CONSULTATION

Response Document

NPF4 Committee Call for Evidence

(Scottish Parliament)

10 January 2022

Introduction to CIEEM

The Chartered Institute of Ecology and Environmental Management (CIEEM), as the leading membership organisation supporting professional ecologists and environmental managers in the United Kingdom and Ireland, welcomes the opportunity to comment on this consultation.

CIEEM was established in 1991 and has over 6,000 members drawn from local authorities, government agencies, industry, environmental consultancy, teaching/research, and voluntary environmental organisations. The Chartered Institute has led the way in defining and raising the standards of ecological and environmental management practice regarding biodiversity protection and enhancement. It promotes knowledge sharing through events and publications, skills development through its comprehensive training and development programme and best practice through the dissemination of technical guidance for the profession and related disciplines.

CIEEM is a member of:

- Scottish Environment Link
- Wildlife and Countryside Link
- Northern Ireland Environment Link
- Wales Environment Link
- Environmental Policy Forum
- IUCN – The World Conservation Union
- Professional Associations Research Network
- Society for the Environment
- United Nations Decade on Biodiversity 2011-2020 Network
- Greener UK
- Irish Forum on Natural Capital (working group member)
- National Biodiversity Forum (Ireland)
- The Environmental Science Association of Ireland

CIEEM has approximately 680 members in Scotland who are drawn from across the private consultancy sector, NGOs, government and SNCOs, local authorities, academia and industry. They are practising ecologists and environmental managers, many of whom regularly provide input to and advice on land management for the benefit of protected species and biodiversity in general.

This response was coordinated by Members of our Scotland Policy Group.

We welcome the opportunity to participate in this call for evidence and we would be happy to provide further information on this topic. Please contact Jason Reeves (CIEEM Head of Policy) at JasonReeves@cieem.net with any queries.

Please provide your views on the consultation and development of NPF4 and how this has contributed to the draft.

We welcome all the hard work that has gone into NPF4 and we have been pleased to see multiple opportunities to comment through the development of the draft, in addition to various working groups relating to NPF4.

While there are still improvements to be made, as we have highlighted in this response, it is a significant improvement on NPF3 that will help achieve the goals of the Scottish Government. We also welcome the statements on the need to integrate terrestrial, coastal, and marine planning. Our response is based on the experience of our members who are involved with the planning process, as Local Authority ecologists, members of statutory bodies, ecological clerks of works and assessors, who are bound by a strongly held Code of Professional Conduct, which brings an ethical dimension to their work. Our approach as a professional body is evidence-based.

CIEEM has responded to the earlier drafts of NPF4, responding to the Government's Call for Views in April 2020 and the consultation on the Interim Position Statement in February 2021. We have been pleased to see multiple opportunities to comment through the development of the draft, in addition to various working groups relating to NPF4.

We welcome the Committee's Call for Evidence but due to the short timescale for input we have concentrated on a few key areas in our response.

Please provide your views on the structure of the National Planning Framework 4 document.

Dividing Scotland into geographic areas is a novel and interesting approach that has things to commend it, for example it may be suitable as compiling an initial inventory of the projects going on within a local area. However, many of the issues are cross cutting, risking duplication of effort and a piecemeal approach. For example, under North and West Coast Innovation it is recognised that "*There are opportunities for local projects across this area to come together and create an enhanced nature network which benefits quality of life and contributes to biodiversity recovery and restoration as well as carbon sequestration*." However, this is the case across Scotland and an effective nature network now needs to be developed at a national level to restore nature and manage trade-offs between societal objectives, as called for by the IPBES in their global review of biodiversity[1]. The Dasgupta review also found that "*large-scale and widespread investment in Nature-based Solutions*

[1] Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) Global Assessment Report for Policy Makers (2019): https://ipbes.net/system/tdf/inline/files/ipbes_global_assessment_report_summary_for_policymakers.pdf?file=1&type=node&id=36213

would help us to address biodiversity loss and significantly contribute to climate change mitigation and adaptation, not to mention wider economic benefits, including creating jobs."[2] Similarly, commitments to support Nature-based Solutions and natural capital can be applied in all areas.

Overall, the policies outlined seem to stand on their own and would benefit from improved links between them and other Government policies.

Please provide your views on the incorporation of the Scottish Planning Policy and coherence of the NPF4 document overall as a roadmap

We welcome that the climate emergency and the biodiversity crisis are highlighted throughout the draft NPF4 and there is clear recognition of the urgency in addressing the dual crises. This is very positive and we are pleased to see numerous mentions of biodiversity, nature-based solutions and nature positive.

However, despite a strong rhetoric, there are no clear delivery mechanisms to really ensure the transformational change that is required. As with the climate targets, we would like to see clear targets related to biodiversity and mechanisms in place so that changes are measurable and enforceable. For example, policy 3: states that -

The policy position makes clear that proposals for local development should only be supported if they include appropriate measures to enhance biodiversity and that development proposals that would have an unacceptable impact on the natural environment including biodiversity objectives should not be supported. p.117

It is unfortunately not clear how this will be delivered. The wording in NPF4 and the associated NatureScot guidance on Developing with Nature seems largely to still be about encouraging enhancement with no mandatory and specific requirements. Our Local Authority ecologists and environmental planner members believe that they still do not have enough support to really bring about the evidence-based enhancements and net gain to fruition from this NPF, and that is discouraging. Without a strong government position and legal enforcement on mandatory biodiversity net gain or other consistent measurable tools that could be implemented across Scotland, the Local Planning Authorities will struggle to implement and enforce biodiversity enhancement measures in Local Development Plans. Without clear high-level support to truly address the biodiversity crisis it will continue to prove difficult to stop challenges from developers.

The current terms of the policy, i.e., to include appropriate measures, provides no guidance on what is appropriate, leaving this open to the determination of the planning authorities. Without setting specific requirements, is likely to mean developers continue in a similar vein

[2] HM Treasury (2021) The Economics of Biodiversity: The Dasgupta Review. Available at: https://www.gov.uk/government/publications/final-report-the-economics-of-biodiversity-the-dasgupta-review

to the current situation. Given the extent of the biodiversity crisis it is important for biodiversity enhancements to go beyond simplistic measures such as bird and bat box installation. There is a need to ensure that all developments result in a tangible increase in biodiversity and focus on creating areas of high value habitat to provide an environment where wildlife can recover. This needs to be proportionate to the scale of the development, but again guidance is needed with this respect.

Part 3

What is your view on the Sustainable Places section?

We agree that addressing climate change and nature recovery should be the primary guiding principles for all plans and planning decisions.

Policy 1: Plan-led approach to sustainable development

We welcome the commitment to a plan-led approach set out in Policy 1 that incorporates the UN Sustainable Development Goals. Good planning, with greener neighbourhoods at the centre, is essential for supporting the just transition to greener communities, ensuring a connected network of habitats is restored and protected in the long term and developing measures that deliver multiple benefits.

Local Authorities must receive adequate resources to support proactive systems thinking and plan development, as well as meaningful participation with local communities, as called for in RTPI's Plan The World We Need report[3].

Policy 2: Climate emergency

We are pleased to see that there is a real emphasis on addressing climate change and targets towards achieving net zero. Achieving net zero will require fundamental changes in how communities are planned, built and operated in Scotland. Facilitating low carbon transport (including the aviation sector) and lifestyles is essential. Communities where people live close to places of work, food production, education and leisure, and decentralisation of essential utilities are fundamental. The 20-minute neighbourhood approach underlies Scottish National Outcomes and we are pleased to see that this is included in the draft NPF4 document.

In relation to planning it states that **"**Planning applications would need to show how they could help meet "net zero" carbon emissions by 2045".

This needs to be stronger - all development MUST be tasked with achieving net zero by 2045 and circular economy principles need to be embedded across development.

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[3] RTPI (2020) *Plan The World We Need: The contribution of planning to a sustainable, resilient and inclusive recovery.* Available at: https://www.rtpi.org.uk/media/5688/plantheworldweneed_june2020.pdf

In addition, there should be no further planning applications granted on areas vulnerable to flooding unless the developments are able to recover from flooding. In the case of housing and commercial buildings, the standard of the buildings should be such as to enable them to be insured at an affordable cost now and into the future.

Floodplains have a key role in catchments storing excess water and minimising flood risk elsewhere. Fully functioning floodplains (and many require action to restore their functionality) can also help absorb and store carbon from the atmosphere and help tackle the climate crisis. An ecosystem approach to floodplain management will help recognise their true value and the many functions they can provide. A Nature-based Solution approach to ameliorate the risk of coastal erosion and flooding will become increasingly important due to the cost and adverse effects of hard coastal defences.

We would like to see clear funding strategies rather than vague statements such as "we will seek to promote." Further investment in public transport and action to make fares competitive with the subsidised cost of private transport is required as well as a range of active travel options for people of all abilities. A large-scale shift away from private car transport in our towns and cities is required, diverting space away from the car and instead to the bicycle, bus, tram etc. New housing developments should be required to include creation of safe, segregated active travel routes within each 20-minute neighbourhood as well as into city and town centres.

We welcome support for Nature-based Solutions which, in combination with radically reducing carbon emissions through halting fossil fuel usage, offer the only proven ways to achieve climate and biodiversity goals simultaneously, in the timeframes needed to avert climate and biodiversity catastrophe. The IUCN has noted that "*Research suggests that NbS could provide around 30% of the cost-effective mitigation that is needed by 2030 to stabilise warming to below 2°C*"[4]. These should utilise a wide range of habitat restoration and creation projects, supporting both short-term and long-term carbon sinks, in areas that are suited to their soil and climatic requirements.

Policy 3: Nature crisis

It is clear that the nature crisis is being recognised by departments but all development MUST be tasked with demonstrating and delivering positive effects for biodiversity and achieving net zero.

[4] Seddon, N., Sengupta, S., García-Espinosa, M., Hauler, I., Herr, D. and Rizvi, A.R. (2019). *Nature-based Solutions in Nationally Determined Contributions: Synthesis and recommendations for enhancing climate ambition and action by 2020*. Gland, Switzerland and Oxford, UK: IUCN and University of Oxford.

Natural Places

We regret that a more radical change was not proposed at the outset of the consultation on the framework. As it is, it is not significantly different from the status quo.

For example, regarding protections under Natural Places, there are lots of "should"s, e.g. "Development plans should facilitate biodiversity enhancement". This needs to be strengthened by changing the "shoulds" to "musts." Much greater protection needs to occur so that we can stop further losses of biodiversity and restore habitats. A stated intent to shift towards a natural capital approach can help ensure nature is valued properly in development. We recognise there may be conflicts between policy areas, so in any case, clear guidance must be issued on how these are to be managed and interpreted at the local level.

Recognition of irreplaceable habitats and protections outlined for the protection of ancient woodland is to be welcomed. This may conflict with a number of the National Developments in Part 2, which may prove challenging for planning authorities responding to development applications and clear guidance is needed.

At a time when we should be strengthening protection there are some concerning statements which indicate nature is expendable to other benefits, including:

'Development proposals that affect a site designated as a Local Nature Conservation Site or a Local Landscape Area should be supported where development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified; or any such effects are clearly outweighed by social, environmental or economic benefits of local importance.' Pg 107

Likewise, we would question statements on National Park, National Scenic Area, Site of Special Scientific Interest, and a National Nature Reserve in relation to planning development and protection.

Regarding protected species it states -

For protected species, impacts must be fully considered. Development proposals that would be likely to have an adverse effect on a protected species should not be supported unless it meets the relevant statutory tests. If there is evidence to suggest that a protected species is present on site or may be affected by a proposed development, steps must be taken to establish their presence. The level of protection afforded by legislation must be factored into the planning and design of the development and any impacts must be fully considered prior to the determination of the application.

This details requirements to establish presence and consider impacts but does not require impacts to be avoided or to achieve positive effects for the protected species even when there is a statutory duty to do so.

Positive Effects for Biodiversity

We note the NatureScot guidance on Developing with Nature and we will be responding to that consultation.

It is not clear how 'positive effects for biodiversity' will be assessed in a tangible, measurable, and consistent way across Scotland. We need a standardised Scotland-wide approach. Otherwise, we will inevitably be left with LPA's developing and adopting different approaches due to the lack of clear government steer and the difficulty they have in resourcing ecological expertise. Energy and rail industries in Scotland have adopted a biodiversity net gain (BNG) approach and some Local Planning Authorities, including Aberdeen City Council, Aberdeenshire Council and Scottish Borders Council, are trying to deliver net gain or nature positive mechanisms in their planning guidance but it potentially will not have a high enough level of support to stop challenges from well-resourced developers. Our members are already starting to see requests for BNG from Planning Authorities in Scotland.

Biodiversity net gain

NPF4 provides a crucial opportunity to implement a requirement for development to deliver BNG.

BNG is an internationally recognised[5] and implemented[6] stepwise approach to development that leaves biodiversity in a better state than before. This is essential as simply replacing habitat losses from development does not address the decline in area and quality of habitats which has happened over time and resulted in the levels of species loss reported in the State of Nature report. CIEEM has produced a briefing on 'Biodiversity Net Gain in Scotland'[7] which provides further detail, as well as producing the first UK principles on delivering BNG, together with the Construction Industry Research and Information Association (CIRIA) and the Institute of Environmental Management and Assessment (IEMA)[8]. These UK principles were developed based on principles developed for the international community by the Business and Biodiversity Offset Programme[9] and several other sources. Further guidance has now been published to help professionals and UK

[5] IUCN (no date) *Business and Biodiversity Net Gain*. https://www.iucn.org/theme/business-and-biodiversity/our-work/business-approaches-and-tools/business-and-biodiversity-net-gain

[6] Germany, USA and Australia have followed net gain principles for up to 40 years.

[7] CIEEM (2019) Biodiversity Net Gain in Scotland. Available at: https://cieem.net/resource/biodiversity-netgain-in-scotland-briefing

[8] CIRIA, CIEEM, IEMA (2016) Biodiversity Net Gain: Good practice principles for development. Available at: https://cieem.net/resource/biodiversity-net-gain-good-practice-principles-for-development

[9] https://www.forest-trends.org/wp-content/uploads/2018/10/The-BBOP-Principles_20181023.pdf

industry address this challenge and to achieve 'Net Gain' targets for biodiversity[10] alongside a British Standard for designing and implementing biodiversity net gain (BS8683)[11] which principles should be in line with.

We feel, based on our professional expertise, that a minimum 10% net gain should be required, with incentives for developers to maximise BNG wherever possible.

BNG is an international approach, and valuable lessons can be learnt from international applications and initiatives.

There is a clear target for net gain in the UN paper for the post-2020 biodiversity framework [12] *'Milestone A.1 - Net gain in the area, connectivity and integrity of natural systems of at least 5 per cent.'* How does Scotland propose to align with this?

If there is a desire for positive effects for biodiversity not to be prescriptive, how will we ensure net gain is delivered and evidenced? Without a metric and a measurable approach, it weakens what Local Planning Authorities can insist on. It is not clear how offsetting will be applied over and above the mitigation hierarchy and how it will be set out strategically. The Defra metric approach could be easily adapted for use in Scotland to focus on the value of specific habitats of high international importance in Scotland and improved consideration of upland habitats. This has already been implemented with an adapted version of the Defra metric used for grassland reinstatement at a Highland airport. Scottish and Southern Electricity Networks have also been implementing BNG for the last four years in Scotland and have made adaptations of metric specific for Scottish habitats[13]. The metric has been under development over the last 10 years and is now in its third iteration. Whilst it is acknowledged that there remain aspects within it which require further revision, it has been extensively tested and many within the ecological profession are becoming trained in its use. Given the short timeframes available to address the biodiversity crisis, we would strongly encourage investigation into the use of this or a similarly well-tested tool to deliver a quantifiable and consistent approach to enhancements.

The use of incentives and disincentives must be considered and close partnership working with industry going forward. As many home builders and developers are now displaying their environmental credentials this provides an opportunity to make genuine improvements.

We urge the committee to review the established and widely recognised principles behind Biodiversity Net Gain and Environmental Net Gain[14].

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[10] CIRIA, CIEEM, IEMA (2019) Biodiversity Net Gain: Good practice principles for development, A Practical Guide. Available at: https://cieem.net/resource/biodiversity-net-gain-good-practice-principles-for-development-apractical-guide

[11] https://www.bsigroup.com/en-GB/our-services/events/webinars/2021/bs-8683-process-for-designing-and-implementing-biodiversity-net-gain/

[12] https://www.cbd.int/conferences/post2020/wg2020-03/documents

[13] https://www.ssen-transmission.co.uk/riio-t2-plan/our-approach-to-implementing-biodiversity-net-gain/

[14] https://cieem.net/resource/cieem-principles-for-environmental-net-gain-july-2021

Whatever approach is adopted we need to ensure that there is effective long-term monitoring, evaluation, and enforcement and this needs to be a policy requirement of every national, major and EIA development.

Transformational Change

To deliver transformational change, plans in NPF4 for positive effects for biodiversity must tie in with the Land Use Strategy, Scottish Biodiversity Strategy, national and regional spatial planning, and nature networks.

A Scottish Nature Network would join up sites for nature and link ecological processes across landscapes. Protected areas would form the core of Scotland's Nature network and then by restoring and creating new habitats will connect these areas together. This requires spatial planning and co-ordinated action across the planning and land use sectors, including the implementation of blue-green infrastructure. Regional Land Use Partnerships should be empowered to make decisions on priorities and resourcing at a regional and local level, connect directly to levers of funding and finance and stimulate action and delivery. We recognise that some landowners including third sector organisations are already doing this and high-level support for this in NPF4 would make their vision easier to achieve.

Capacity and Capability

Each Local Authority should have, as a bare minimum, ecologists and environmental planners who are adequately resourced and trained. Without in-house ecological expertise in Local Authorities, positive effects for biodiversity cannot be accurately assessed and delivered, and there is a danger of climate change and biodiversity targets not being reached. Evidence from RTPI [15] shows that planning departments within Local Authorities have seen a 25% reduction in staff since 2009.

An assessment by the Association of Local Government Ecologists [16] in 2016 found that there is huge variation across different UK planning authorities in the quality of ecological reports they use to assess development applications. Ecologists and environmental planner posts have been cut back in many Scottish Local Authorities. creating enormous difficulties and discrepancies in in-house expertise and experience across Scotland.

To implement transformation in Scottish planning there is an urgent need for increased capacity and expertise at local levels. Any additional funding for Local Authorities must be ring-fenced for this purpose.

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[15] https://www.rtpi.org.uk/media/1496/resourcing-the-planning-system-rtpi-scotland-key-trends-and-findings-2019.pdf

[16] https://www.alge.org.uk/wp-content/uploads/sites/15/2021/01/ALGE-Ecological-Report-Fitness-for-Purpose-Full-Report-2016.pdf

Policy 8: Infrastructure First

The infrastructure first policy should clearly outline how green and blue infrastructure will be valued but currently there is no mention. NPF4 presents an opportunity to put nature first in local development plans, as a critical asset in line with the Dasgupta Review.[17]

Policy 10: Sustainable transport

Facilitating low carbon transport (including the aviation sector) and lifestyles is essential. Communities where people live close to places of work, food production, education and leisure, and decentralisation of essential utilities are fundamental. The 20-minute neighbourhood approach underlies Scottish National Outcomes and the overarching concept of 20-minute neighbourhoods must be central for all development going forward.

Detail is needed on the scale of further investment in public transport and active travel options. A large-scale shift away from private car transport in our towns and cities is required, diverting space away from the car and instead to the bicycle, bus, tram, and rail etc. Also to be considered, is making more use of rail networks for freight to reduce road transport of goods and how new rail lines could be constructed to avoid the fragmentation of the landscape. Any development should be built with improved public transport links and de-carbonised public transport in mind which would need to be incentivised by low-cost travel. We note the welcome investment in high-speed broadband in rural communities and islands and recognise that more people can now work away from a centralised office. However, it would be beneficial to have local hubs where office facilities can be shared, and people can meet.

Policy 12: Blue and green infrastructure, play and sport

The recognition of the value of blue and green infrastructure is welcomed.

Blue and green infrastructure are not an added benefit but an integrated requirement for future planning and development and we would like this to be given far greater weighting and detail on how it will be implemented and enforced. We need to move away from "should" to "must."

The Infrastructure Bill adopting the term 'green infrastructure' is a positive step to capture that infrastructure must go wider than how infrastructure is typically viewed.

To make places more inclusive, diverse, vibrant, resilient and empowering we should ensure equitable access to greenspace (both in terms of amount and quality), sustainable transport

[17] HM Treasury (2021) The Economics of Biodiversity: The Dasgupta Review. Available at: https://www.gov.uk/government/publications/final-report-the-economics-of-biodiversity-the-dasgupta-review

routes and blue-green infrastructure. Greenspaces should be connected and provide a green 'highway' to all areas of the town or city.

Blue and green infrastructure needs to be planned not merely to look at carbon calculations but must include biodiversity net gain – implemented using sound ecological knowledge to ensure that such infrastructure delivers true benefits for biodiversity and hence for the vital ecosystem services that biodiversity supports. Adoption of many Nature-based Solutions such as green roofs, walls and communal spaces are essential. Consideration of ecological networks must be included as a requirement of any new housing build to reduce impacts of fragmentation. More greenery in town centres can also help improve air quality and support pollinating insects. These nature-based approaches will have the added benefit of providing carbon sinks, and of improving health and well-being within our communities.

Providing quality greenspace in planning can create a sense of pride and ownership in the local area that underpins its sustainability and reduces the costs to Local Authorities of damage and vandalism. Sense of pride will encourage residents to get involved in caring for their area and work with Local Planning Authorities to the benefit of all. There are already good examples of local groups caring for and managing their local greenspace. People should feel involved and empowered through the planning process. Local people should be aware of their Local Development Plan, and given ample opportunities to input into their development and revision. Planning decisions should be at the heart of communities with Citizen Assembly engagement in planning decisions.

Development and green infrastructure should be synonymous.

Policy 13: Sustainable flood risk and water management

Although the draft covers many aspects that we support, we await to see the delivery mechanisms.

We note with concern the use of the qualifier ‘wherever practicable’ in bullet point 2 13f. Sustainable Drainage Systems (SuDs) have multiple benefits in terms of water management (decreasing flow rates to watercourses and improving water quality), improving biodiversity (providing habitat for many amphibians and invertebrates) and amenity value. Although SuDs are a legal requirement for all new developments in Scotland, the design of SuDs is not always considered during initial site design and best practices are not always followed. The policy and legislation on SuDs needs to be tightened. Measures for the long-term management of SuDs are also needed to ensure their effectiveness for both water management and biodiversity.

We would like to see the widespread use of rain gardens as an urban flood prevention measure implemented across Scotland, with incentives for retrofitting rain gardens in existing buildings, and a tightening up of planning restrictions on paving gardens.

Measures should be taken so that artificial grass is not put in new housing developments and there is a focus on permeable ground as part of climate adaptation measures.

A focus on Nature-based Solutions for managing issues such as air quality and flooding in many of our towns and cities should be the norm. 'Hard' defences should be the last line of defence in making us more resilient to climate change and its associated effects on flooding and air quality.

Policy 19: Green energy

We agree that progressing Scotland's achievements in renewable energy production and decarbonising our energy systems should continue in pursuit of the goal of achieving net zero. Scotland has been at the forefront of renewable energy developments and there is immense potential to build on this, especially with the transferable skills and expertise that exist in Scotland through the oil and gas sectors. However, it is important to develop an appropriate mix of types of renewable energy generation together with storage and transmission to ensure that enough energy is available for all reasonable situations, while simultaneously adopting policies to reduce unnecessary demand that do not bear disproportionally on the poorest members of society.

Renewable energy generation can have adverse effects on biodiversity and it is important not simply produce as much as possible. We consider that there should be greater encouragement given to upgrade existing wind farms with more efficient and powerful turbines rather than building new ones. Wind farms should only be developed where the carbon costs of doing so, including any loss of peat, are exceeded by carbon savings within a few years. Similarly, opportunities for combining methods of energy generation in existing sites should be maximised e.g., hydrogen generation on wind farms.

Projects must be subject to appropriate and thorough Environmental Impact Assessments to minimise and mitigate negative effects of renewable energy schemes on natural capital. A national assessment of where renewable energy schemes can be installed with minimal environmental damage should be undertaken and then built into Regional Spatial Strategies and Regional Land Use Frameworks.

SSEN have demonstrated great success in delivering Biodiversity Net Gain in their transmission networks using an adapted metric for use in Scotland. Valuable lessons should be learned from this approach and adopted.

Policy 29: Urban edges and the green belt

Although we agree with the direction of this policy, further detail is required to assess its potential effectiveness. Green belts should, as a default, encompass buffer zones >50m between development/human activities and wildlife habitat e.g., woodlands. There is evidence of edge effects extending for at least 30m into woodlands immediately adjacent to housing developments. A buffer zone should take into consideration the maximum anticipated canopy/root plate size of UK native trees and add an additional distance e.g., 10-20m to avoid current problems with developers only considering trunk dimensions and therefore damaging roots or justifying drastic trimming back of mature trees. For sensitive habitats, and areas with ancient woodland/TPOs, this should be extended to at least 100m to avoid chemical or physical impacts[18].

Current fines for developers damaging trees are often factored into development budgets which therefore is not a sufficient deterrent. Fines should be proportional to the scale of the development and made much larger to act as an effective deterrent.

Policy 30: Vacant and Derelict Land

We welcome the statements for Local Development Plans to seek to reuse vacant and derelict land as a priority.

Regeneration of vacant or derelict land (VDL) and buildings, should be incentivised over greenfield development in NPF4. Brownfield sites should be prioritised in development, subject to Ecological Impact Assessment on a site-by-site basis as brownfield sites can also provide important habitat. Vacant and derelict land (VDL) sites could all be assessed for their current and future biodiversity potential using biodiversity net gain metrics, to aid in identifying VDL sites that could be repurposed for use as part of blue and green infrastructure networks. For example, VDL can be converted to allotments which are in high demand in most areas or, in some areas, may be incorporated as part of a green network and allowed to regenerate naturally through ecological succession resulting in a great resource for invertebrates to thrive.

The Scottish Land Commission and the wider Vacant and Derelict Land Taskforce have already done a lot of valuable work identifying VDL sites and potential opportunities for bringing this land back into productive use. Ecological advice will aid in identifying sites of high biodiversity value.

[18] Ryan (2012) Impacts of nearby development on ancient woodland – addendum, Woodland Trust. Available at: https://www.woodlandtrust.org.uk/media/43619/impacts-of-nearby-development-on-the-ecology-of-ancient-woodland-addendum.pdf

Policy 31: Rural places

There should be strong links here to the Land Use Strategy and the emerging Biodiversity Strategy. The previous Scottish Planning Policy included a principle to have regard to the principles of the Land Use Strategy. This is currently absent and should be included and strengthened. We would, however, like to highlight that the existing Land Use Strategy lacks ambition and needs to be significantly improved.

It makes it difficult to assess crossover and connectedness of strategies when major policy areas are being consulted on at the same time. The current discussion on agricultural transition in Scotland must also be considered. An all-inclusive approach to land-use planning is needed to ensure agriculture and forestry are valued alongside planning. Including stronger linkage to the Regional Land Use Frameworks could help provide an all-inclusive approach.

Regional Land Use Partnerships (RLUPs) feature in areas under the national and spatial strategy but there is no mention of Regional Land Use Frameworks. A stronger statement is needed about the linkage between RLUPs and NPF4, and alignment of spatial strategy with the Regional Land Use Frameworks. The position of Forest & Woodland Strategies is strengthened in draft NPF4. There should be a move towards a broader Regional Land Use Framework under NPF4 and future NPFs, which also includes the Forest & Woodland Strategies.

The Scottish Land Commission, in their recommendations to Government on NPF4, also call for NPF4 to "connect regional land use planning into existing regional spatial planning by requiring new regional spatial strategies to take account of the land-use plans that will be produced by the new Regional Land Use Partnerships"[19].

As well as statutory and non-statutory designated sites for nature conservation, connecting habitat should be equally protected as the value of ecological networks will be increasingly important with changes in climate and necessary to minimise effects of associated shifts in species ranges. A national nature/ecological network is a useful concept here.

Policy 32: Natural places

We welcome the focus on restoring and enhancing our natural places. Likewise, the commitment to Nature-based Solutions and nature networks. Nature-based Solutions as a

[19] Scottish Land Commission (2020) NPF4 Call for Ideas A response from the Scottish Land Commission. Available at: https://www.landcommission.gov.scot/downloads/5ed7946d4ffe9_Scottish%20Land%20Commission%20response%20to%20NPF4%20call%20for%20ideas.pdf

term is used by different people in diverse ways and we would like to see the IUCN definition of Nature-based Solutions adopted.

A national control plan for invasive species is needed, including early warning and rapid response for the arrival of new high-risk non-native species, which have potential to become invasive under a changing climate. There also needs to be a legal duty that underpins the biodiversity duty. Too often, control of invasive species falls between the various authorities, landowners etc. Paragraph f should also include a preference for the use of native species of a local provenance wherever possible.

Our previous comments on natural places, biodiversity net gain and blue-green infrastructure also apply here.

Policy 33: Peat and carbon rich soils

We recognise Scottish Government support and funding for peatland restoration, and we welcome recent announcements of continued funding for these initiatives. However, there should be stricter guidelines on what operations can take place on peatland (e.g., severe limitations on peat extraction/no further granting of licenses for extraction for horticultural use and phasing out existing licenses).

We are concerned that a number of exemptions have been given to the ban on commercial peat extraction - the exemption on peat extraction that is to support an industry of national importance to Scotland (P109). This needs further consideration and a review on levels of extraction so that further impact is minimised with mandatory offsetting being required where extraction is seen as being essential. There needs to be a clear plan for transition away from the use of peat except for small scale peat extraction for fuel in the areas where this is traditional.

We would like to see further detail and strategic policies related to peatland preservation and restoration. There should be stricter guidelines on what operations can take place on peatland and approved developments must be restorative in nature. Research is ongoing into developing new ways of growing existing crops, or new crops capable of thriving with elevated water tables, in peatlands without damaging the ecosystem services produced by them (paludiculture). Damaging practices such as repeated muir burning, particularly on vulnerable soils, should be actively discouraged due to the multiple disbenefits they bring (e.g., carbon release, biodiversity loss, increased run-off, and associated flood risk). In any case, burning should adhere to NatureScot's Muirburn Code, which states that "burning should not take place on peatland, except as part of a habitat restoration plan approved by NatureScot," recognising the ecosystem services it provides.

Policy 34: Trees, woodland and forestry

Recognition of irreplaceable habitats and protections outlined for the protection of ancient woodland is to be welcomed. Considering the high biodiversity and fragility of Ancient Semi-Natural Woodland sites and remnant soil features of Planted Ancient Semi-Natural Woodland sites (PAWS etc), these habitats must be exempted from development. This also has benefits for carbon sequestration and wider ecosystem services e.g., ancient woodland fungi and micro-organisms.

We agree that Local Development Plans should identify and protect existing woodlands and identify potential for woodland expansion. Existing woodlands must be protected as important ecosystems for carbon sequestration and retention, and there should be statutory protection of all ancient woodland. Mature trees must have similar protection to veteran trees, recognising the important ecosystem services they provide. In many urban areas there are mature trees that have high biodiversity value as well as wider benefits. However, to ensure mature trees into the future, younger trees also need to be able to be protected.

Opportunity mapping and modelling should be used to identify optimum land type and area scale, which can then be implemented as part of a strategic plan to facilitate woodland expansion. Regional Land Use Frameworks and Partnerships are crucial to this.

Scotland's Forestry Strategy must not only support ambitious national targets for increasing woodland cover, but also encourage much higher proportions of native broadleaved woodland, following the principle of the "right tree in the right place." In addition, measures to encourage natural regeneration, not just planting, should be at the centre of any plans.

Part 7 - Any other comments

In the Call for Ideas, we highlighted that there is a need to rebalance the planning system from being development-led to recognise the urgency of addressing the two global emergencies of climate change and biodiversity loss. NPF4 should be based on the 17 Sustainable Development Goals, which the First Minister signed Scotland up to in 2015, recognising the importance of the sector in addressing them. The policy should also be underpinned by a clear set of environmental principles, including Polluter Pays, Precautionary Principle, Prevention Principle, Rectification at Source and Non-Regression. These principles should not be caveated for certain types of development, such as national infrastructure projects.

Although many of the ambitions in the draft NPF4 are to be welcomed, there is a lack of detail on implementation, enforcement, and the legal weight behind these outline proposals so that transformational change can be delivered. We need detail on how positive effects

for biodiversity will be assessed in a tangible, measurable, and consistent way across Scotland.

To deliver transformational change the outline plans in NPF4 for positive effects for biodiversity need to tie in with the Land Use Strategy and the upcoming Scottish Biodiversity Strategy. The focus still seems to be too much on avoidance of damage and not restoration and wide-scale enhancement despite the introductory visionary wording.

As with the climate targets, we would like to see clear targets related to biodiversity and mechanisms in place so that changes are measurable.

CIEEM looks forward to working with the Scottish Government in the development of the detailed delivery programme.

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