

NPF4 SECURING POSITIVE EFFECTS FOR BIODIVERSITY WORKING GROUP MINUTES

Meeting 3 - Towards a future planning policy

01 July 2021

Attendees at Annex B

Introduction and Welcome

- Cara Davidson welcomed everyone, introduced those attending the working group for the first time and gave a presentation on possible approaches for future planning policy to secure positive effects for biodiversity in association with development.

Group Discussion 1 – A national obligation: ‘appropriate measures’ to enhance biodiversity

Facilitators: Simon Brookes and Paul Sizeland

Do you agree that collectively, and at scale, the types of measures identified [in the NatureScot paper] can contribute to positive effects for biodiversity?

Comment: Yes – alongside appropriate resourcing / training for planners. View that needs supported by national nature network.

Comment: National consistency is welcome - need more info on delivery.

Comment: Agree in principle, but want to know more about how we will work out 'how much is enough'. What constitutes 'additive'. Down to professional judgement.

Comment: How will it operate? Point is existing SPP has requirement. Orkney SPG quoted in NatureScot research but this is rarely used in Orkney DM. Need to get this into development briefs.

Comment: What are differences to current SPP, also noted Edinburgh guidance is not included in NatureScot research. How can we ensure delivery/an industry standard?

Comment: Large-scale renewables projects require clarity – they often cross council boundaries.

Comment: Wants NPF4 to be clear what is policy principle. LLTNP saying key consideration. Example of planting as simple measure which can be all that's needed.

Comment: Need to tie to Nature based Solutions and ecosystems approaches and regional context to avoid piecemeal approaches – possibly tie to a 'national network'?

Comment: Yes in planning and delivery, No in terms of long term resilience. The(nature scot) list is good, but needs to come with an obligation about community

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co-share and stewardship. Who pays for meaningful maintenance? [Example given of Victorian gardens – previously only meant to be small now 70 ft trees with maintenance need]

Comments: The measures are not strong enough, despite being helpful, they will not make a major difference to Scotland's nature emergency, it will be difficult to get developers to act. Understandable not to go down the metric route.

Comment: We are in a position to do something new - more radical. How do we do more to ensure we get more than 'a little bit of positive?' – Does this go beyond offset? Concern about potential for harmful development with "green jewellery" around it.

Comment: Helpful that this approach leaves it open to judgement - although that can bring in debate.

Comment: Currently struggling with developers regarding biodiversity. Need for strong language at a national level to avoid local authorities arguing endlessly with developers.

Comment: Using GIS data to inform restoration and design good quality multifunctional spaces is highly effective, important to view blue-green infrastructure as a positive asset in the same way buildings etc are.

Comment: There are individual actions here that we can shape at a local level – however more widely we need to integrate green-blue infrastructure, at the start of development before everything else.

Comment: We should be applying carbon offsetting onsite or in communities developers are profiting from.

Comment: There is a lack of strong spatial understanding, the scale of benefit needs clarified (local, regional, national etc), and nature needs linked.

Comment: We need to rethink how we involve communities, the plan is too much of a "reactionary tick box exercise", meaningful discussion needs to be made with communities surrounding biodiversity.

Comment: important to get developer buy in, the list is good – comfortable in being able to assess this, however, we need a minimum level of biodiversity enhancement or developers will do very little.

Comment: Opportunity to be more radical/ raise issues from the start and reducing the ability for wiggle room for developments.

Comment: Don't want tokenistic. Want to be based on site info. Needs long-term maintenance. Needs to be embedded in a Regional Strategy/vision in order to generate 'additive' effects.

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Comment: We need to link in against regional/landscape scale, needs to be co-ordinated.

Comment: Individual measures need to link into wider strategy.

Comment: We need to avoid everyone picking same thing/going for smaller stuff, needs co-ordinated or connected to bigger plan.

Comment: If approving development, it is not reasonable or enforceable to ask individual householders to maintain these.

Comment: Connection needs to be made to coming biodiversity strategy. Urbanisation one factor.

Comment: Need principles to select particular measures that are appropriate to local circumstances.

Comment: Need to share data. Peatland Action has provided useful lessons in data sharing. AI and Earth Observation are important tools, as is Natural Capital Asset Index.

Comment: Concerned about leaving too open if leaving to others to choose species. A lot of plant species could potentially be invasive if used inappropriately. Criteria as to what's fit for purpose has to be set out quite clearly.

Comment: Requires good contextual data/evidence-based approach. There's a danger if not done properly it could be seen as burden, needs to be evidence based. Don't want negative connotation of being burden on development.

For the purposes of preparing national guidance, do you think it useful for measures to be grouped by particular types, scales or locations of development? E.g Those that fall below a national obligation?

Comment: Scale needs to be tied to type of development, pointed out complications as three or four houses could be less relevant to Midlothian but substantial for more remote rural areas.

Comment: It would be useful to define criteria as musts rather than "it would be nice to have".

Comment: Include PDR, include householders relative to the scale of development.

Comment: We need criteria on why we are asking, we need multifunctional solutions - integrated impacts.

Comment: High potential of nature based solutions, SUDs in Denmark is an example of this being done successfully.

Comment: Asks need to be relevant to scale of development, there should be a requirement to have an ecological survey from the start.

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Comment: Not individual houses - but yes housing development.

Comment: SEPA talked about general binding rules could this help us be radical?

Comment: We should exclude smaller measures as being relevant to larger scale stuff.

Comment: Could exclude householder. Also helpful to break down by type of development, Ecological context is important for targeting appropriate measures.

Comment: Agree - exclude individual householder development as no value. Is opportunity for larger stuff to set out what's needed, linked to LDP spatial strategy.

Comment: Definitely be proportional. Also want to know 'what is enough'?

Comment: Would be concerned if separate approach for renewable industry, concern if renewable industry have higher level of regulatory burden. Feel should be driven by potential for negative impact e.g. through EIA process.

Comment: Housebuilding industry, recognise impact can have on environment. Tailor Wimpey just launched environment strategy. Open to really engaging and trying to improve and recognise can have a big impact as a company.

Comment: Shouldn't lose opportunities - need clear policy principle.

Comment: Householder planners in Edinburgh keen to make difference in urban areas - Local-scale can have large cumulative effects especially for 'benefits for people'.

Group Discussion 2 – demonstrating positive effects through the planning application process

Facilitators: Emma Hay and Julie Dewar

We propose that, as a minimum, all national, major and EIA development should be included. Do you agree?

Comment: Purpose of EIA/SEA, traditionally about mitigation – this is asking it to do more - Is EIA/SEA enough?

Comment: view that EIA isn't about enhancement, there should be a clear obligation that doesn't rely on EIA.

Comment: If we are to depend on those tools for transformational change - do we need to think more widely, e.g. about habitat networks - new concepts have come into place since the Directive e.g. habitats to help address the twin crises.

Comment: Spatial data is highly valuable to inform EIA/SEA - we don't ask for information from developers in a format that can be shared we should be able to

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create a Scotland wide SEA and see impacts across wider geographies - we don't do this.

Comment: SEA is by nature strategic so wouldn't get us down to the individual site level.

Comment: Local scale wouldn't require EIA. ER is good to have and an existing requirement - we need to tighten up in EIA - or doing it a relative scale. - Lots of this information is asked for anyway alongside an application - EIA/ SEA are more naturally focused on mitigation hierarchy rather than enhancement.

Comment: I would prefer to see something stronger than relying on existing mechanisms – [we rely on SPP as decision makers - material consideration]. It would be good to see developers doing a lot more, particularly with windfarms where they have the land/ scale to do it, often developers don't follow up on the stewardship they promise.

Comment: There will be much more Electricity and Network development to come however they don't have control over the land (in the same way as wind energy). Despite having BNG written into policy they don't have mechanisms to secure it e.g. land control. - Maintenance and stewardship is also important.

Comment: Regional land use partnerships could be applied to be more like a green area partnership across communities.

Comment: Complications around land owners not giving permission for more biodiversity beneficial locations.

Comment: Spatial data mapping could help address the problems surrounding private/public land.

Comment: Importance of integrating land rights and responsibilities - RLUP's could apply to urban as well as rural areas

Comment: Can we ask for all scales of development through an application to undertake proportionate self-assessment – similar to an energy warrant and capture perception - are proposals expected to have positive or negative impacts.

Comment: Could widen - for example housing 1.9 ha is still quite significant. Maybe define exclusions rather than inclusions?

Comment: No brainer - national, major, local; LLTP 400 applications per year, only 1 every 2 years or so are major.

Comment: Could do other way round and specify what's excluded.

Comment: Would want to include EIA developments not just national and major.

Comment: General point often easier to exclude rather than try to cover everything. Downside - is there potential developers then try to fit in with exclusion.

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Comment: If focusing on transformative change, only looking at major loses opportunity. Needs to cover broader range of development.

Comment: Some of larger scale for developer for renewables will have more resources, need to ensure proportionality and ensure don't make anything unviable.

Comment: Affordable housing for example, carbon emissions requirements for example, maybe consideration of those examples can help. Also need LDP strategy to identify where opportunities e.g. for enhancement, could be off-site. Building standards for example where targeted approach been successful.

Comment: Transformative change is key, has to be at scale. Needs to encompass as much development as possible.

Comment: Housing, particularly greenfield, need to capture. Have to think how best to do that. Is then quite hard to come up with practical solution. If very specific will be lots that's excluded.

Comment: To reinforce transformational change. Key is around transformational change. Everything done so far is good but need to broaden aspirations have stepped change in approach.

Comment: Interest in how baseline going to be set/biodiversity value. Point that previously farmed land not as much value as pristine. Need to understand the potential of local sites and bear in mind that off-site benefits may be higher.

Comment: Resourcing – view that NatureScot have retracted from support. Role of improvement service in delivering training - need parallel programme that can help planning authorities with implementation in practice.

Comment: Fundamental that can't keep asking PAs to do more for less. Need support on ground for delivery. Burden can't all be on PAs. Support has to be there for it to work.

Comment: Used to have correspondence from SNH on what would and wouldn't comment on – point that resources are constrained.

Comment: It should apply to everything if we take a points based menu/ options systems - there shouldn't be an exception to the rule.

Comment: Minerals expect to be included, but don't want to add complexity, want to know specifics of what will be required. Don't want approach to be different for renewables - Developers want to see consistency.

Comment: Mindset/culture shift needs to happen to fully understand what is being done is of benefit to natural capital.

Comment: For PAs often about timing and timescales, biodiversity issues can hold up timescales.

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Comment: Lots of renewables come as s.36 applications. How will this apply to them? Don't want a different set of rules and want it captured by NPF4 requirement as well.

Comment: Will echo point about resourcing. PAs seen 42% resourcing cuts since 2009 also want to see involvement of NatureScot.

Comment: Does this hark back to national obligation. Change mindset from burden to something want to deliver.

Comment: Join up between biodiversity and climate change - COP 26 and COP 16 will bring that into focus. Focusing on biodiversity but need to prioritise nature based solutions for example to address challenges around flooding etc.

Comment: Need NPF4 need to join up strategically, twin challenges climate and biodiversity.

Comment: More planners good, but ecologists view really carries weight in front of planning committee.

Comment: People need to be made to implement measures. Resourcing/expertise.

Other Comments

Comment: There is a disconnect between asset managers (knowledge of assets) and planning service perspective on land ownership.

Comment: Agree that a metric may not be the way to go, however, would welcome approach similar to the Planning and nature tool used in Germany point scoring system.

Comment: Support for menu of options - big fan of the green points system, which is now being used in London - helps with the potential of the site.

Group Discussion 3 – focus on delivery

Facilitators: Simon Brookes and Paul Sizeland

- 1. Have you used / accessed an LBAP in your current role?*
- 2. Can LBAPs help deliver positive effects for biodiversity from new development?*
- 3. Is information currently presented in LBAPs easily accessible to planners/developers? If not why not? If yes - are there good examples you are aware of?*

Comment: Use LBAPs all the time, but not enough weight behind them/behind priority species if doesn't have statutory weight behind them.

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Comment: Often ref LBAP for consultants to look at when preparing application, but often lot drops out with other matters taking priority. Outcome not always as positive as would like.

Comment: LBAP tends to be less tangible and precise than other requirements – permitted developments act contrary to biodiversity gain, exacerbated by agencies providing ever less advice.

Comment: LBAP is not a planning document. Key source is the LDP. Planning is not the solution to everything, so we need to integrate biodiversity into all strategies.

Comment: In previous DM roles agree lots of info have to look at, unless there is policy which reqs something often isn't a lot of traction/in depth knowledge from planners. But requirement for PEfB can help change that. Issue of weight. Can also be out of date, not sure how relevant they are.

Comment: Some LBAPs are not designed to support planning.

Comment: Need to integrate LBAPs with LDPs – they often fall through the cracks – LDPs must address 'planning for nature'.

Comment: COSLA guidance does identify LBAP role in Planning

Comment: Wouldn't typically refer to directly in making decisions, too many steps between LBAPs and actual proposal. Got to be proportionate. Easy on some other matters to demonstrate requirements met, biodiversity not as tangible or precise, therefore becomes easier to dismiss. Lot of aquaculture development becomes tricky because of PD, expansion of PD goes against grain of what talking about today generally. Less advice from NatureScot etc. Battling even if have knowledge of LBAP because of lack of policy backing.

Comment: I (planner) wrote LBAP, with no ecological expertise - don't have a technical and robust understanding of ecology.

Comment: Don't feel that LBAPs are the right tool - we are asking them to do something they were not designed for has risks - it's not a planning document. There needs to be a hook in the LDP, in absence of any other option used the LBAP was used, however concerns about how robust that would be in future examination.

Comment: LBAPS, can be highly specialised and aspirational rather than about on the ground delivery and accessible data. E.g. safeguarding protected species.

Comment: Improve - separate from planning process, include action plan with costed deliverables and be clear to avoid duplication of effort.

Comment: LBAP is important locally & we are seeing improvements – however reservation that use as a planning policy tool/ dual purpose wouldn't work, fulfils a wider function than planning.

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Comment: Some LBAPs found to be really helpful at a project level, some not. Disappointing (to see survey results) of acceptance that they aren't going to change planning. Whether it should be OSS/ LBAPS, whatever we do has a resourcing implication and need to ensure that's resourced.

Comment: Lot of struggle around resources/ expertise/ capacity and powers for planning authorities - aligning those without resources - raising level of ambition - do we have ability to deliver? There is lots of will and being asked to do more better.

Comment: Yes, LBAP - informs fife plan and Supplementary guidance.

Comment: Need to be based on good quality data - SBIF - proposals for a radical overhaul - close working relationship with biodiversity datacentres - fundamentally different to the way data is recorded and could be shared.

Comment: LBAPS should have a wider remit - linked to wider Land Use Partnerships – echo resourcing point - developer contributions as a way to fund/ offset?

Plenary Conclusion

Cara and Simon summarised the main takeaway points from the discussion sessions.

Cara set out the next steps for NPF4 which will be introduced to parliament in autumn 2021 and will be subject to extensive consultation and engagement at that time. Also potential for targeted engagement specifically to support the development of national guidance.

Cara thanked everyone for their input to date, including Nature Scot, for all their work behind the scenes in drafting papers to support discussions.

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ANNEX A - Transcript of Discussion

Plenary

[10:11] Apologies for late arrival - connection issues this morning

[12:08] I thought I'd drop this into chat rather than raise it in the discussions. I am concerned that we are using the term offsetting in the documents. This suggests 'covering the damage we have done'. If we are talking about positive effects, surely we are looking for offsetting+ - going beyond the quantum of impact into a net positive set of solutions

(3 liked)[12:09] I would drop in that Net zero is well understood; Net gain would also be more intuitively understood if communicated for biodiversity; or else zero harm

(1 liked)[12:10] I've started using the term "do no harm" as that's easier to explain than net zero or net positive

[12:10] Do no harm covers net zero but doesn't get us to positive effects

[12:11] Surely, we are looking for 'do no harm and do some good too'?

(2 liked)[12:11] National targets for reversing decline of biodiversity could help drive action for nature, in similar way net zero targets have done

(2 liked)[12:11] IN a wider context it does as you then ask the question holistically about how you then improve or look for a positive impact

[12:11] I think do no harm itself would be a step change, if we are worried about offsetting

(2 liked)[12:11] but beyond of course is needed

[12:12] My sense is that the group is more ambitious than what has been presented to us so far.

(1 liked)[12:13] It should be protect and enhance

[12:13] 5f457b3679645_LRRS Protocol on Good Stewardship of Land.pdf (landcommission.gov.scot) states "When decisions are made about land use and management, the potential harmful or negative effects on the environment and on other people are considered, and efforts are made to minimise these"

[12:14] Don't forget the opportunity to engage the ecological expertise of local authority ranger services - although there has been a big decline in the number of ranger posts funded over the past decade.

Discussion group – HE

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[10:46] Soil is an essential issue which is fundamental to biodiversity. Too much soil compaction happens on building sites which causes long term challenges for the new habitats

[10:49] I completely agree with Deryck's point about scale

[10:49] Capturing CO2 from existing businesses can be used to decontaminate sites and creates carbonate which either creates great foundational material or a marketable commodity and oxygen

[10:50] It's all about a place based approach with Nature based solutions focus. Do no harm to social cohesion, health & wellbeing, economy, environment and biodiversity

[10:51] I agree with Kathy, but would caveat it with don't assume local authorities have the skills and resources to undertake that valuable type of engagement

(2 liked)[10:52] Data driven decision making can only be powered up by spatial data and the ability to ask the map. The map can capture visuals, background data and different data layers. Once you know the criteria for delivery you can then have conversations with communities about where NBS can be delivered. Quite frankly all actions, tasks and policies are all NBS if you want to mainstream biodiversity

[10:52] Whilst I buy into NBS as a concept, there is still a value in talking about blue-green or natural infrastructure (this is the term used in the Infrastructure Investment Plan) since it firmly places these solutions as infrastructure and links to the 'infrastructure first' concept

(2 liked)[10:52] green points system gives that minimum without being a metric

[10:53] Elephant in the room is Local Place plans

[10:53] Issue is the wider world is moving on from talking about green infrastructure and are now talking place based approach with NBS

[10:55] I could argue that we are at risk of only talking with people like us on this - there are plenty of people out there who aren't talking about NBS yet (we need to use both depending on our audiences and partners)

(2 liked)[10:56] Hi Simon - we have 5 mins left before break

[10:59] I like that idea of binding requirements

[11:00] Love the Scout / guide badge version of NPF4

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[11:01] I couldn't agree more with Scot!

(2 liked) [11:02] What's the purpose/weight of the SEA to incorporate NBS from the outset?

[11:03] Should this not be guiding development in the gatecheck process?

(1 liked)[11:04] definitely need to be absolutely clear about information requirements

[11:04] Katherine Pollard it's assessing the policies within LDP / NPF to gatecheck that the policy direction is correct. Certainly from a glasgow point of view are three foundation strands will be climate adaptive / place based approach / nature based solutions

(1 liked) [11:21] Apologies - phone call from my CEO

[11:24] layering process of GIS data: planning apps, policy layers, LBAP layers, Environmental data - if we can capture all then we can start to identify gaps or comply with criteria for provision

[11:25] Need something at a site scale about adaption benchmarking

[11:35] Regional Land Use Partnerships to help drive urgent climate action - News - News & Events - Scottish Land Commission

[11:35] Hi Emma - 5 minutes left

(1 liked)[11:36] Putting green roofs on industrial sheds would require a completely different construction approach (not that we shouldn't do it)

(1 liked)[11:37] Tools need to be embedded into the policy

(1 liked)[11:45] LBAP is an action plan not a policy document - it's a difference that we had to be very mindful of when writing our LBAP

(1 liked)[11:46] LBAP in Glasgow whilst taken cognisance off in LDP is disconnected from planning process. we are trying to get the ecologists to understand difference between aspirations and policy

[11:55] Hi Simon - 5 minutes left

[11:56] Our LBAP is definitely thematic rather than spatial, which works best for us

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[11:57] so is ours in Glasgow. Just needs to be more realistic and have correct data behind it

[11:57] Our Local Development Plan is supposed to reflect local priorities from the LBAP and our supplementary show green networks which sets out opportunities for enhancement.

(1 liked)[11:57] Completely agree with Deryck about data and resource

(1 liked)[11:57] *guidance

[11:58] There needs to be a better link or visibility of the link and role of the LDP, OSS woodland strategies and LBAP. Defining their roles and how data for one can support the other would be good. Collecting data on pdf reports / word docs / excel spreadsheets doesn't help

[11:59] If LBAP's are action plans then they need costed delivery plans behind them that show who is responsible for the actions and how they are going to plan, deliver and stewardship them

[12:01] Tie in with digital planning work stream under transforming planning

Discussion group – CD

[10:29] Q1. Will this approach help to mainstream biodiversity in planning?

[10:34] Agree that have to be clear that enhancement is delivered in addition to following mitigation hierarchy

[10:39] Q2. Can the types of measures listed collectively and at scale contribute to positive effects?

[10:43] A nature network would help direct opportunities for enhancement and help planners and LA officers to assess value of measures

[10:51] Q3. should any types or scales of development be excluded?

[10:51] Q3. Should any types have any particular obligations placed on them?

[10:59] i agree the need for proportionate approach where individual householder may not provide the types of benefits, I am concerned that the focus then solely falls on new developments and we miss the chance to improve existing ones. Community groups were mentioned earlier is there a way have that engagement to encourage this cooperation.

[11:12] We propose that, as a minimum, all national, major and EIA development should be included. Do you agree?

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[11:13] Are there other specific types or scales or development, e.g. wind energy, mineral extraction, housing etc. which should also be included within scope?

[11:14] agree with minimum

[11:16] I agree with Esme.

[11:16] Yes agreed with Esme and Jamie

[11:17] same for me

[11:20] agree with Hannah that transformative change needs to include wide range of development

[11:26] opportunities too to invest in natural capital

[11:26] and then you'd need to be clear on how habitats are valued consistently across a spatial area

[11:26] for comparable baselines

[11:28] Agree fundamentally resources and training needed for LPAs

[11:29] Important to set out what authorities will be tasked with assessing, implementing, and enforcing the biodiversity duty. A particular concern for wider industry (particularly on the English approach) is a significant lack of resourcing at the local level. With many authorities lacking ecologists on staff, how/who will be assessing and implementing the new biodiversity requirements (LA planners, consultants, NatureScot) is a key question.

[11:30] I would add, noting (from my experience) English LPAs being generally better resourced still (despite not bring enough) re planning ecologists

[11:33] <https://www.rtpi.org.uk/research/2021/june/resourcing-the-planning-service-key-trends-and-findings-2021/>

[11:40] I like that we are returning to the words culture change and transformative today which is the aspiration and not tinkering at the edges.
(2 liked)

[11:47] Have you used LBAPs in your current role (in relation to making decisions for biodiversity/greenspace/amenity as part of planning/development activity) if so, – what was you experience

[11:52] 1. Is information currently presented in LBAPs easily accessible to planners / developers? If not why not? If yes - are there good examples you are aware of?

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[11:57] would think LBAP could function together better with local biological records centres to be a source of a more robust centre of information for developers to consult

[11:57] local biological records centres are also massively variable in the quality of data and service they deliver

[11:57] and have limited resources

[11:57] agree that a mapped nature network is needed at LDP/ RSS level to inform delivery and prioritise.

(1 liked)

[12:00] agree with Jamie

[12:00] LDP

[12:00] LBAP could help inform only

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Annex B - Working Group Attendees

Organisation	Representative
CIEEM	Hannah Williams
Edinburgh Planning Authority	Julie Dewar
Fife Planning Authority	Scott Simpson
Glasgow Planning Authority	Gillian Dick
Green Action Trust	Deryck Irving
Homes for Scotland	Naomi Cunningham
LLTNP	Stuart Mearns
Midlothian Planning Authority	Emma Hay
Nature Scot	Simon Brooks
Nature Scot	Paul Sizeland
Nature Scot	Alan Cameron (Note taker)
Orkney Planning Authority	Jamie McVie
RTPI	Robbie Calvert
SCDI	David Kelly
Scottish Environment LINK	Esme Clelland
Scottish Forestry	Colin Edwards
Scottish Land Commission	Katherine Pollard
Scottish Land & Estates	Lindsay Duncan
Scottish Renewables	Stephanie Conesa
SEPA	Scot Mathieson
SG: Biodiversity team	Liz Walker
SG: Biodiversity team	Graeme Reid
SG: Energy Consents	Alan Brogan
SG: Land Use Strategy team	Keith McWhinnie
SG: Planning and Architecture	Cara Davidson
SG: Planning and Architecture	Hannah Eamer
SG: Planning and Architecture	David McGonigal (Note taker)
SG: Regeneration	David Cowan