
LOCAL BIODIVERSITY ACTION PLAN

Report by Service Director Regulatory Services

PLANNING AND BUILDING STANDARDS COMMITTEE

3 September 2018

1 PURPOSE AND SUMMARY

- 1.1 This report proposes that Council approves an updated Local Biodiversity Action Plan.**
- 1.2 The Local Biodiversity Action Plan (LBAP) was originally approved by the Council in 2001, with further detail under the plan being provided by a series of Habitat Action Plans produced between 2003-2010. The LBAP forms one of the key elements of the Council's Biodiversity duty under the Nature Conservation (Scotland) Act 2004 which provides a framework of actions for the Council and its partners to further the conservation of biodiversity in Scottish Borders. The Scottish Biodiversity Strategy was originally published in 2004, and was updated in 2013 adopting an ecosystem approach. The Council's regional pilot land use framework, produced under the Land Use Strategy pilot (2013-2015) tested an ecosystem approach and is applied to the refresh of the LBAP.
- 1.3 The LBAP is identified as proposed Supplementary Guidance in the Local Development Plan. The LBAP informs the Council's Supplementary Guidance for biodiversity and Policy EP3 Local Biodiversity. The purpose of the updated LBAP is to protect and enhance biodiversity in Scottish Borders, taking into account changes in national policy and is set out in **Appendix A**.

2 RECOMMENDATIONS

- 2.1 **I recommend that the Planning & Building Standards Committee:-**
 - (a) approves the updated Supplementary Guidance set out in the Local Biodiversity Action Plan as a basis for public consultation**
 - (b) notes the Environment Report as set out in Appendix B.**
 - (c) Agrees that the paper may subsequently be adopted as Supplementary Guidance provided no substantive objections are received during the consultation period**
 - (d) Agrees that in the event of substantive objections being received a further report is made to the Planning & Building Standards Committee detailing the terms of those objections and setting out any amendments that are considered appropriate.**

3 UPDATING THE LOCAL BIODIVERSITY ACTION PLAN

Background

- 3.1 The Council adopted the Local Biodiversity Action Plan (LBAP) in 2001. This linked to the national UK Biodiversity Action Plan (UKBAP) with a focus on actions for species and habitats. It was produced by a partnership of organisations with an interest in natural heritage and land management within Scottish Borders. The vision of the original LBAP was healthy landscapes with enhanced natural resources to benefit future generations. A series of 14 Habitat Action Plans was produced between 2003-2010 for woodland, wetland, upland, lowland farming, coastal and urban habitats. A key objective was to enhance local habitat networks, joining up formerly fragmented areas of habitat across the landscape.
- 3.2 The LBAP partnership has made good progress under the earlier LBAP with significant areas of new native woodland created, peatland and wetland habitats restored, river and flood plain restoration and species monitoring with local biological recorders.
- 3.3 There have been some key changes in national biodiversity policy including the amendment to the Scottish Biodiversity Strategy (SBS) in 2013 (2020 Challenge for Scotland's biodiversity) and the Land Use Strategy produced under the Climate Change (Scotland) Act 2009.
- 3.4 The amended Scottish Biodiversity Strategy (SBS) was produced in response to both the UN Convention of Biological Diversity refreshed targets, known as the Aichi targets set in 2010 to halt biodiversity loss and restore the natural environment to health and the EU Biodiversity Strategy for 2020. This helped refocus action towards an ecosystem approach. The SBS recognises the need for local action to align with and contribute towards both national and international agendas.
- 3.5 The updated LBAP is organised around the priority themes of the SBS, and linked by extension to the Aichi Targets. The SBS themes are captured in a *Routemap* which outlines six big steps for nature to achieve the 2020 Challenge:
- *Ecosystem Restoration,*
 - *Investment in Natural capital,*
 - *Quality Greenspace for health and education benefits,*
 - *Conserving wildlife in Scotland,*
 - *Sustainable management of land and freshwater, and*
 - *Sustainable management of marine and coastal ecosystems.*

This also includes protection of the priority habitats and species of the Scottish Borders by seeking to address the pressures on them.

- 3.6 The national Land Use Strategy published in 2011 has a vision of "A Scotland where we fully recognise, understand and value the importance of our land resources, and where our plans and decisions about land use deliver improved and enduring benefits, enhancing the wellbeing of our nation." The LUS has three interlinked objectives for land use across Scotland:

- Land-based businesses working with nature to contribute more to Scotland's prosperity.
 - Responsible stewardship of Scotland's natural resources delivering more benefits to Scotland's people; and
 - Urban and rural communities better connected to the land, with more people enjoying the land and positively influencing land use.
- 3.7 The national Strategy was updated in 2016 (2016-2021) following two successful pilot projects including one led by the Council, the other being led by Aberdeenshire Council. The pilot produced a pilot Regional Land use framework to identify opportunities to deliver multiple benefits from different land use options. At the same time, it aims to identify where potential conflicts may arise between alternative land uses and suggest how these might be explored and trade-offs identified between competing policy priorities. It reflects on the possible impacts of climate change on different options for land use. Climate change impacts are likely to arise from increased flooding, increased disruption from severe weather events including drought, reductions in water availability in summer, increased risks to agriculture and forestry from pest and disease, and loss of species and habitats. The Framework looks to identify the implications of existing and potential new policy directions that influence land use and might be followed in adapting to climate change
- 3.8 A high quality natural environment is also '*a key piece of the economic jigsaw*', and this contributes to fulfilling the Scottish Government's Purpose to create '*a more successful country, with opportunities for all of Scotland to flourish through increasing sustainable economic growth*'. The Scottish Borders Economic Strategy 2023 also outlines opportunities to drive economic growth through local industries such as tourism and food and drink, and by capitalising on the location of the Scottish Borders, which is recognised as a high-quality environment
- 3.9 The Council's Corporate Plan 2018-2023 "*Our Plan and Your Part in it*" has a commitment to support *Empowered, vibrant communities* including engagement through Area Partnerships and targeting the use of the Localities Bid Fund. The administrations vision, *Connected Borders* recognises the importance of the natural environment, which is the basis of the region's outstanding beauty. The Community Plan has key outcomes for *Our Economy, Skills & learning, Our Heath, Care & Wellbeing, Our Quality of Life* and *Our Place*. The LBAP provides a framework to help guide the Council and its partners and local communities to enhance our natural environment to help achieve these objectives.

Updated LBAP

- 3.10 The updated LBAP takes account of the challenge of climate change which may disrupt our ecosystems and their ability to provide beneficial services such as water flow regulation to reduce flooding, improvement to water quality, sequestration of carbon on peatlands and woodlands and pollinating services to help food production. The LBAP seeks to help address the key pressures identified in the SBS: Pollution, land use intensification and modification, spread of invasive species and wildlife

disease, lack of recognition of the value of nature, disconnection with nature and marine exploitation. The ecosystem approach upon which is based has three steps i) taking account of how ecosystems function ii) taking account of ecosystem services and iii) involving people who manage or benefit from ecosystem services in decision making. This approach promotes the protection of biodiversity based on an awareness of the intrinsic value of biodiversity and also its value as natural capital, which deliver multiple benefits to society through ecosystem services. The stocks of natural capital can deliver a range of services including:

- Provisioning services, (food, timber, biomass, fuel, freshwater, medicines, renewable energy)
- Regulating services (air+ water quality, climate, water runoff, erosion, pollination, carbon storage)
- Cultural services (recreation, field sports, ecotourism, a sense of place, ethical values)
- Supporting services (nutrient cycling, water cycling, soil formation, photosynthesis and biodiversity).

- 3.11 A set of actions has been developed with the help of the Council's partner organisations under the LBAP, focussed around six themes set out in para 4.5. This proportionate set of actions recognises priorities for action but also that times have changed and resources are scarce. Delivery of multiple benefits to society through biodiversity conservation is proposed, as an effective means of making best use of scarce resources to achieve our wider objectives. The timescale for delivery is 2018-2028 with some actions prioritised for delivery within 5 years.
- 3.12 By updating the LBAP, the Council can demonstrate that it is seeking to put in place good practice, working with its partners, to enable the Council to meet its duties in relation to its Biodiversity duty and Climate Change Act responsibilities in particular. The Framework will help deliver good practice in relation to development of planning policy and in relation to the Council's duties for flood protection and as a responsible authority under River Basin Management Plans. The LBAP can help meet Corporate Plan, Community Plan and *Connected Borders* priorities to help protect and enhance our high quality environment and help achieve the Council's ambitions for the Borders, including empowering our vibrant communities.
- 3.13 The updated LBAP will be instrumental in informing Local Development Plan Policy EP3 *Local Biodiversity*, decision making under this policy will be guided by the LBAP and SPG for biodiversity. The refreshed LBAP will provide up to date and relevant guidance. It will provide a platform to consider how ecosystem services can be valued and assessed as part of policy development under the LDP, in line with good practice.
- 3.14 The Committee is asked to note that a Strategic Environmental Assessment (SEA) has been carried out. As the producers of the LBAP the local authority is the 'Responsible Authority' for the Strategic Environmental Assessment (SEA) and therefore has responsibility for undertaking the SEA under the terms of the Environmental Assessment (Scotland) Act 2005. The SEA has been through screening and scoping stages through the SEA Gateway and the SEA consultation authorities have been consulted on the full Environmental Report. The

Environmental Report has been prepared alongside the draft Supplementary Guidance and will be advertised in accordance with the relevant legislation. A copy of the Environmental Report of the SEA is attached to this report in **Appendix B**.

Next Steps

- 3.15 It is proposed to submit the LBAP for a 12 week period of public consultation as Supplementary Guidance to enable stakeholders, communities and members of the public to give their views.

4 IMPLICATIONS

4.1 Financial

The proposed actions included within the action plan are for the whole LBAP Partnership to deliver and would be subject to funding availability or are otherwise actions that can be carried out as part of ongoing work programmes within the Council.

4.2 Risk and Mitigations

- 4.2.1 By developing the LBAP and moving forward in a proportionate way, the Council is in an advanced position compared to other local authorities and will be well placed to continue to meet its obligations under the Biodiversity duty and Climate Change Act responsibilities.
- 4.2.2 The revised LBAP will also bring our Planning policies up to date. By not moving forward with the pilot Framework the Council may lose that advantage and the Planning process may be dependent on out of date guidance.
- 4.2.3 The Council may be at the forefront in terms of assessing impacts on ecosystem services and biodiversity but this may be perceived as further complicating the Planning process. The roll out can be managed on a proportionate basis to ensure that it is sufficiently in line with good practice.

4.3 Equalities

An Equalities Impact Assessment has been carried out on this proposal and it is anticipated that there are no adverse equality implications for the protected characteristics with mitigation proposed under the communications strategy for the public consultation. The LBAP may have a positive impact on communities.

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4.4 Acting Sustainably

By adopting an ecosystem approach the LBAP should improve local business environmental awareness and help make links between local production with local consumption. Social effects have included involving communities in forthcoming consultation in developing the LBAP and raising awareness to

encourage local action and decision making. Environmental effects include encouraging sustainable land use, identifying potential measures to reduce diffuse pollution, measures that could contribute to carbon reduction targets (peatland management, woodland expansion), measures that may lead to increased or enhanced semi-natural habitats and increased biodiversity. The LBAP is based on an integrated approach combining social, economic and environmental issues into integrated solutions and seeks to use local talent and resources where possible.

4.5 Carbon Management

Whilst not directly affecting the Council’s carbon emissions, measures facilitated under the Framework may lead to greater carbon capture and storage e.g. through woodland expansion, peatland management and may lead to reduced outputs of climate changes gasses e.g. through less intensive greenspace management.

4.6 Rural Proofing

It is anticipated that there will be no adverse impact on the rural area from the proposals contained in this report. The ecosystem approach seeks to inform decision making to balance economic, social and environmental needs leading to more integrated solutions

4.7 Changes to Scheme of Administration or Scheme of Delegation

There will be no changes required to either the Scheme of Administration or the Scheme of Delegation as a result of the proposals in the Framework.

5 CONSULTATION

5.1 The Chief Financial Officer, the Monitoring Officer, the Chief Legal Officer, the Chief Officer Audit and Risk, the Service Director HR and the Clerk to the Council have been consulted and any comments received have been incorporated into the final report.

5.2 The Executive Director, Service Director Assets & Infrastructure, the Service Director Children & Young People and the Services Director Customer & Communities have been incorporated into the final report.

Approved by

Brian Frater

Service Director Regulatory Services

Signature

Author(s)

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Background Papers: None

Previous Minute Reference:

Note – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Andy Tharme, Ecology Officer, can also give information on other language translations as well as providing additional copies. 8261

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