

# National Planning Framework 4: Policy 3

## Biodiversity and Development

### A Guidance Note

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# 1 Introduction

This note is to aid interpretation of National Planning Framework 4 (NPF4), Policy 3 and Perth & Kinross Local Development Plan 2 (2019) when bringing forward planning applications. The following should be considered during all stages of development from site selection to construction and monitoring.

- [Perth & Kinross Council \(2019\) Planning for Nature](#) guidance remains relevant to the requirements in NPF4 and should be referred to.
- Applicants for local development should also refer to [NatureScot \(2022\) Developing with Nature](#).
- Prospective applicants should carry out a Preliminary Ecological Appraisal to inform site selection and further surveys.
- A proportionate Ecological Impact Assessment (EclA) should be submitted with planning applications which will set out the impacts on biodiversity and recommended measures for protecting and enhancing biodiversity. This should inform site design.
- All measures to avoid, minimise and compensate for adverse impacts as well as enhancement measures must be shown in submitted designs and landscape plans and be based on ecological advice.
- Recommendations stated in an Ecological Impact Assessment that have not been carried forward to design must be justified.
- Surveys, ecological reporting and the approach to the mitigation hierarchy must adhere to [CIEEM's Biodiversity Net Gain](#) principles and best practice guidelines.
- Note that householder developments are not required to conserve or enhance biodiversity in general but must still aim to minimise impacts and abide by protected species requirements.

The Scottish Government's principles for addressing biodiversity in planning applications should be followed:

- **Apply the mitigation hierarchy:** Adherence to the mitigation hierarchy should be demonstrated in all proposals. Avoid, minimise, restore, offset, enhance. See [NatureScot \(2022\) Developing with Nature](#) and NatureScot's [Environmental Assessment Handbook](#) for more detail.
- **Consider biodiversity from the outset:** Site surveys and studies should be carried out prior to site design
- **Provide synergies and connectivity for nature:** Mitigation and enhancement measures must be based on an understanding of the site and surrounding area including connectivity for nature.
- **Integrate nature to deliver multiple benefits:** Integration of nature based solutions in designs can allow for development needs and biodiversity needs to be addressed together and provide cumulative benefits.
- **Prioritise on-site enhancement before off-site delivery:** See below for further information.
- **Take a place-based and inclusive approach:** Consider how a place is used and ensure equitable access for both nature and people
- **Ensure long term enhancement is secured:** See below
- **Additionality:** All measures including any offsite measures must be in addition to any that would have happened without intervention and must not already be funded elsewhere.

## 2 NPF4 Policy 3: Biodiversity

### 2.1 NPF4 Policy 3 & LDP2 Policy 41

NPF4 Policy 3 should be the starting point for any application. However, LDP2 Policy 41 sets out detailed expectations and information requirements. Note householder developments are not required to provide enhancement.

NPF4 Policy 4: Natural Places should be referred to with respect to protected species and protected areas.

### 2.2 Nature Networks

A Nature Network is defined in NPF4 as:

“a joined-up system of places important for wild plants and animals, on land and in water. It allows plants, animals, seeds, nutrients and water to move from place to place and enables the natural world to adapt to change, providing plants and animals with places to live, feed and breed. Effectively functioning nature networks will connect existing **nature rich areas** through habitat corridors, habitat ‘stepping stones’, or habitat restoration areas”

- Major development should address nature networks as part of biodiversity enhancements.
- Local applications should include measures to strengthen nature networks where relevant.
- **Nature rich areas** include [Protected Areas](#) and other nature rich areas managed for their biodiversity. Potential nature rich areas have been identified through proposed [Local Nature Conservation Sites](#).
- Nature Networks provide connectivity within and across urban, peri-urban and rural landscapes and include connecting wildlife through settlements out to wider networks.

Nature Network maps have not yet been finalised, but existing natural networks should be identified in surveys, and where possible, protected and enhanced. These may include:

- Natural buffers or restoration to protect or enhance a nature rich area
- Supporting habitat with an ecological connection to a nature rich area
- Stepping stones of suitable habitat for birds between SPAs or SSSIs
- Habitat that allows the qualifying species of a protected area to move between nature rich areas.
- Measures that support or enhance water courses or water bodies including the Tay SAC, Lunan Lochs and Loch Leven.
- Connecting corridors of ancient and native semi-natural woodland.
- [BugLife B-Lines](#) which connect areas of nature rich pollinator sites.

Nature Networks through settlements out to the wider countryside can be enhanced with:

- Stepping stones of orchards, meadows and verges for pollinators
- Corridors formed by woodland and street trees
- Woodland, shrubs and long grass buffers along burns and rivers
- Networks of ponds within 500m for amphibian movement
- Corridors of hedgehog highways in gardens and native hedges
- Nature based solutions such as green walls and roofs
- Greening of active travel routes with native hedges and trees

Tools which may help include:

- NatureScot [Sitelink](#)
- PKC [Forest and Woodland Strategy](#)
- Nature Scot guidance on [Connectivity for SPAs](#).

## 2.3 The Mitigation Hierarchy

The approach to the mitigation hierarchy set out in [Planning for Nature](#) of **avoid, minimise, compensate** and **enhance** must be adhered to. Compensation is a last resort for residual habitat loss or damage following measures to avoid or reduce the impacts. Where compensation is necessary, proposals must clearly set out how the damage or loss of biodiversity or habitat is compensated through a matrix or ecological report discussed further below.

### 2.3.1 Enhancement

- Enhancement is defined as biodiversity being in an overall better state than before intervention, and that this will be sustained in the future.
- Measures qualify as enhancement only once impacts are shown to be avoided, minimised and compensated for. Policy 3(b)(iii) sets this out explicitly for EIA, Major and National Developments.
- [NatureScot \(2023\) Developing with Nature](#) also makes clear this also applies to local developments.
- In Principle applications must include sufficient detail to indicate how the mitigation hierarchy will be provided based on preliminary ecological studies.
- Enhancement must demonstrate **additionality** over measures that would likely happen in the absence of development. Measures already funded through other means will not be considered.
- Enhancement measures should aim to:
  - Deliver goals in the Tayside Local Biodiversity Action Plan
  - Restore, or buffer or connect areas protected for biodiversity
  - Create or restore habitats that support nature networks
  - Create, restore or connect habitats that support protected species

### 2.3.2 Offsite compensation and enhancement:

Offsite compensation or enhancement will only be considered where justified and as a last resort where onsite is demonstrably not possible.

Where justified, offsite compensation must demonstrate a strict adherence to the following sequential approach:

- Onsite
- Adjacent to the site
- Within the same watershed / catchment as the development
- Within the Planning Authority area.

Compensation and enhancement should be demonstrated as follows:

- The amount of habitat restored/enhanced must be expressed in area planted, restored or otherwise enhanced (m<sup>2</sup>, ha) with the addition of biodiversity units and percentage outcomes where a metric is used.
- If not using a biodiversity metric, ecological advice must take into account the original habitat and condition of both the habitat that is lost or damaged and the original habitat on the donor site. This may require a greater area of creation/restoration of habitat than that affected by development.
- Interventions as compensation should not lead to a further loss of biodiversity. For example woodland compensation loss being planted on a grassland site will only result in a need for additional grassland habitat to be restored.
- Offsite measures may be secured:
  - On land within the applicant's control for at least 30 years.
  - Through a private arrangement between applicant and 3<sup>rd</sup> party landowner secured by legal agreement that runs with the land.
  - Through participation in a nature based solutions delivery organisation provided the requirements above are met.
  - Developer contributions may be supported in the future but are not currently invited.

- An appropriate habitat/species management plan and evidence of funding to support that plan will be required subject to the needs of the site for a period appropriate for the habitat up to 30 years.
- A legal agreement to cover maintenance and monitoring of the habitat over the same period secured against the land will be required before commencement of the development.
- Monitoring reports will be required to be submitted to the Planning Authority regularly over the monitoring period.

## 2.4 Nature Based Solutions

Nature Based Solutions are defined in NPF4 as “actions to protect, sustainably manage, and restore natural and modified ecosystems that address societal challenges effectively and adaptively, simultaneously providing human wellbeing and biodiversity benefits.” These are actions that provide multiple benefits for climate change, biodiversity and people. EIA, National and Major Proposals must include nature based solutions where *feasible* and Local proposals where *possible* and *proportionate*. Examples of Nature based solutions include:

- Biodiverse, above ground, SUDS measures
- Natural flood management and erosion control
- Green roofs
- Street trees
- Biodiverse hedges

See PKC (2019) Green Infrastructure guidance, NatureScot (2022) Developing with Nature and NatureScot’s [Nature Based Solutions](#) webpage for more information.

## 3 Policy 3(b) Major, EIA and National Developments

Policy 3(b) requires national, major and EIA developments to demonstrate that the proposal will enhance biodiversity so it is in a demonstrably better state than without intervention. Best practice assessment methods are referred to in Planning for Nature. The Ecological Impact Assessment (EclA) should clearly set out how the requirements of Policy 3(b) have been met.

### 3.1 Policy 3(b)(i)

#### 3.1.1 Ecological Context

Proposals must include a map of habitats and important areas for wildlife, including nature networks and irreplaceable habitats prior to intervention. Final designs and site plans must show how these have been taken into account in accordance with the mitigation hierarchy. All proposals must set out how they have considered nature networks.

#### 3.1.2 Irreplaceable habitats.

These are not defined in NPF4. They include:

- Active peat (carbon rich soils classes 1 and 2)
- Ancient semi-natural woodland. This includes PAWs and LEPO woodland where identified as demonstrating characteristics of ancient woodland through a woodland survey as set out in Planning for Nature.
- Groundwater Dependent Terrestrial Ecosystems
- Blanket bogs and raised bogs
- Limestone pavements

### 3.2 Policy 3(b)(iii) Assessment of potential negative effects.

Proposals must include an objective assessment of impact. This must take the form of an assessment of impacts on each habitat and protected or priority

species affected, setting out the baseline and the measures taken to avoid, minimise and compensate for each. These impacts must be quantified as far as possible and include the quality of habitat affected.

A metric is currently in development for use in Scotland. Until then DEFRA's latest biodiversity metric or EIA methodology (assessing individual affected natural habitats and species) must be used.

### 3.3 Policy 3(b)(iv) Significant biodiversity enhancements.

The degree of additional measures for biodiversity over and above compensation will be considered significant will be on a case by case basis. The EclA must show that biodiversity will be left in a demonstrably better state than without intervention taking into account:

- the opportunities for enhancement
  - the value of the biodiversity lost or impacted
  - the time, risks and uncertainty of delivering enhancement
  - the requirements and cost of future maintenance and management
- If using a metric the workbook and a summary of results of biodiversity value of the site before and after intervention, along with the resulting uplift should be provided.
  - For EIA development positive effects for species and habitats should be more than minor.
  - Minimum requirements for species<sup>1</sup> set out in Planning for Nature are additional to this enhancement requirement.
  - An Ecological Clerk of Works is likely to be required to ensure delivery of enhancement as intended.

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<sup>1</sup> This includes bird boxes, bat tiles/bricks/tubes, hedgehog highways, wildlife kerbs, and mammal bridges and underpasses.

### 3.4 3(b)(v) Local Community Benefits

All applications must demonstrate that community benefits have been considered. Community benefits include intentional, long-term benefits that benefit the geographically local community. These specific benefits should reflect the needs of the community and be beyond the general benefits provided by greater access to nature. These could include:

- Nature educational provision
- Natural flood management
- Provision for natural business such as coppicing for local crafts

## 4 Policy 3 (c) Local and Householder Developments

### 4.1 Local Applications

Local proposals must contain **appropriate** measures to conserve, restore and enhance biodiversity in accordance with **national and local guidance** – proportionate to the development.

To be appropriate, measures must be based on an understanding of the site through surveys and a proportionate Ecological Impact Assessment (EclA).

National and Local Guidance includes:

- [NatureScot \(2023\) Developing with Nature](#): Guidance on NPF4 policy 3 for local developments including suggested enhancement measures.
- [PKC \(2022\) Planning for Nature](#): Sets out submission requirements and minimum mitigation.

- [Tayside Biodiversity Partnership \(2016\) Local Biodiversity Action Plan](#): Sets out region wide priorities for habitats and species.

To demonstrate compliance with NPF4 Policy 3(c) local applications must include:

- A Phase 1 habitat map including notes of protected species and important habitats. Results of further surveys as required.
- A description of how the site fits into the wider ecological context of the area including nature networks
- A clear description of how impacts have been avoided, minimised and compensated for
- An analysis demonstrating that all residual adverse impacts are compensated for and subsequent enhancement applied. Please use the template in [NatureScot \(2023\) Developing with Nature](#) or a biodiversity metric
- Designs and landscape plans which demonstrate how all measures will be implemented
- Where habitat is introduced or restored a habitat management plan or Site Biodiversity Action Plan may be required to ensure measures are long lasting.

#### 4.2 Householder applications

- Householder submissions (those relating to the alteration or extension of an existing dwelling) are not required to set out measures to conserve or enhance biodiversity in general but NPF4 policy 4 and legislation with regards to protected areas and protected species still apply, along with policy 5 (below).
- Householders must still ascertain the presence of protected species including bats and breeding birds where relevant and any resulting mitigation and compensation.

- Applicants are encouraged to implement simple measures to conserve and enhance biodiversity. See [Planning for Nature](#) guidance.

## 5 Policy 3(d) Minimising Adverse Impacts

- This policy emphasises the need for all developments to minimise adverse impacts.
- Submissions should demonstrate an understanding of the site and its features in the ecological context in early stages of planning and design.
- Cumulative impacts should be set out clearly in EclA, where relevant.