

PERTH AND KINROSS COUNCIL

Strategic Policy and Resources Committee

20 April 2022

PLANNING FOR NATURE GUIDANCE

Report by Head of Planning & Development
(Report No. 22/91)

1. PROPOSAL

- 1.1 This report summarises the comments received during the consultation on the non-statutory Planning for Nature guidance published for consultation in 2021. It seeks approval to finalise and adopt the guidance document to support the Local Development Plan (adopted November 2019) as non-statutory Supplementary Guidance.

2. RECOMMENDATION

- 2.1 It is recommended that the Committee:
- (i) approves the Planning for Nature guidance to support the implementation of Policy 41 of the Local Development Plan.

3. BACKGROUND

- 3.1 The Planning for Nature Development Management and Wildlife guide (Planning for Nature) has been prepared in response to the adoption of LDP2. This is non-statutory planning guidance to support LDP2 Policy 41. In the report to council on 29 January 2020 (Report No. 20/25 refers), it was noted that this guidance document would be brought forward to Strategic Policy and Resources Committee as part of the review of guidance to support LDP2.
- 3.2 Planning for Nature is referenced in Policy 41 of LDP2. The guidance had previously been drafted only to support development management officers in decision making on matters affecting biodiversity. Further changes were then made to support the new LDP2 in collaboration with the new tree/biodiversity officer.
- 3.3 The guidance supports developers and decision makers to implement the requirements in law and policy with regards to biodiversity. No new requirements are introduced but current law, policy and best practice expectations are set out in the one document. The intention is to ensure proposals are robust and supported by evidence when submitted, thereby reducing the amount of time between validation and final decision. By setting out the best practice expectations of the Council, developers and decision makers are provided with greater certainty when designing or assessing submissions.

4. KEY CONCERNS, RESPONSES AND PROPOSED CHANGES

- 4.1 The document was developed in collaboration with the Tree/Biodiversity Officer, the Tree/Enforcement Officer, and the Tayside Biodiversity Partnership Co-ordinator, with input from the Biodiversity Ambassadors group and development management colleagues. In addition to national and international requirements and best practice, the expectations of the Council's own tree/biodiversity officer have been stated in guidance to provide applicant certainty. Requirements include:
- roosting provision for breeding birds and bats
 - hedgehog highways in all developments
 - protection for amphibians migrating to, or dispersing from, breeding ponds, including Sustainable Drainage System ponds
- 4.2 Public consultation was carried out between 20 September and 31 October 2021 resulting in 29 consultation responses. There were many supportive comments and useful contributions. The full summary of comments can be found in Appendix 2.
- 4.3 The main comments resulting in changes included:
- additional consideration for insects and Ground Water Dependent Terrestrial Ecosystems. This resulted in greater detail on priority species and habitats to be added.
 - a request for greater urgency in language resulted in an updated introduction highlighting the climate and nature crises.
 - minor amendments to maps, specific species, and clarity of language
- 4.4 The final draft document incorporating these changes is attached as Appendix 1.
- 4.5 There were further comments that were outwith the scope of the guidance and therefore resulted in no change to the consultation draft but should be brought to the Committee's attention:
- concern about past practice of poor adherence to policies. It is expected that any perception of discrepancies will be reduced by the greater certainty provided by the guidance.
 - concern about felling of trees on a site before planning permission is applied for. This falls within the remit of Scottish Forestry and is unfortunately not something we can control.
- 4.6 Planning for Nature does not incorporate the new requirements of the draft National Planning Framework 4. The draft NPF4 imposes a requirement on some, but not all developments, to provide positive effects (enhancement) for biodiversity. This contrasts with LDP2 Policy 41 which currently seeks, but does not require, positive effects from all development. It is anticipated that there will be changes to NPF4 as a result of consultation. Until NPF4 is finalised, it is considered important to implement the guidance now to secure the best outcomes for biodiversity. The practical guidance within Planning for Nature is best practice and will still be applicable following NPF4, although it may need to be further

updated to reflect the introduction of any mandatory obligations and changes in terminology.

5. CONCLUSION

- 5.1 The Planning for Nature guidance document has been prepared to support the implementation of LDP2. The document has been through a public consultation with stakeholders.

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Approved

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1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

Strategic Implications	Yes / None
Community Plan / Single Outcome Agreement	Yes
Corporate Plan	Yes
Resource Implications	
Financial	None
Workforce	None
Asset Management (land, property, IST)	None
Assessments	
Equality Impact Assessment	Yes
Strategic Environmental Assessment	Yes
Sustainability (community, economic, environmental)	Yes
Legal and Governance	None
Risk	None
Consultation	
Internal	Yes
External	Yes
Communication	
Communications Plan	None

1. Strategic Implications

Community Plan/Single Outcome Agreement

- 1.1 The Planning for Nature guidance document supports delivery of the Perth and Kinross Community Plan/Single Outcome Agreement by safeguarding and encouraging restoration of valued natural environments. As well as promoting health and wellbeing, the guidance document contributes positively to the priority of “Creating a safe and sustainable place for future generations”. In particular the guidance addresses the challenges of:

- maintaining the outstanding beauty of our urban and rural environments; and
- responding to the agenda in relation to climate change.

Corporate Plan

- 1.2 The Planning for Nature guidance document contributes to the achievement of the Council Corporate Plan Priority delivery of “Creating a safe and sustainable place for future generations,” in particular the guidance document promotes the goal to Protect our Outstanding Area.

2. Resource Implications

Financial

2.1 None.

Workforce

2.2 None.

Asset Management (land, property, IT)

2.3 None.

3. Assessments

Equality Impact Assessment

3.1 Under the Equality Act 2010, the Council must eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments (EqIA) for plans and policies allows the Council to show that it is meeting these duties.

3.2 Planning for Nature was considered under the Council's Integrated Appraisal Toolkit. No impacts on equality were identified and the documents assessed as not relevant for the purposes of EqIA. A full EqIA was not needed.

Strategic Environmental Assessment

3.3 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals.

The guidance document was considered under the Act in consultation with Consultation authorities and:

- Screening has shown that Planning for Nature Guidance is unlikely to have significant environmental effects and is therefore exempt and the Consultation Authorities have been notified. The reason for concluding that the Guidance is unlikely to have significant environmental effects is that the Guidance provides detail and best practice only on the implementation of policies in LDP2 which was previously assessed.

Sustainability

3.4 Under the provisions of the Local Government in Scotland Act 2003 the Council has to discharge its duties in a way which contributes to the achievement of sustainable development. Under the Nature

Conservation Act (Scotland) Act 2004 public bodies in Scotland have a duty to further the conservation of biodiversity. Under the Climate Change (Scotland) Act 2009 the Council also has a duty relating to climate change and, in exercising its functions must act:

- in the way best calculated to deliver on the Act's emissions reduction targets
- in the way best calculated to deliver any statutory adaptation programmes
- in a way that it considers most sustainable.

3.5 Planning for Nature was assessed for Sustainability through the Integrated Assessment Toolkit. The document promotes sustainable development and the conservation of biodiversity and addresses climate change by:

- Promoting best practice development that protects and restores nature and utilises nature-based solutions
- Promoting the health of waterways and water bodies through avoidance and mitigation of impacts from new development
- Promoting resilience in the face of climate change for wildlife by protecting and enhancing important habitats and the connections between them.

Legal and Governance

3.6 None.

Risk

3.7 None.

4. Consultation

Internal

4.1 The draft guidance document was developed and consulted on with internal stakeholders as set out in section 4 of the Report. Planning for Nature resulted in a number of relevant comments which required further consultation with the tree/biodiversity officer, the Tayside Biodiversity Partnership co-ordinator and development management colleagues.

External

4.2 The draft guidance document was developed and consulted on with external stakeholders as set out in section 4 of the Report. Additional consultation on preparing Planning for Nature with external advisors following the public consultation was not required.

5. Communication

- 5.1 Once approved the guidance document will be uploaded to the Council website and those consulted on the draft will be notified. Workshops with development management on particular topics in Planning for Nature have already been carried out. Promotion of the guidance more broadly within relevant Council services will also be considered.

2. BACKGROUND PAPERS

No background papers are referred to.

3. APPENDICES

Appendix 1: Planning for Nature Development Management and Wildlife Guide 2022

Appendix 2: Planning for Nature Summary of Consultation Responses