

NPF4 SECURING POSITIVE EFFECTS FOR BIODIVERSITY WORKING GROUP MINUTES

Meeting 4 – Draft National Planning Framework 4 (NPF4) and NatureScot Guidance

26 January 2022

Chat Transcript at Annex A

Attendees at Annex B

Introduction and Welcome

- Cara Davidson welcomed all members to the fourth working group meeting, especially those attending for the first time. There were then a series of short presentations as outlined below.

Plenary speakers:

- Liz Walker, Scottish Government Biodiversity Strategy programme manager: Update on Biodiversity Strategy
- Kristen Anderson, Scottish Government PAD: Open Space Strategies and Play sufficiency assessments
- Cara Davidson: Scottish Government, Introduction to NPF4 / Universal Policy 3

Group Discussion 1 – Approach Taken in NPF4

Any views on the overall approach to tackling the nature crisis in draft NPF4?/on the wider LDP / OSS proposals also out to consultation

Comment: Policy on protecting nature conservation sites seems weak, policy 3 guidance good but what security will actually be implemented, if cop 15 is delayed will that delay biodiversity strategy?

Comment: Overall approach can generally support assuming mechanisms work, concerns over how section d is implemented.

Comment: Like simplification and lack of metric, putting outcome over complicated systems good, in general supportive of approach.

Comment: Forestry perspective quite supportive, encouraged by language on NBS, and increasing connectivity through nature networks and not having complicated metrics.

Comment: Generally supportive of broad aims and intention.

Comment: A general feeling of concern and fear that Local Authorities may not be able to use the policy. Feeling that it is not robust enough to withstand the legal system and Developers will be able to get development approved without having to really meet this policy. Local Development Plans would need a lot of local policy to make this workable.

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Comment: Concern that this policy cannot be applied in a rural and city context. The Biodiversity policy reads in a disjointed way and needs to take account of the Land Use Strategy.

Comment: The NatureScot draft Guidance is a good start but needs work.

Comment: Local Development Plans must be allowed to make things clearer. How much will be allowed to be added/differ from NPF4?

Any views on draft policy 3a) on development plans?

Comment: Important to have support, that all things talk to each other and linkage between policies, glad to see that connection is there, overall supportive of section A.

Comment: Is there something there that should be acknowledged of how it can tie in with future rural policies, are there ways and means in making sure there isn't an abrupt break in what they're trying to achieve?

Comment: For NPF4 to have a clear policy on biodiversity as a benefit to business for benefit around cost of resource, avoid potentially 32 different conversations on biodiversity, agree with point on avoiding complex metrics which suck up metric and resource, want clarity to help with making land deals.

Comment: The word "facilitate" here causes concern. It has to be replaced with a stronger word.

Any views on draft policy 3d)?

Comment: How much is enough? Knowing how much would be valuable, wording any good consultants will be doing at the moment, what does it do to go above that?

Comment: Fish farms/shellfish and householders excluded – why?

Comment: Increased risk of wider negative effects through individual householders development, concerned about shellfish and farmed fish given exemption.

Comment: Some planners very supportive of some sort of householder requirements.

Comment: Is there merit providing guidance to householders to how to improve biodiversity, supportive of e – what we're trying to do on site anyway, touching on d – metrics set out there on how to value baseline biodiversity and mitigate – seems sensible methodology but who determines what is demonstrably better? Could have 32 variations of not enough – what is enough?

Comment: 3e – in general we support – keen to understand more about measures.

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Comment: The sentence “where it can be demonstrated” causes concern and needs to be looked at and strengthened. But the rest of the wording here is clear and has a good aim.

Any views on the exclusion of aquaculture development from draft policies 3d) and 3e)?

Comment: Concern regarding exclusion of aquaculture developments. These can be significant, why are you excluding river crossings etc?

Comment: Any development should start off by assuming that they should do no harm. This takes away a lot of confusion. Developers must then provide proof of how they are doing no harm.

Comment: Current layout separates places. Approach should be consistent across all areas of Scotland. Do not separate rural and city.

Do you agree with the exclusion of householder development from draft policy 3e)?

Comment: The phrase “individual householder” is odd and doesn’t actually mean single house development.

Comment: When 3d discusses mitigation it forgets the first stage of the hierarchy which is to avoid harm.

Comment: For the issue of single house development, Local Authorities must make their own call on whether they should be exempt or not. For some areas the vast majority of development applications will be single house.

Group Discussion 2 – Developing with Nature Guidance

Based on the terms of the draft NPF policy 3e, does the Developing with Nature guidance provide the necessary range and level of information to replace similar individual LA guidance, and if not what else should it contain to enable this?

Comment: Seems like there are a couple of exceptions meaning it couldn’t such as individual householders not being included and large scale – seems to focus on in-between – doesn’t think it will replace if excluding small and large development, not clear enough as is.

Comment: Doesn’t agree guidance should be for everyone rather than experts, seems naïve to assume people will understand complex guidance, questions if it can do what it needs to do.

Comment: It’s not a manual but opens a door to those less familiar with biodiversity principles – opens door to pointing where to go.

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Comment: Sees it as potentially useful place individual householders can go to, then can go to local authorities for further information.

Comment: The term “native” may change over the next 50 years as a result of climate change. Where is the link between this and climate change?

Comment: Detail must be in statutory planning docs such as Forestry and Woodland Strategies and Open Space Strategies). These can lead the way on why we are asking developers to put certain things. These are our evidence base.

Comment: How are communities brought into this? And where does vacant and derelict land fit into these measures?

Comment: When processing planning applications we expect information to come from suitably qualified people. It doesn't say what qualifications are required to use and apply this guidance.

Comment: We must not let off individual householders. They can apply these measures. It might need a separate section or slightly different advice but they must still do their bit to tackle climate change.

Can the guidance on selecting appropriate measures (paras 27-31) be improved, if so how?

Comment: General feeling that the tables are very confusing and hard to understand. A colour (red/amber/green) system would be better.

Comment: Work needs to be done generally on changing attitudes. For example, a hedgehog tunnel goes in but the neighbour's dog can fit through it. Therefore the neighbour blocks the tunnel up.

Comment: Perhaps consider adding hyperlinks into the guidance document.

Comment: Needs more on watercourses and how to improve those. SEPA want to work with NatureScot on enhancements for watercourses and getting this into the guidance.

Comment: In what situation would the measure be appropriate? Not sure if this touches on replacing like for like.

Comment: Asks if mitigation hierarchy could be more prominent.

Comment: Framing which situations these measures would be appropriate. Want to avoid removing habitats for less appropriate ones.

Comment: Struggling to see where differentiation between small, medium, large comes in, wants clarity in what differentiates them.

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Comment: Aim should be to keep explanations as clear as possible.

Comment: Where do we get the data to support this from? How do you measure success? Every Local Authority would need up to date GIS information. This is not the reality at present. Where is the need for monitoring? We should be constantly updating the data so that the results can feed into NPF5.

Comment: The quality of data and information held by Local Authorities can be variable.

1b – are there potential homes for nature which are missing from included list?

Comment: Case that people would jump to easier things? More difficult to create habitat, how do we ensure not a case of cheap and cheerful? Overall feel where's the teeth? Needs to have more behind it to have teeth.

Comment: Wonder about opportunities to pull up priorities particularly relevant to the individual local authority areas to Local Development Plans (LDP's) – interested to hear views on LDP guidance as a means of giving more teeth.

Comment: If we were to suggest some measures we'd be confused why we weren't including more, got be holistic view of lifecycle, planning apps complicated and you do need advice.

Comment: Whether practical or feasible to tighten rules? If we're striking right level of ambition?

Utilising Local Biodiversity Action Partnerships (LBAPS) – role they play in this- any thought on that?

Comment: In planning app responses we say look at LBAP. Need to rethink how we write so more links with plan – be good if NPF4 was strong on LBAP – want connection between policy and plan.

Comment: How do we future proof?

Can the guidance on determining the scale of enhancement (para 37) be improved, if so how?

Comment: Wonder if related to licencing process, no existing obvious requirement for mitigation, subjective, above and beyond quite tricky without more specific guidance.

Comment: Would the word demonstrable change things?

Comment: Difficult with lack of information on if what you've done for species is enough.

Comment: Who will setting bar for proportionate responses?

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Comment: Local Authorities should identify where local gaps are and then when development proposals come in, officers can check what needs to be done for that area. But this requires up to date and robust GIS data. Otherwise we will be in a position where we have to rely on the data provided by the ecologist working for the Developer.

Comment: There is a need to integrate variety. For example, if a large development proposal only put in bee bricks but didn't also combine this with planting and pollinator enhancements the bee bricks will fail. Choices made much compliment and support one another.

Comment: The information on estuaries is very thin. Coastal development may need different guidance or a distinct section. Some Local Authorities' have significant areas of developable coast line.

Plenary Conclusion

Cara thanked all for attending today and continued engagement.

High level themes picked up across groups included:

- balance between clarity and flexibility;
- Language (established convention in using 'must' where statutory and 'should' as strong signal of policy expectations); and
- enforceability and delivery and resourcing/skills.

Cara encouraged all attending to respond to the formal consultation.

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ANNEX A - Transcript of Discussion

Plenary

[10:09] I'm assuming the slides have not moved and we are all still looking at slide 1

[10:18] For the OS Audit, is there a standardised measure/metric for condition assessment? Will the condition assessment include assessing biodiversity state/condition?

[10:20] you mentioned in the consultation & engagement section a list of stakeholders that 'should' be considered. Is there any mandatory requirement in place over who must be consulted.

[10:33] Is there any guidance on what is meant by demonstrably better and who decides this? (like 1)

[10:50] Sorry, if wasn't clear, the Draft Regulations propose as a requirement who 'the planning authority are to seek the views of and have regard to any views expressed by -

- (a) children and young people, as defined by section 16B(14) of the Act,
- (b) older people,
- (c) disabled people, as defined by section 16B(14) of the Act,13
- (d) community councils, established under Part 4 of the Local Government (Scotland) Act 1973,
- (e) the public,
- (f) key agencies, and
- (g) any other person or community body which the planning authority considers to be appropriate.

and the Green Action Trust where all of part of their area is within the boundary of the CSGN

[11:24] Thank you all for your time today, I need to jump onto another call. (like 1)

[12:02] The issue of why aquaculture only in north and east coast , not supported, was not addressed. west coast has SAC's for migratory fish.

[12:02] Thank you all.

[12:02] thanks all

Discussion Group 1

[10:36] scotland-2045-fourth-national-planning-framework (36).pdf

[10:55] if memory serves we also spoke about what might be good intentions at an individual household level having wider negative impacts.

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[10:59] guidance is this is something we are working on in Edinburgh and has been in our EBAP for sometime

[11:01] Was going to add how securing enhancements over and above the current status quo - if left to be decided case by case /lpa by lpa

[11:03] I referred to Para 60 of the Integrated Impact Assessments. Without a measure of how much is enough in NPF4, I don't 3d provides the certainty. "At the highest level, NPF4 will provide certainty to developers on the issues that they will need to address when developing their planning proposals. The national planning policies will apply across Scotland and are intended to replace the different policies that are put in place by individual planning authorities. This will provide greater certainty for businesses, and other stakeholders, on the issues that must be addressed by specific proposals regardless of where they are located. This should result in cost savings arising as a result of not having to engage with different local authorities on different policies and also free up resources for local authorities to bring forward development plans that primarily focus on the spatial issues within their areas."

Discussion Group 2

[10:37] [Scotland 2045: Our Fourth National Planning Framework \(www.gov.scot\)](http://www.gov.scot) (Page 69)

[10:37] Morning all, I know some of you, but not all, so Hi. I'm Emilie Wadsworth, Director of Development for Green Action Trust, replacing Deryck Irving on this group. (like 1)

[10:46] Positive comment - putting nature and climate ambition up front in a universal policy. But delivery will depend on getting the detail right. (like 1)

[10:46]

- Any views on the overall approach to tackling the nature crisis in draft NPF4?/on the wider LDP / OSS proposals also out to consultation.
- Any views on draft policy 3a) on development plans?
- Any views on draft policy 3d)?
- Any views on the exclusion of aquaculture development from draft policies 3d) and 3e)?
- Do you agree with the exclusion of householder development from draft policy 3e)?
- Any other comments on draft policy 3?

[10:47] instruct

[10:48] It would be useful for Scot Gov to run a word search on the existing LDP policies to understand the instruction words used.

[10:48] My first bash at a rewrite of 3a was "Local Development Plans should require that new development contributes to biodiversity enhancement, nature recovery and nature

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restoration across the development plan area. Working in partnership with other relevant national, regional and local policies and plans, the local development plan should: identify nature networks and opportunities to support ecological connectivity through improvements to these networks; support, and where relevant require, the creation of new or restoration of degraded habitats; and require the integration of measures to increase populations of priority species.” (like 2)

[10:50] As an aside 3b should be linked to the Nature scot developing with nature guidance when signed off (like 1)

[10:50] Some thoughts on 3d

- 3d) there will need to be some clarity on what “demonstrably better state than without intervention” means. Does this refer to the state prior to development or what the state of biodiversity would be with a poorly designed development? Timescales are also relevant – does this mean upon completion, within 5 years or over the longer term?

[10:58] Or a little bit of guidance from Nature scot on what householders can do to improve their home and surroundings for biodiversity and climate adaption (like 1)

[10:59] 3e and householder exemption - to note the NatureScot guidance "encourages" its application to householder dev, but this will be voluntary (like 2)

[11:03] confusion - as guidance hints that it would be an exception to a rule for dev plans to include additional policies. some colleagues are assuming that the dev plan will look like a very bog masterplan attached to a delivery plan

[11:36] There's a bit of a guddle in the definitions oin the OSS guidance that tends to make blue space invisible. Critical when the biggest open space in Glasgow is called the river Clyde

[11:37] Most councils don't have a large ecological expertise resource. Some don't have any (like 2)

[11:39] Do planners think there an opportunity to share skills/resources e.g. an ecologist across a regional spatial strategy? Thinking about habitat networks

[11:40] Absolutely. Although it is hard to "share" resources we don't have. (like 2)

[11:41] Collect the data

[11:41] use the data

[11:41] ask the map

[11:42] I find the tables not that helpful/ clear. And I'm an ecologist! (like 1)

[11:44] Or ticks and crosses

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[11:44] Thanks - [not on the guidance] do you think that policy 3b) and 32 (b) would help with your points or is there a feeling that doesn't go far enough?

[11:47] 32b helps to not have something happen 3b would need to link to householders or all development

[11:48] Potentially worth thinking about including case studies, showing the potential, and signposting to training/cpd as part of the guidance and support 'package' (like 1)

[11:48] 3b) it should be explicit that this requirement applies to **all** development. It also needs to be clear that the positive effects for biodiversity are not limited to the development site. Bullet point should state "Developments should be designed, implemented and maintained to provide continuing benefits for biodiversity, including priority species, habitats, nature networks and the wider ecosystem of the area." (like 2)

[11:52] Within our OSS we have set minimum requirements and that would fit with what x is suggesting with diversity

[11:53] But you also have the coast all the way up to the tidal weir at Glasgow green

[11:54] Whole of Glasgow's financial district effectively sits on the coast

[11:54] this is where regional land use partnerships would add value

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Annex B - Working Group Attendees

Attendees

| Organisation | Representative |
|-------------------------------|-----------------------|
| CIEEM | Hannah Williams |
| Edinburgh Planning Authority | Julie Dewar |
| Glasgow Planning Authority | Gillian Dick |
| Green Action Trust | Emilie Wandsworth |
| Homes for Scotland | Richard Holland |
| LLTNPA | Susan Brooks |
| Midlothian Planning Authority | Emma Hay |
| Nature Scot | Simon Brooks |
| Nature Scot | Paul Sizeland |
| RTPI | Robbie Calvert |
| SCDI | Gareth Williams |
| Scottish Environment LINK | Niamh Coyne |
| Scottish Forestry | Colin Edwards |
| Scottish Land Commission | Katherine Pollard |
| Scottish Land & Estates | Lindsay Duncan |
| Scottish Renewables | Mark Richardson |
| 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: Environment Team | Susie Turpie |
| SG: Aquaculture | Jamie Barnes |
| SG: Aquaculture | Jill Barber |
| SG: Planning and Architecture | Cara Davidson |
| SG: Planning and Architecture | Hannah Eamer |
| SG: Planning and Architecture | David McGonigal |
| SG Planning and Architecture | Kristen Anderson |
| SG Planning and Architecture | Kathryn Hossack |