

Planning Committee

2.00pm, Wednesday, 13 September 2023

Addressing the Nature Emergency through Planning

Executive/routine
Wards

All

1. Recommendations

- 1.1 It is recommended that Planning Committee notes:
 - 1.1.1 The information provided in this report, requested by Planning Committee on [24 March 2023](#) in response to the Annual Review of Guidance report; and
 - 1.1.2 The policy and guidance framework in Appendix 1, which sets out how the Planning system and development proposals should respond to the nature emergency.

Paul Lawrence

Executive Director of Place

Contact: Caroline Peacock, Planning Officer (Biodiversity)

E-mail: Caroline.Peacock@edinburgh.gov.uk | Tel: 0131 469 3920

Addressing the Nature Emergency through Planning

2. Executive Summary

- 2.1 This report sets out the context for the Planning response to the nature emergency. The information in this report was requested by an amendment to the Annual Review of Guidance report, agreed at Planning Committee on 24 March 2023. Current Planning policy and guidance relating to the nature emergency and biodiversity are contained within [National Planning Framework 4 \(NPF4\)](#), [NatureScot guidance](#), [Edinburgh Local Development Plan](#), [Edinburgh Design Guidance](#) and other Council supplementary [Planning Guidance](#). Emerging policies in the draft [City Plan 2030](#) are also outlined here, along with what is known about additional national guidance expected later in 2023.

3. Background

- 3.1 The nature and climate emergencies are well documented. The need for transformational change in the responses to these is shaping legislation, policy and strategy in Scotland. In NPF4, the new policy framework gives significant weight to consideration of the climate and nature emergencies for all development proposals. The Council declared a Climate Emergency in 2019 and a Nature Emergency in February 2023. Other national responses which are relevant to the Planning system include the requirement for each local authority to have a [Nature Network](#) in place by 2026. There is also a national commitment to meet the “[30x30](#)” target to protect 30% of land for nature by 2030. Development Plans have a critical role to play to minimise impacts and create opportunities for nature recovery, by using spatial planning to guide land use, protect existing important sites for nature and emerging nature networks.

4. Main report

- 4.1 This report sets out the context for the Planning response to the nature emergency. The information in this report was requested by Planning Committee on 24 March 2023.

- 4.2 The relevant documents for assessing development proposals in relation to the natural environment, are summarised below. A list of the relevant policies and guidance is contained in Appendix 1. The relevant documents are National Planning Framework 4 (NPF4), Developing with Nature guidance by NatureScot, Edinburgh Local Development Plan, Edinburgh Design Guidance and other Council supplementary Planning Guidance. Emerging policies in the draft City Plan 2030 are also outlined here, along with what is known about additional national guidance expected later in 2023. The draft [Scottish Biodiversity Strategy](#) is also important, particularly in relation to [Nature Network and 30x30 targets](#), and how these relate to Local Development Plans.
- 4.3 In response to the nature emergency, NPF4, adopted in February 2023, sets out a significant policy shift for assessing all development proposals. In particular, policies 1, 3 and 4 give significant weight to considering biodiversity when assessing development proposals. Policy 3 requires development to contribute to enhancement of biodiversity and integrate nature-based solutions. Policy 4 requires natural assets and nature rich places to be protected, restored and enhanced. NPF4 requires future Local Development Plans to support these aims, alongside Nature Networks. In addition, Policy 5 Soils and Policy 6 Forestry, Woodlands and Trees set out the requirements for these particular habitats and are summarised in Appendix 1. All of these matters can be considered at pre-app and planning application stage.
- 4.4 The adopted Edinburgh Local Development Plan policy framework is now superseded, where relevant, by NPF4. The exception to this for biodiversity policies, is that part of Policy Env 15 (Sites of Local Importance) which relates to Local Nature Reserves. This policy is not replaced by the content of NPF4 and therefore still applies.
- 4.5 The [Developing with Nature](#) guidance published by NatureScot in spring 2023 further supports these NPF4 policies. In particular, it is aimed at informing policy 3(c) and sets out how well-designed developments, which integrate nature-based solutions, can provide multiple benefits. Considering biodiversity from the outset of development proposals, and application of the [mitigation hierarchy](#), are essential. This ensures that existing biodiversity is protected. Assessing development proposals against this guidance will also help to deliver positive benefits for biodiversity. This can mean protection and restoration of existing natural areas, creating new natural features and habitats, or creating artificial homes for wildlife such as nesting bricks. Where mitigation is required, any measures should support national or local priorities. Local priorities are informed by the [Edinburgh Biodiversity Action Plan 2022-27](#).
- 4.6 The existing Edinburgh Design Guidance, along with others such as [Guidance for Householders](#), also contain information which explains how to avoid negative impacts on nature and measures which can increase biodiversity through development. For many years, Planning guidance in Edinburgh has encouraged

measures such as artificial swift bricks in new developments. The Edinburgh Design Guidance is currently under review and will be further updated, as required, to support the new NPF4 policies.

- 4.7 Biodiversity policies in the draft City Plan 2030 were created to align with NPF4 and strengthen previous Local Development Plan policies. Draft policies Env 21 and Env 37, included in Appendix 1, were developed to deliver protection and positive outcomes for biodiversity. Like NPF4, the new draft policies go further than previous policies. They seek to ensure that nature rich places are protected wherever they are found and widen the focus out from designated sites. They are similarly designed to protect a larger number of [priority species](#), and not just the small number of species with legal protection. The ability to require positive outcomes for biodiversity is strengthened by incorporation in policy for the first time, instead of guidance.

5. Next Steps

- 5.1 At a recent online awareness session run by NatureScot and Scottish Government, it was announced that further national guidance on the implementation of the new NPF4 biodiversity policies is in preparation and expected later in 2023. This is expected to include information on metrics for biodiversity.
- 5.2 The Edinburgh Design Guidance review is underway and will incorporate any required updates to the biodiversity information to support NPF4 policies.
- 5.3 Consultations on the [Scottish Biodiversity Strategy](#), Delivery Plans, Framework for [30x30 and Nature Networks](#) are all expected later in 2023.

6. Financial impact

- 6.1 There are no financial impacts arising from this report.

7. Equality and Poverty Impact

- 7.1 There are no equality or poverty impacts arising from this report.

8. Climate and Nature Emergency Implications

- 8.1 Protecting and enhancing the natural environment through development supports nature recovery and also creates resilience to the impacts of climate change.

9. Risk, policy, compliance, governance and community impact

- 9.1 No impact assessment is required as a result of the information in this report.

10. Background reading/external references

- 10.1 Annual Review of Guidance [paper and amendment](#) from Planning Committee 24 March 2023.

11. Appendices

- 11.1 Appendix 1 - Policies and guidance relating to the nature emergency and biodiversity.

Appendix 1 - Policies and guidance relating to the nature emergency and biodiversity

Table 1 summary of Policy and guidance documents

Title	Owner	Current Status and Date	Relevant policy/guidance description
Edinburgh Local Development Plan	CEC	Adopted November 2016	Environment 15 where it relates to protection of Local Nature Reserves.
National Planning Framework 4	Scottish Government	Adopted February 2023	Policy 1, Policy 3, Policy 4 relating to biodiversity. Policy 5 Soils and Policy 6 Forestry, Woodlands and Trees. See Table 3 for policy wording.
Draft City Plan 2030	CEC	Submitted for examination on 9 December 2022	See draft policy wording below in table 2.
Non Statutory Planning Guidance			
Developing with Nature	NatureScot	Published spring 2023	<p>This guidance sets out how well-designed developments, which integrate nature-based solutions, can provide multiple benefits. It outlines the approach required when preparing or assessing development proposals, to protect and enhance biodiversity:</p> <ul style="list-style-type: none"> • Apply the mitigation hierarchy • Consider biodiversity from the outset • Provide synergies and connectivity for nature • Integrate nature to deliver multiple benefits • Prioritise on-site enhancement before off-site delivery • Take a place-based and inclusive approach • Ensure long term enhancement is secured • Selecting the measures that are appropriate • Information to include in the Planning Application • Determining the scale of enhancement to be delivered by development

Title	Owner	Current Status and Date	Relevant policy/guidance description
			<ul style="list-style-type: none"> • Include appropriate measures to enhance biodiversity, including habitat creation through planting and provisions such as nesting and roosting boxes.
Edinburgh Design Guidance	CEC	Approved January 2020. Currently under review.	Contains a chapter on biodiversity which sets out the required approach relating to the mitigation hierarchy and protected sites and species assessments. The mitigation hierarchy requires that any adverse impacts are avoided where possible, minimised where unavoidable, and mitigated where required. Recommends provision for artificial structures including bat and swift bricks.
Guidance for Householders	CEC	Initially approved in December 2012 and incorporates minor amendments approved in February 2016, March 2018 and February 2019.	Includes provisions for avoiding impacts on protected species.

Table 2 proposed City Plan 2030 policies

Policies in proposed City Plan 2030 - not yet adopted			
Environment 21 - Protection of Biodiversity	CEC	Proposed City Plan 2030 not yet adopted	All proposals should safeguard habitat features of biodiversity value and priority species. This includes sites and species identified in the Edinburgh Biodiversity Action Plan (EBAP) and Green Blue Network section of the Edinburgh Design Guidance.
Environment 37 - Designing in positive effects for biodiversity	CEC	Proposed City Plan 2030 not yet adopted	So far as applicable to the scale and nature of the development, proposals must have a positive effect on biodiversity by ensuring proposals follow the sequence of principles below: a. Avoid impact wherever possible by identifying existing species, spaces and features of biodiversity on-site and including these within new developments b. Where impact cannot be avoided this effect must be minimised, for example by prioritizing the retention of the most important areas for ecological networks . Any remaining adverse impacts must be wholly mitigated by new biodiversity measures d. Additional improvements must then be included to tilt the balance of impact from neutral to an overall positive effect for biodiversity, for example through incorporating measures to improve the conservation status of notable species. Consideration of biodiversity should include, but is not limited to, soils, habitat networks and environmental quality within and linking to a site.

Table 3 NPF4 Policies relating to biodiversity

NPF4 Policy number	Owner	Title	Policy wording
1	Scottish Government	Tackling the climate and nature crises	When considering all development proposals significant weight will be given to the global climate and nature crises.
3a	Scottish Government	Biodiversity	Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.

NPF4 Policy number	Owner	Title	Policy wording
3b	Scottish Government	Biodiversity	<p>Development proposals for national or major development, or for development that requires an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management. To inform this, best practice assessment methods should be used. Proposals within these categories will demonstrate how they have met all of the following criteria:</p> <ul style="list-style-type: none"> i. the proposal is based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats; ii. wherever feasible, nature-based solutions have been integrated and made best use of; iii. an assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements; iv. significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their long-term retention and monitoring should be included, wherever appropriate; and v. local community benefits of the biodiversity and/or nature networks have been considered.

NPF4 Policy number	Owner	Title	Policy wording
3c	Scottish Government	Biodiversity	Proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development. Applications for individual householder development, or which fall within scope of (b) above, are excluded from this requirement.
3d	Scottish Government	Biodiversity	Development proposals in areas identified as wild land in the Nature Scot Wild Land Areas map will only be supported where the proposal: <ul style="list-style-type: none"> i. will support meeting renewable energy targets; or, ii. is for small scale development directly linked to a rural business or croft, or is required to support a fragile community in a rural area. All such proposals must be accompanied by a wild land impact assessment which sets out how design, siting, or other mitigation measures have been and will be used to minimise significant impacts on the qualities of the wild land, as well as any management and monitoring arrangements where appropriate. Buffer zones around wild land will not be applied, and effects of development outwith wild land areas will not be a significant consideration.
4a	Scottish Government	Natural places	Development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported.
4b	Scottish Government	Natural places	Development proposals that are likely to have a significant effect on an existing or proposed European site (Special Area of Conservation or Special Protection Areas) and are not directly connected with or necessary to their conservation management are required to be subject to an “appropriate assessment” of the implications for the conservation objectives.

NPF4 Policy number	Owner	Title	Policy wording
4c	Scottish Government	Natural places	<p>Development proposals that will affect a National Park, National Scenic Area, Site of Special Scientific Interest or a National Nature Reserve will only be supported where:</p> <ul style="list-style-type: none"> i. The objectives of designation and the overall integrity of the areas will not be compromised; or ii. Any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance. <p>All Ramsar sites are also European sites and/ or Sites of Special Scientific Interest and are extended protection under the relevant statutory regimes.</p>
4d	Scottish Government	Natural places	<p>Development proposals that affect a site designated as a local nature conservation site or landscape area in the LDP will only be supported where:</p> <ul style="list-style-type: none"> i. Development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified; or ii. Any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance.
4e	Scottish Government	Natural places	<p>The precautionary principle will be applied in accordance with relevant legislation and Scottish Government guidance.</p>

NPF4 Policy number	Owner	Title	Policy wording
4f	Scottish Government	Natural places	Development proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests. If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence. The level of protection required by legislation must be factored into the planning and design of development, and potential impacts must be fully considered prior to the determination of any application.
4g	Scottish Government	Natural places	Development proposals in areas identified as wild land in the Nature Scot Wild Land Areas map will only be supported where the proposal: <ul style="list-style-type: none"> i. will support meeting renewable energy targets; or, ii. is for small scale development directly linked to a rural business or croft, or is required to support a fragile community in a rural area. All such proposals must be accompanied by a wild land impact assessment which sets out how design, siting, or other mitigation measures have been and will be used to minimise significant impacts on the qualities of the wild land, as well as any management and monitoring arrangements where appropriate. Buffer zones around wild land will not be applied, and effects of development outwith wild land areas will not be a significant consideration.
5a	Scottish Government	Soils	Development proposals will only be supported if they are designed and constructed: <ul style="list-style-type: none"> i. In accordance with the mitigation hierarchy by first avoiding and then minimising the amount of disturbance to soils on undeveloped land; and ii. In a manner that protects soil from damage included from compaction and erosion, and that minimises soil sealing.

NPF4 Policy number	Owner	Title	Policy wording
5b	Scottish Government	Soils	<p>Development proposals on prime agricultural land, or land of lesser quality that is culturally or locally important for primary use, as identified by the LDP, will only be supported where it is for:</p> <ul style="list-style-type: none"> i. Essential infrastructure and there is a specific locational need and no other suitable site; ii. Small-scale development directly linked to a rural business, farm or croft or for essential workers for the rural business to be able to live onsite; iii. The development of production and processing facilities associated with the land produce where no other local site is suitable; iv. The generation of energy from renewable sources or the extraction of minerals and there is secure provision for restoration; and In all of the above exceptions, the layout and design of the proposal minimises the amount of protected land that is required.
5c – 5e	Scottish Government	Soils	<p>In summary, these policy sections have various requirements for development proposals in areas of:</p> <ul style="list-style-type: none"> 1. Peatland, carbon rich soils or peatland priority habitat 2. New commercial peat extraction.
6a	Scottish Government	Forestry, Woodlands and Trees	<p>Development proposals that enhance, expand and improve woodland and tree cover will be supported.</p>
6b	Scottish Government	Forestry, Woodlands and Trees	<p>Development proposals will not be supported where they will result in:</p> <ul style="list-style-type: none"> i. Any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition; ii. Adverse impacts on native woodlands, hedgerows and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy; iii. Fragmenting or severing woodland habitats, unless appropriate mitigation measures are identified and implemented in line with the mitigation hierarchy;

NPF4 Policy number	Owner	Title	Policy wording
			iv. Conflict with Restocking Direction, Remedial Notice or Registered Notice to Comply issued by Scottish Forestry.
6c	Scottish Government	Forestry, Woodlands and Trees	Development proposals involving woodland removal will only be supported where they will achieve significant and clearly defined additional public benefits in accordance with relevant Scottish Government policy on woodland removal. Where woodland is removed, compensatory planting will most likely be expected to be delivered.
6d	Scottish Government	Forestry, Woodlands and Trees	Development proposals on sites which include an area of existing woodland or land identified in the Forestry and Woodland Strategy as being suitable for woodland creation will only be supported where the enhancement and improvement of woodlands and the planting of new trees on the site (in accordance with the Forestry and Woodland Strategy) are integrated into the design.