

# A Summary Report from 'Scottish LPA event to discuss the emerging NPF4 and Developing with Nature Guidance'

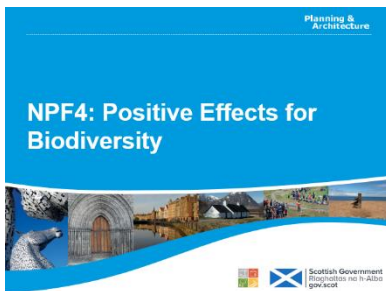
19<sup>th</sup> January 2022

This event was held to bring together ecologists, planners, environmental managers from Local Planning Authorities (LPA's) from across Scotland to hear about and discuss the draft NPF4 and Developing with Nature Guidance. The event was fully booked with 68 attendees from more than 70% of LPA's in Scotland (Appendix 1), as well as Scottish Government and NatureScot staff. There was a long waiting list with widespread interest from the wider ecological and environmental management community.

The event consisted of a mix of talks, Q&As, breakout sessions and case studies from projects in Scotland where positive effects for biodiversity have been achieved and evidenced using a range of approaches and some of the challenges and adaptations that arise.

## SPEAKER PRESENTATIONS

**Overview of draft NPF4 and Universal Policy 3 (Nature Crisis).** Cara Davidson, Team Leader, Environment and Natural Resources, Planning & Architecture Division, Scottish Government



[Recording](#)

[Presentation](#)

**Developing with Nature guidance – supporting NPF4 ambition.** Simon Brooks, Strategic Planning Manager, NatureScot



[Recording](#)

[Presentation](#)



## QUESTION AND ANSWER SESSION

A Q&A session followed the presentations from Cara and Simon which are listed below. Please note that due to time limitations there was not time to cover all the questions, answers are given in blue.

- Could you expand on the Scottish context/s which means net gain and metrics are not appropriate?  
Cara - This is a policy approach working within existing mechanisms that we have within the planning system. Limited circumstances in which financial contributions can be sought and those are subject to statutory tests. We are working within existing statutory framework. Very conscious of recent research on developer obligations and financial contributions that the financial contributions coming through are v limited in areas of Scotland. Issues of developer viability in some parts of Scotland so different context to SE England. In terms of net gain using language around positive effects for biodiversity to make that differential to signal the slightly different context in what we are setting out.
- Do you see any special roles or responsibilities for the National Parks in promoting and implementing biodiversity in their LDPs? Cara – would love to hear from NP reps. Of the four national parks aims first is to conserve and enhance natural heritage of the area and second is to promote sustainable use of the natural resources of the area. Those aims are v relevant to positive effects for biodiversity. So yes, a different context for national parks and looking forward to hearing from NP reps today as to how that will play out in practice.
- Could you say a little on landscape and wildland in policy for the NPF4 as these often have significant implications for NBS and biodiversity, including networks.  
Cara - As you saw in presentation, we want to see less greenfield development, less housing development out of planned areas, less out of town development and retail, more use of vacant and derelict land. Much more focus on blue-green infrastructure and nature-based solutions. Planning manages competing tensions around use of land. Policy 32 on natural places sets out that development in areas identified as wildland can only be supported where certain tests are met. Hoping to provide clear succinct policy which can be readily applied but each planning application has to be determined on its merits taking into account each individual case.
- Re: "demonstrating leaving in a better state" - how do we demonstrate this in a fair and transparent way without using any metrics?  
Cara - There is more detail in policy 3d and we want to encourage use of existing mechanisms e.g. EIA. There is also a variety of existing mechanisms for demonstrating net gain, biodiversity enhancement and if a developer wants to or chooses to use a metric, for example they may already work across UK we are not being prescriptive, but we do want to encourage use of existing well understood mechanisms. We do not want to tie up a lot of resource and expertise in arriving at complex metrics. It isn't painting by numbers it requires judgment on the individual case. This is a policy approach; not a legislative approach that aligns with a cash payment that could break the connection between damage being done in one part of the country impacting on communities and then finding that is offset elsewhere through a mechanism that does not relate to the area in which the development took place.
- Re. issues with site clearance in advance of planning app. so that biodiversity is taken out of the equation.  
Simon – We recognise that this could be a way to evade the policy requirements. Possible options to tackle this could include NPF4 explicitly recognising the issue and action to be taken in such cases, or separate guidance addressing this (and other principles to be applied in applying the policy. [For info: in England the T&CPA 1990 has been amended requiring the biodiversity value before any unauthorised site clearance to be used in assessing net gain.]
- Dev. Contribution in advance, is this to happen prior to planning app determination?
- If using the term enhancement, then need a clear way to assess biodiversity and without a metric how is this to be done?
- I'm not clear on how if you include a suite of appropriate measures in a development, you then determine whether it's better or worse than it was before without some kind of measurement.

- Echo the concerns of previous participants - without a clear baselining exercise it's not possible to assess impact of development.
- [Urban Greening Factor](#) mentioned a few times, is a relatively simple non-technical metric which could be used to support biodiversity gains, adaptation/resilience, green-blue infrastructure delivery. Could be applied and easily run.
- Urban Greening Factor has its imperfections, but I'm a big fan of UGF. I think future guidance should include a menu of tools for 'demonstrating' PEfC which could include BNG BS standard, UGF BwN and yes...also the DEFRA metric, given that e.g. Barrett already use it in Scotland.  
[Simon - The UGF was one approach considered in our original report to SG on options to secure positive effects for biodiversity, with a short summary \(of this and other approaches\) in the Annex.](#)
- Is it anticipated that the final NPF4 will make specific reference to NatureScot's guidance? What status will this guidance have? Will it be akin to supplementary planning guidance, carrying weight in the application assessment process, or is it purely advisory?  
[Simon – We envisage the final published guidance should be afforded weight in the process, reflecting that it is national guidance, that has been subject to consultation, produced to inform the application of NPF4 policy. A material consideration, rather than part of the development plan.](#)
- Re. Appropriate Measures, developers would welcome clear images as examples of the measures, along with the management implications.  
[Simon – Agree this is needed, and the final published version will contain these, as illustrated in the mock up of the layouts published alongside the consultation.](#)
- Future management important - many new developments are factored out to landscape maintenance companies who may not have skills to maintain for biodiversity.  
[Simon – We recognise this can be an issue, but expectations and requirements are changing.](#)
- The Development with Nature guidance is good at setting out appropriate measures but only has one para on "how much enhancement?" - this essentially leaves it to the LPA to determine what's appropriate in relation to a particular development. This puts the resource burden back on the LPA again, In the absence of a metric for determining scale of enhancement, this is going to be an ongoing issue for delivery.  
[Simon – We welcome any suggestions for strengthening the consultation draft on this aspect. Determining 'how much' enhancement will always be a matter of judgement, and in the absence of a defined target an agreed set of criteria provides a degree of consistency and transparency for the judgements made.](#)
- Isn't the number of ecological factors we're requiring non-specialist planning officers to consider when assessing whether a proposal is "demonstrably better" an unreasonable expectation?  
[Simon – There may be opportunities to simplify and group some of the criteria, and we await to hear views on this through the consultation. Our intention is to find a balance between simple guidance that supports applications without requiring specialist ecological input, and being confident that what is implemented \(informed by the guidance\) enhances biodiversity. I would expect that when the guidance is finalised, further events to build capacity within planning authorities will be required.](#)
- OSS regs. don't mention nature networks at all. Is there still scope to make major changes to OSS regs. to integrate them better with NPF4?
- A lot of the focus is on networks which is great but will be a new consideration for many LDPs. LBAPs, as currently framed, may not help much with this aspect but NatureScot about to launch an online habitat network tool.
- Local Authorities have very limited expertise and resources in terms of addressing ecological issues. How will Scottish Government take up the resource issue in delivery?
- Why is aquaculture an exception - given the impact this has on the natural environment?!
- You touched on Developer obligations as a possible route to securing wider enhancement (off site green networks etc) is this going to be supported in the NPF? GI levy?
- LBAPs are uniquely well placed to identify local priority habitats and species and should be incorporated into wording. [Simon – LBAPs are an important source of biodiversity information that should inform thinking on](#)

the enhancement measures being considered (para 30 in the guidance refers). But LBAPs are not primarily a planning document, and further thinking is required on how they might better support the NPF4 policies seeking enhancement of biodiversity.

After the Q & A session we divided into 5 breakout groups to discuss key issues. Comments are compiled and grouped in themes below:

## **BREAKOUT SESSION 1**

### **Q1 - What are the positives and challenges with implementing NPF4 Policy 3?**

#### **Positives**

- Recognition and ambitious language around the dual nature and climate crises.
- Positive language, setting the tone, great ambition bringing the nature crisis to the forefront.
- National level approach which has the potential benefit of standardisation across LPAs in Scotland. Will hopefully mean that developers cannot play LPAs off against each other and removed interpretation issue across different LPAs.
- Bringing wider planning service together which is a positive, has raised profile of nature.
- Policies 3d and e are stronger whereas a-c are more aspirational.
- The focus on peatland in NPF4 is welcomed.

#### **Challenges**

##### Strength of ambition and urgency

- Policy 3 wording is not strong enough and does not deliver ambition. Need's more clout. Too many should's – not have to, must, will. Needs to relate to overriding biodiversity duty and other duties.
- Protecting existing biodiversity needs to be clearer.
- Want to be able to ask for more in development process at outset.
- Question of how this delivers at scale, dual crisis - need big action now (e.g. Cairngorms Connect).
- In sustainable places intro, dual crisis mentioned but no mention of IPBES.
- Needs better links between master planning stage and development stage to ensure opportunities aren't lost

##### Standardisation

- Needs detail on delivery.
- If this national policy is replacing local policies than this needs to be clearer.
- Missing a std approach 3b/d. Need something more solid rather than reference to what already exists.
- GIS layers – all base layers not readily available – a constraint.
- LPAs with different capacity will ask for diff delivery, need applications assessed in same way and against same metrics.
- Don't need 5-years of LPAs developing new methodologies, need to be able to implement now.

##### Metrics

- How can we assess baseline without a metric?
- Looking at the use of metrics to allow for informed decisions - DEFRA metric and Urban greening factor - a simple metric particularly suited to urban areas, delivers for climate resilience etc.
- How do we demonstrate "significant" in delivery? For small sites how do we demo that new delivery is better than what was previously there? Need a metric. And need to be able to do consistently.
- If not using metric a clearer process is needed than what is there at present with worked examples.

- Metrics not to be conflated with offsetting.
- Struggle to get no net loss never mind net gain at present, missing standardised approach to allow monitor progress.

### LNCS

- LNCS – language less strong than previously – policy not strong enough.
- Policy 3 and policy about sites (Policy 32 and Section G), seems to be disconnect between policies on nature sites, will they be properly protected? Especially for local and urban sites.

### Resourcing

- Resource was strongly seen as the biggest challenge to implementation, with workload and lack of ringfenced funding a key couple of factors.
- Training would not necessarily address this as planners do not have the same skillsets as ecologists and vice versa and the workload they face would not be addressed by this.
- Even digesting NPF4 document and responding to consultation is challenging with tight turn arounds due to committee reporting.
- This is complete transformation of planning system, discussions with developers have been challenging under current conditions, NPF4 could be major challenge for small developers. Shetland example highlighted.

## **Q2 - What key requirements would you like to see included that aren't in at present?**

### Overarching points

- Group strongly felt that clarity, consistency, certainty, and confidence were needed, language should be much tighter as this would help planning authorities when dealing with developers. A lot of time and resource can be spent on negotiating with developers on small mitigation items, and loosely worded policy would mean that this would still be the case.
- Wording around setting planning conditions to ensure enhancement measures are enforceable.
- Requirements for early consultation to agree measures.
- Need to highlight that the priority is protecting what is on site already.
- Clearer ask on developers - more specific.
- NPF4 seems aimed at and relevant to housing (big and small) but not to many other major developments (e.g. Shetland spaceport, oil and gas, major windfarms, aquaculture) – although think policy is for small development and big development will be through EIA.

### Linkages to other policy requirements and hierarchy of policies

- Need digital links to other policies.
- Guidance as to how NPF4 sits with biodiversity strategy, open space strategy, RSSs, RLUPs, LDP - know where to look to build an overall assessment. LDPs need to have greater prominence.
- Opportunity missed to connect policies – e.g. linking health & wellbeing/ Air pollution to benefit gain.
- No guidance on regional space strategy (LDPs to have regard to this) - part of the jigsaw that is missing, cumulative and cross-boundary issues - an opportunity here.
- Use NPF4 to promote and capture wider benefits – better use of graphics to demonstrate.
- Stronger links to LBAP. 20 years of LBAP development in Shetland, no other strategic framework, doesn't connect to NPF4.

## Metrics

- Group strongly felt that a metric would be helpful to put the onus on developers to design and demonstrate positive effects into developments at the outset; some noted that the Defra metric has been trialled in some Scottish sites already and could be tweaked for Scotland. Some have looked at Urban Greening Factor for urban locations as very simple to use. Again, the need for people with the right skills to assess net gain assessments and so forth was emphasized.
- It was noted that the policy does have a blank space on what the alternative to metrics would actually be.
- Using a metric could actually allow a more streamlined approach.
- Consider using the BNG principles if not using the metric.

## LNCS

- Local Nature Conservation sites are not protected, no powers to prevent deterioration. They should be included in the policy alongside national and international sites. Overall, policy wording around LNCSs needs to be strengthened to help LAs protect these as part of securing PeFB.
- LNCSs - LAs would like to see no further degradation of these local sites, and they are often a key mechanism [for protecting biodiversity] in local development management.
- NPF4 has a strong emphasis on networks, LNCSs need to be connected through networks too. Some LAs have designated their LNCSs as networks.
- Similarly, queries around the role of RSSs in defining networks and around the links to RLUPs.

## Information Gaps, Queries and Guidance

- What does good look like - what does not good look like? Need worked examples.
- Would be useful to see some specific mention around the Habitat Network Tool being developed by NatureScot and some LA groups. It was suggested that the Habitat Network Tool could be a basic building block for defining local networks. There was a related query re: whether NatureScot was developing any regional network mapping.
- What is a nature network as opposed to a green network - a disconnect is emerging. Not sure of opportunities in planning systems - a structure to enhance the nature network.
- Clarity on developer contributions, not asked by Shetland (1 of only 2), won't be helpful for undeveloped land (eg. Spaceport).
- Variability between councils at present in the provision of supplementary guidance. Existing supplementary guidance that councils have under the old system will not have the same weight under the new planning system because supplementary guidance will not be part of the formal statutory plan anymore need to bear this in mind.
- Aquaculture/Shellfish is excluded from NPF4? Why is this? Should need planning! Despite SEPA looking into regulating aquaculture, seems very odd.

### Q3 - Does the Developing with Nature guidance provide the information required to enable appropriate biodiversity measures, proportionate to the nature and scale of development, to be selected?

#### Overarching

- Developing with Nature guidance does help standardise approach – does look at species and habitats.
- Discussion around having a more holistic approach and connectivity measures, rather than a set of different measures. For example, tree networks and water networks could be included.
- INNS control considered as enhancement.
- Needs to consider approaches to valuing biodiversity measures, to ensure not providing enhancements which may benefit one species, but actually cause declines in others.
- Some sites may be below baseline so need additional enhancement – how do we guarantee that.
- How is mitigation to be followed - more guidance - whose responsibility.
- Issue of timing of nature recovery policy if development already underway having to fit in nature where possible rather than integrate into schemes from outset.
- Suggestion for a biodiversity checklist.
- Urban authorities already asking for some things in NPF4 but not always getting desired outcomes, and not pulled through into landscape schemes.

#### Status

- Is Developing with Nature statutory guidance/associated guidance, how does it feed with NPF4 and what legal weighting does it have? Likewise need early clarification on the ongoing role (if any) of local supplementary guidance, the status of national guidance (like Nature Scots Developing with Nature), and any intention to produce further guidance to inform NPF4 policies.
- Where councils already have biodiversity supplementary guidance how will this relate?
- Guidance could have regular review to make sure up to date and fits with planning system.

#### Ambition

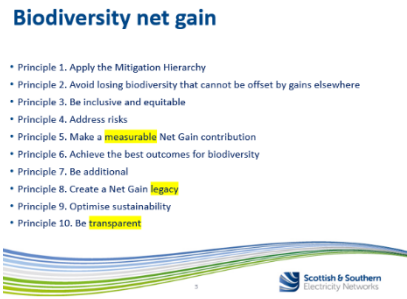
- Good collation of reasonable measures. Is it enough to make significant biodiversity changes and address the crisis at a national level?
- Measures need more ambition and rigour.
- Goodwill with developers is a key factor and these measures are something that some developers would do anyway.
- What is appropriate? Could result in discussion and wrangling. For example, a developer could create a couple of leaf piles and say they have delivered a positive effect for biodiversity!

#### Resources and Capacity

- Does it need to be simplified for development management planners to use?
- Aimed at people without ecological expertise. Significant potential for misunderstandings and poor delivery likely without ecological input. Is the need for specific ecology advice from local officers reduced if the guidance is more generic in nature? As an example, a developer could put in swift boxes without swifts being in the area or positioned inappropriately.
- Need more support from NatureScot with this being national guidance, for implementation at local level
- Need capacity in LPAs to monitor and enforce, and how to ensure long-term, needs more discussion on how deliver this through the planning process.
- Resource implications for LPA's, especially on smaller developments, when developers do not typically have ecologists engaged.

## CASE STUDIES

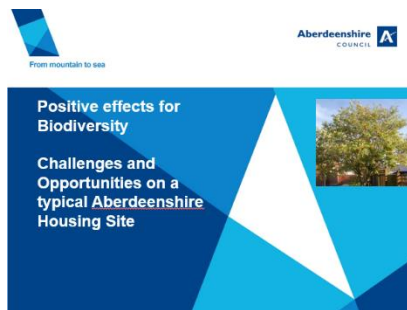
**Delivering biodiversity net gain on transmission projects.** Francis Williams, Environmental Net Gain Manager, Scottish and Southern Electricity Networks



[Recording](#)

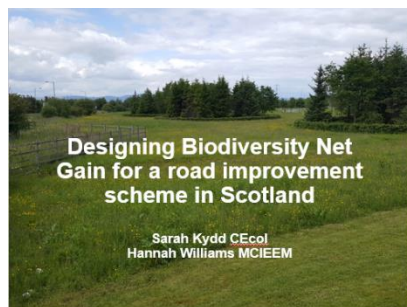
[Presentation](#)

**Barriers to achieving biodiversity enhancement on an Aberdeenshire Housing site.** Judith Cox, Environment Planner, Aberdeenshire Council



[Presentation](#)

**Designing BNG on a road improvement scheme in Scotland.** Sarah Kydd & Hannah Williams, WSP.



[Recording](#)

[Presentation](#)

## BREAKOUT SESSION 2

**Discussion/brainstorm on LPA's views, how to take it forward and achieving a standardised approach?**

### Key points

- How much LPAs can realistically expect from developers is still vague.
- There were some queries around the timing of changes to policy – for example do some LDPs, adopted pre-NPF4, now need to be updated? Timing of local development plans is variable, so there will be a staggered application.



- Policy aimed at small sites, but still believe there is a gap for national/major infrastructure.
- Consensus that a metric and standardised approach needed across all LPAs to set clear expectations for LPAs and developers. To prevent trade-offs against LPA's.
- Need to engage with developers to change their mindset on biodiversity, so don't view it as a barrier - suggested Scot Gov need to take a lead on this.

#### Delivery roles

- Not all LPAs have ecological expertise so need everything as clear as possible and not too open to interpretation.
- Small LPA ecol teams don't feed into planning as much as could, so process spelt out to developers rather than relying on LPA to explain what would be good, more onus should be on developers to understand what is expected of them.
- Major concern from LPAs with less capacity that will not be able to deliver expectations of the policy.
- Opportunity for role of NatureScot to start commenting on applications and actively support or not a planning application could be big change.
- Suggestions for approach to use of Metric – take a ground up approach so LPA's take lead in developing and driving – look to do so either through HOPs or COSLA. Would tie into biodiversity reporting duty and data could feed into this.

#### Resource and funding models

- Resource to monitor and enforce planning conditions, tools are there, but to be able to use them need capacity – can create these areas but need more resource to maintain them in the long term.
- Suggest that climate change funding could be used for ecological survey work to inform natural capital work, also using nature restoration funding.

#### Monitoring/maintenance

- Big question on how improvements will be managed and maintained.
- Will NatureScot be doing any monitoring on what works and doesn't over time and report back, particularly small sites – and beforehand could monitor and report on what conditions are enforced at initial delivery.
- Monitoring is key – need comprehensive coverage of record centres to store and utilise data.

#### Strategies LPAs are adopting

- West Lothian example: Example to revise LBAP and phase 1 for whole area and do natural capital assessment, and then talk to planning, might also look at urban greening and marine planning, would be useful to have a metric.
- Internal workshops set up with architectural and engineering colleagues to discuss NPF4.
- Will use metric to look at site allocations - to see if site allocations are included or not - a way to incorporate enhancement early on.
- Planning guidance - ask for use of metrics on large sites - align with net gain principles for smaller sites - risk that this does not have a solid base in national policy however.
- Using a BNG process has been really helpful in terms of informing discussions within Falkirk council between engineering/roads and biodiversity staff, providing a clear and measured approach to discussing and agreeing targets and objectives, and providing a strong evidence base for the proposed biodiversity enhancements (rather than just defaulting to a set of standard simple enhancement measures).
- Local biodiversity action plans - in very different states - re-invigorate these.

- National parks - Green/blue GI plan may not work with national parks - species and habitat plan may be better to address in these areas.

### Final summary and perspectives from Cara Davidson

- SG colleagues will be bringing forward Scottish Biodiversity strategy this year. Aspirations to rejuvenate LBAP process within NPF4 and Biodiversity process so welcome thoughts on that.
- Developer contributions – independently commissioned research was published by SG on this on the incidence and impact of developer contributions [here](#). Value of developer contributions is concentrated in relatively small areas across Scotland. High ambition but issues of viability.
- Securing enhancement measures – usual planning mechanisms apply, planning conditions, planning obligations etc.
- Will need to monitor implementation of NPF as a whole at a national and local level so will develop a programme of monitoring.

### Final summary and perspectives from Simon Brooks

- Very useful discussions today and reflects level of interest and importance. Real energy and support for wanting to achieve level of ambition that has been set out.
- Resourcing a real issue across SG, NatureScot and LPAs.
- Need to provide consistency and certainty that developers and planners are looking for, avoid duplication and wasted effort.
- Sense from comments today we haven't got the message quite right both in terms of process, wording and biodiversity detail.
- Developing with Nature guidance – need to reflect on what is the ask. Important point that has been raised several times is what is the status of the Developing with Nature guidance – think it is likely to be a material consideration in the planning system.
- Monitoring and evidence needs – We do need to be able to assess what measures work and what doesn't and understand what is being delivered for biodiversity.

**The deadline for the [Developing with Nature consultation](#) is 4<sup>th</sup> March and [NPF4 consultation](#) is 31<sup>st</sup> March.**

**CIEEM would like to thank all the speakers and participants for contributing to the success of this event. Thanks also to Caroline McParland (Vice-President CIEEM Scotland), Sarah Kydd and Hannah Williams ([CIEEM Scotland Policy group](#)) for all their work on the event.**

## Appendix 1

### List of Local Planning Authorities registered for the event

Aberdeen City Council
Aberdeenshire Council
Angus Council
Argyll and Bute Council
Cairngorms National Park Authority
City of Edinburgh Council
Comhairle nan Eilean Siar
East Dunbartonshire Council
East Lothian Council
East Renfrewshire Council
Falkirk Council
Glasgow City Council
Loch Lomond and Trossachs National Park Authority
Midlothian Council
North Lanarkshire Council
Perth and Kinross Council
Renfrewshire Council
Scottish Borders Council
Shetland Islands Council
South Ayrshire Council
South Lanarkshire Council
The Highland Council
West Dunbartonshire Council West Lothian Council