.1 This report asks the Committee to agree the proposed response to the Securing Positive Effects for Biodiversity Guidance consultation and for it to be submitted to NatureScot.
- 1.2 This report is submitted to Committee in terms of Section III (E) (2) of the Council's Scheme of Administration relating to the Review and Preparation of Strategic and Local Plans.

**2. RECOMMENDATION**

**2.1 It is recommended that the Committee;**

- (i) note publication of Securing Positive Effects for Biodiversity Guidance for consultation; and**
- (ii) agree the proposed response set out in Appendix 1.**

**3. BACKGROUND**

- 3.1 Planning has an important role to play in helping reverse biodiversity loss and better connecting our biodiversity rich areas. Habitats have been lost, damaged and fragmented, and species disturbed and their shelter and food removed as the result of a number of pressures such as intensive agriculture, over fishing, pollution and invasive species, as well as changes in land-use and the built environment. It is important that all our activities, including development, not only avoids damage to and loss of biodiversity, but helps to restore nature by delivering positive effects for biodiversity.
- 3.2 Draft guidance has been developed by NatureScot in support of the Scottish Government's work on securing positive effects for biodiversity, in particular from local development. It has been prepared to inform understanding of the

intended approach set out in the draft National Planning Framework 4 (NPF 4) which is subject to a separate report to this Committee. The guidance is specifically in relation to Policy 3(e) on the Nature Crisis which is set out in **Appendix 2**.

- 3.3 The draft guidance provides key information on 23 measures and identifies where further detailed information on the design, construction, management and maintenance of individual features can be found. Measures include planting for pollinators, wildflower meadows, living roofs and green walls, homes for bugs, bees, bats and owls, rain gardens and biodiverse sustainable urban drainage.
- 3.4 Some of these measures are already being delivered through the current biodiversity policy within the Moray Local Development Plan 2020 (LDP). It is acknowledged that there is room for improvement in terms of the variety of biodiversity enhancement measures being delivered. For example, encouraging living roofs and green walls where appropriate and increasing the number of rain gardens within local developments. Furthermore, delivering measures to support swift populations and increasing bee numbers as well as gathering more data and developing a better understanding of priority species and habitats in Moray. It should be noted that a report on the Edinburgh Declaration was reported to Economic Development and Infrastructure Services Committee on 8 February 2022 (para 9 of the minute refers). Within this report a number of additional biodiversity enhancement measures were identified which the Council could deliver subject to access to nature restoration funding.

#### **4 Securing Positive Benefits for Biodiversity Guidance Response**

- 4.1 The consultation response is in the form of a survey and seeks views on 3 questions. A summary of the proposed response is set out below each question.

1. The list of measures and features identified in the guidance - are these the appropriate ones, and are there any others that should be included?

Response – The guidance is welcomed and will be useful in helping to deliver NPF4 Policy on the nature crisis. The list is comprehensive and some of the more innovative measures such as wildlife friendly lighting and wildlife towers will broaden existing knowledge.

2. The level of detail provided on each of the individual measures and features – is there adequate information set out to inform understanding of the range of biodiversity measures that can be incorporated in a development?

Response - The information is extensive, yet also fairly generic as it does not and cannot account for site specific circumstances. For a planning authority with no in-house ecological expertise, the guidance does not assist planning officers in deciding what specific measures would be most suitable for a particular site. Therefore, access to local biodiversity data

and expertise will be required to ensure responses to planning proposals are fully informed.

Additionally, the guidance does not assist in influencing developers to choose more challenging measures (such as living roofs and green walls) it is proving challenging to promote these where there are easier 'off the shelf' or generic solutions (for example cutting holes in fences for hedgehogs and provision of bird and bat boxes).

There is a lack of information on the scale of biodiversity measure/s required to ensure a positive benefit. The addition of case studies across a variety of sizes and types of developments with different site conditions would be welcomed. The guidance does not include proposals requiring a metric to evidence that there has been a net gain in biodiversity.

The identification of measures that are complementary to one another is helpful when thinking about implementation of a package of biodiversity measures on a site.

3. The clarity and accessibility of the guidance as a means of a) informing project design, and b) decision making on the measures to be included in individual applications?

The guidance is very welcomed as it sets out a wide range of potential measures. However, with regards to assisting with decision making, although the guidance offers opportunity for planners to raise alternatives, it doesn't commit developers to think about different options other than the easy tick box. Again, for those Planning Authorities with a lack of in-house ecological expertise there is concern that opportunities are not being fully realised. Without accessing local data and ecological expertise there is a risk that the biodiversity enhancement measures most appropriate to sites are not being delivered.

A further detailed response is set out in **Appendix 1**.

- 4.2 The deadline for responses is **4 March 2022**. The draft guidance will be revised to reflect any changes in the finalised NPF 4 and consideration of comments received to this consultation from stakeholders. The finalised guidance will also include photographs, sketches and diagrams to illustrate the measures and features discussed. NatureScot will publish finalised guidance when Ministers adopt NPF4.

## **5 SUMMARY OF IMPLICATIONS**

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

Protecting and enhancing biodiversity is important to building a better future for our children and young people in Moray, supporting their health and wellbeing and connecting them with nature.

**(b) Policy and Legal**

There are no legal implications associated with responding to this consultation.

**(c) Financial implications**

There are no financial implications arising from responding to the consultation.

**(d) Risk Implications**

There are no risks associated with responding to the consultation.

**(e) Staffing Implications**

There are no staffing implications associated with responding to the consultation. Staffing implications associated with delivering NPF4 are set out in a separate report to this Committee.

**(f) Property**

There are no property implications associated with responding to the consultation.

**(g) Equalities/Socio Economic Impact**

None identified.

**(h) Climate Change and Biodiversity Impacts**

This draft guidance advances the understanding of the implementation of draft NPF4 policy in relation to the nature crisis. In contributing to this consultation it is hoped the response influences future guidance to ensure delivery of enhancement of biodiversity in Moray and that the Council is taking appropriate action to tackle the nature and biodiversity crisis.

**(i) Consultations**

Consultation has taken place with the Depute Chief Executive (Economy, Environment and Finance), the Head of Economic Growth and Development, the Legal Services Manager, the Principal Climate Change Officer, the Open Space Manager, the Equal Opportunities Officer and Committee Services Clerk and their comments incorporated into the report.

**6. CONCLUSION**

**6.1 NatureScot has prepared and is consulting on draft guidance on securing positive benefits for biodiversity from development. The guidance is intended to support draft NPF4 and specifically policy in relation to the nature crisis. The proposed consultation response is set out in Appendix 1.**

Authors of Report: Emma Gordon Planning Officer and Sophie Ward Climate  
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Background Papers:

Ref: