



Policy 3

Biodiversity Guidance for Planning Applications



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Purpose

This guidance does not replicate National Planning Framework 4 (NPF4) and Moray Council policies relating to biodiversity, but sets out the process and evidence required to be submitted with planning applications to secure positive effects for biodiversity and comply with NPF4 Policy 3 for different scales of development.

All development

NPF4 places climate change and nature recovery as primary guiding principles for all plans and decisions. Through policy 3, all development is now required to contribute to the enhancement of biodiversity.

Other policies relevant to this guidance note include Policy 1 Tackling the climate and nature crises; Policy 4 Natural places; Policy 5 Soils; Policy 6 Forestry woodland and trees; Policy 9 Brownfield, vacant and derelict land and empty buildings; Policy 10 coastal development; Policy 14 Design, quality and place; and Policy 20 Blue and green infrastructure.

Applicants are to consider biodiversity from the very outset and seek pre application guidance from Moray Council, if necessary.

All planning applications will be required to submit information to evidence how NPF4 policy 3 has been considered. The guidance below sets out planning application requirements depending on scale of development within the hierarchy of development.

Conditions may be applied to the consent to control delivery of biodiversity measures.

Biodiversity plans are to inform the landscaping plans. Landscaping plans will not constitute a biodiversity plan but they must align with all biodiversity measures proposed. The expectation is that ecologists and landscape professionals will be working together from the outset to agree a strategy for the site.

Individual householder development

Policy 3a, 3d

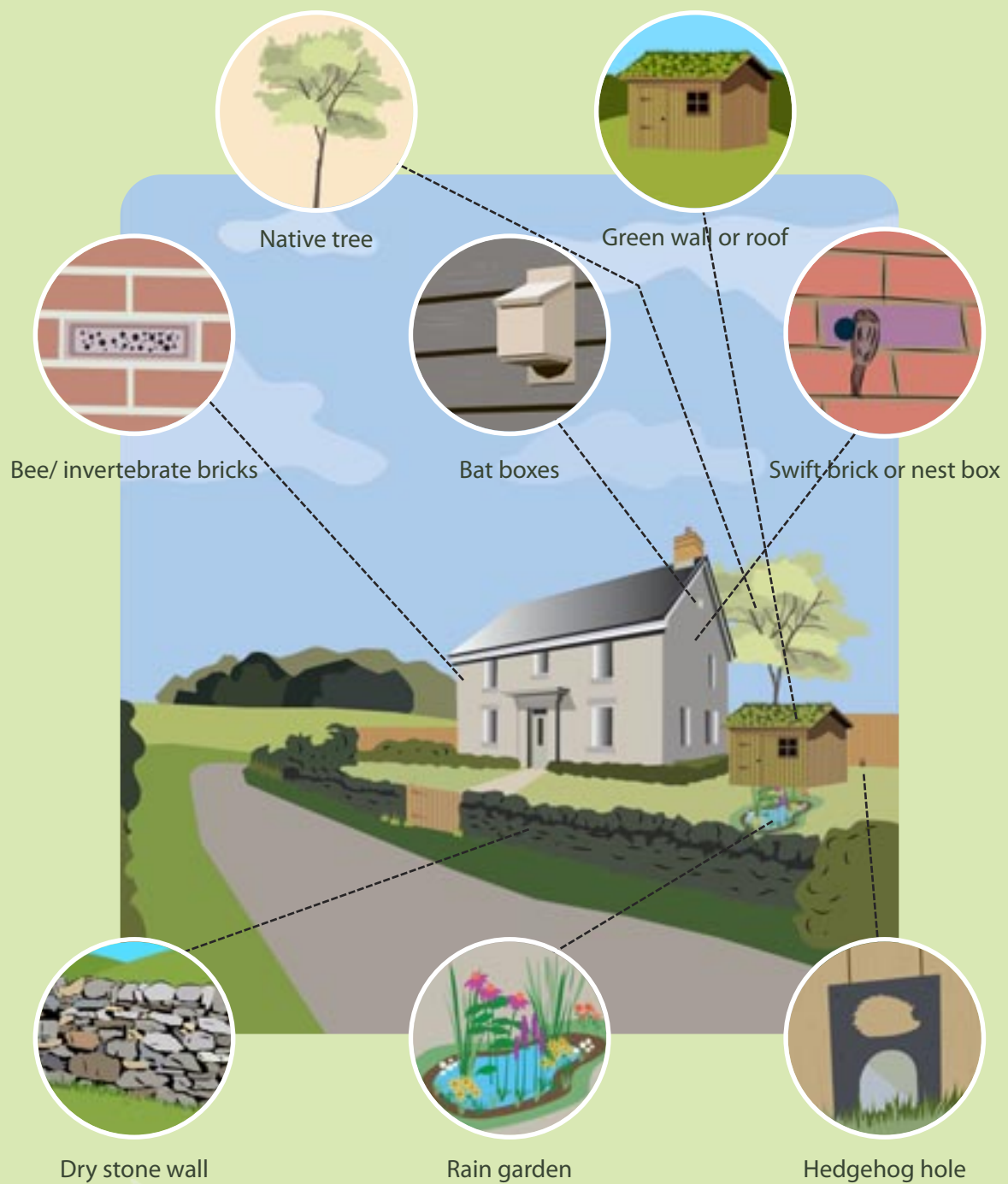
Developments are to include appropriate biodiversity enhancement measures from the below list. A proportionate approach will be taken on a case by case basis, considering the impact of the development on biodiversity, suitable opportunities and cost relative to the scale of development.

Please outline the proposed enhancements with a brief explanation of why they are appropriate to this site/development.

Where a protected site, species, or important habitat are potentially affected, specialist advice must be sought.

Biodiversity enhancement	Apply where
Swift brick or nest box (these are also suitable for house sparrows, starlings, tree sparrows, blue tits, great tits and occasionally house martins)	<ul style="list-style-type: none">● Swifts or sparrows recorded in vicinity● Demolition / repair of older building● N/W/E aspect, under shade if possible● Minimal open / garden space● 4m above ground
Bee/ invertebrate bricks	South aspect 1 m above ground
Bat boxes	Bats recorded in vicinity
Hedgehog hole	13cm x 13cm Fence must be under sole ownership
Green wall or roof	Provides multi benefit – guidance available from <u>NatureScot</u>
Native tree	Species selection suitable for long term retention (consider mature height and spread)
Rain garden	Alternative to traditional drainage from downpipe – guidance available from <u>NatureScot</u>
Dry stone wall	Can be a standalone feature or a functional boundary

Biodiversity enhancement



Small Local Development

(9 units or less, or similar scale of development*)

Policy 3a, 3c, 3d

The Small Local Development Biodiversity Template must be submitted. Other structured reports that provide this evidence may be accepted. Either an ecologist or other person with a suitable level of knowledge (to be agreed with the council in advance) is to be consulted at the outset. A full survey (e.g. PEA) is required where protected site, species, or important or semi natural habitats are potentially affected.

Small Local Development Biodiversity Template:

1. What are the existing habitats and species on site, and their condition? Please include plans/photographs and local records.
2. How has the mitigation hierarchy been applied? This is to be considered from the outset.
3. What biodiversity is being impacted? This includes species, habitats, and connectivity.
4. What specific enhancement measures are being incorporated? These are to be proportionate to the scale of development
5. How does the development consider the local context, beyond the boundaries of the site? This includes protected sites and species and measures relevant to existing habitats or species present on site.
6. How will the development contribute towards, or strengthen nature networks? (applicable where the development is within or adjacent to a **Nature Network** opportunity)
7. What **co-benefits** do the proposed biodiversity enhancements deliver? How have **nature based solutions** been incorporated?
8. How will positive effects for biodiversity be managed and monitored in the long term?

* Commercial, industrial, retail, leisure, infrastructure developments where floor space is under 1,000 square metres. Energy related developments of less than 5MW (including battery storage, grid infrastructure and energy production).

Larger Local development

(10-49 units and other similar scale development*)

Policy 3a, 3c, 3d

A biodiversity plan must be submitted with a planning application. This must be prepared by a suitably qualified ecologist who is to be engaged from the outset. In preparing the plan, the applicant must:

1. Use NatureScot's example template for demonstrating delivery of positive effects, or a plan with equivalent detail that addresses the 8 Core Principles** (see Appendix 2).

Larger Local Development template.

2. Set out all survey and other appropriate evidence (e.g. PEA/ EcIA).
3. Provide clear spatial illustrations showing the proposed measures.

* Business and general industrial, storage and distribution with a floor area between 1,000sqm and 10,000sqm (or a site less than 2ha). Energy related developments between 5MW and 20MW. Commercial, retail, leisure, and infrastructure is between 1,000 sqm and 5,000sqm (or site area less than 2ha)

** The 8 Core principles can be found in the Scottish Government's **Biodiversity: draft planning guidance** and summarised on page 9.



National, major and EIA development

Policy 3a, 3b, 3d

A biodiversity plan is to be produced at the earliest stage, and must show significant biodiversity enhancement in addition to any proposed mitigation. Developers are to use best practice assessment methods* to evidence this, using a methodology agreed with the council in advance. This must be prepared by a suitably qualified ecologist** who is to be engaged from the outset.

1. Provide a biodiversity plan / design stage net gain report. This must:
 - a) Include a copy of the methodology used to demonstrate the baseline condition of the site and impact of the development on biodiversity, including maps and survey data (e.g. net gain feasibility report, PEA, EcIA)
 - b) How the development significantly enhances biodiversity, over and above all mitigation.
 - c) Demonstrate how the 8 Principles have been addressed
 - d) Clearly set out the measures being implemented (spatial map and text description)
 - e) Provide a monitoring and maintenance plan for 30 years, including how this will be funded and who will be responsible. The council may require a bond to be taken from the applicant.
2. The applicant is to undertake an audit on the delivery of significant biodiversity enhancement on the completion of development or timescale specified in conditions. This will be independently verified by the Council, at the expense of the applicant and paid upfront.

* see the **Biodiversity Metric for Scotland's Planning System** consultation documents or use more recent guidance as it is published. The DEFRA metric will be accepted until the Scottish Government adopt a Scottish metric, but the plan must describe how significant biodiversity enhancement will be achieved in addition to all mitigation. For example, 10% biodiversity net gain, or close to this subject to proportionate and ecologically appropriate qualitative enhancement.

** see the **CIEEM members directory**



Offsite delivery

Biodiversity enhancement is to be delivered on site, following application of the mitigation hierarchy. In rare cases, some off site provision may be required alongside onsite enhancement. In these cases, there is to be early engagement with the council and with the local community. Such agreements will follow national and local guidance and apply appropriate legal mechanisms for long term retention.

Nature Networks

Where a proposed development is within, or adjacent to, a **Nature Network opportunity** (currently in draft as at March 2025), biodiversity measures will build and strengthen the primary habitat(s) of focus for that opportunity (subject to ecological surveys). Offsite enhancement may be directed to wider Nature Network opportunities as appropriate.



Useful links

Relevant planning guidance:

[National Planning Framework 4 \(NPF4\)](#)

[Scottish Government Draft Planning Guidance: Biodiversity](#)

[NatureScot's Developing with Nature Guidance](#)

[Moray Local Development Plan 2020](#)

Biodiversity resources:

[Moray Nature Network](#) (this will be updated when the final map is adopted)

North East Scotland Biodiversity Partnership (NESBiP) – [Developers Hub](#)

Biodiversity records for the site vicinity can be viewed and requested from the [North East Biological Records Centre](#) (NESBReC) or the [National Biodiversity Network Atlas](#)

Important habitats: [Annex I of the EU Habitats Directive](#) (international), [Scottish Biodiversity List](#) (national). [NESBiP habitat statements](#) (local).

Biodiversity in [Planning's Wildlife Assessment Check](#) can help identify where an ecologist's advice is needed.

Qualified ecologists can be found through the [CIEEM members directory](#)

Scottish Government's [Biodiversity Metric Consultation](#) (this will be updated when a Scottish metric is adopted)

NatureScot information on [Nature Based Solutions](#)

[NESBiP's](#) list of locally suitable native plants

Appendix 1: Principles

The following principles apply to all development:

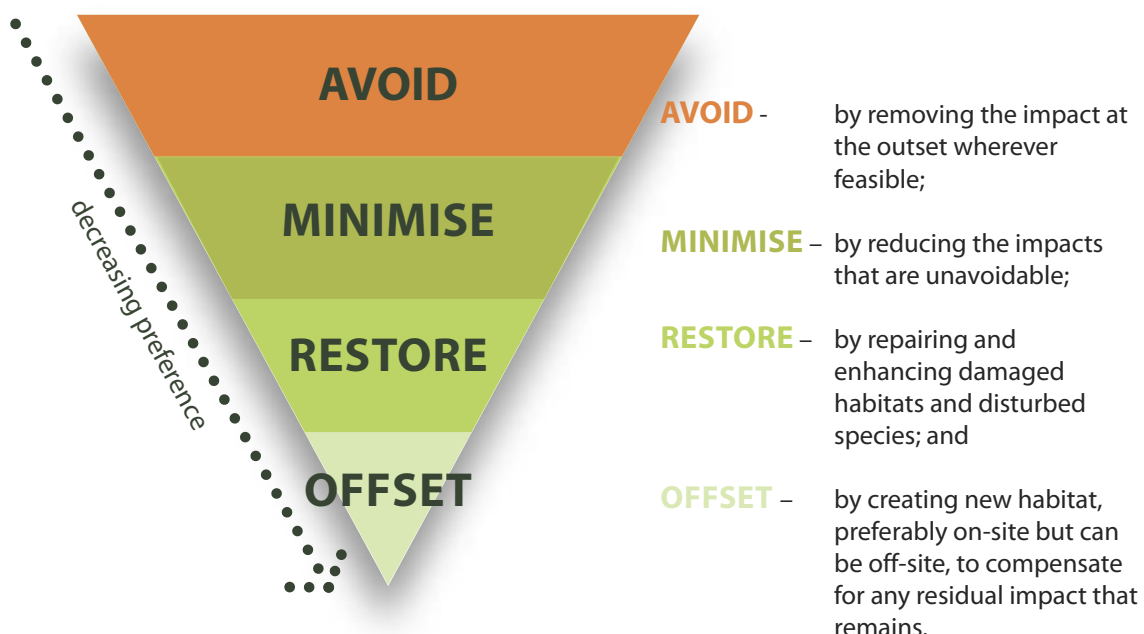
1

Consider biodiversity from the start so that measures are integrated into the plan and are sensitive to the particular needs of the site.

- Use a [Wildlife Assessment Check](#) to identify if you need an ecologist's advice.
- Biodiversity records for the site vicinity can be requested from [NESBReC](#) or viewed on the [National Biodiversity Atlas](#)

2

Use the mitigation hierarchy to maximise the retention of existing biodiversity and habitat on site.



3

Protect, enhance and extend connectivity for nature, considering this across the wider landscape and beyond the development site itself. Moray has mapped draft Nature Network opportunities.

4

Use opportunities to deliver multiple benefits, such as nature based solutions for water management, extreme weather and temperatures, noise and air quality as well as improving amenity for physical and mental health, educational opportunities etc.

5

Prioritise on-site enhancement before off-site delivery to maintain ecological value of the site and its connections for nature. Off-site enhancement to be delivered as close to the development as possible and/ or where strategic gains can be demonstrated, such as Nature Networks.

6

Take a place-based and inclusive approach that demonstrates the natural assets and opportunities of the site and its surroundings, and that contributes to local and national priorities.

7

Ensure long term enhancement is secured... through designing for resilience and adaptability and with plans in place for future management and monitoring. 'Long term' is generally considered to be 30 years.

8

Enhancement should be additional to any measures otherwise likely to occur.

Full description of the core principles can be found in the Scottish Government Draft Planning Guidance: Biodiversity published in November 2023

Appendix 2: Larger Local Development Biodiversity Template

This template is based on NatureScot's example template for demonstrating delivery of positive effects, in Annex C of their Developing with Nature Guidance

Use this template to show how appropriate measures have been included to deliver positive effects for biodiversity.

The information set out under the Mitigation and Enhancement columns should present a clear distinction between those actions and measures mitigating the impact of the development, and those delivering enhanced biodiversity. Please find a link to a downloadable word version [here](#).

Background

The site

- What nature is currently present on the development site?
 - ◆ E.g. existing land use, land cover, habitats and key species
- Confirm the type (desk based or field survey), level and timing of study undertaken
- Include plans/photographs and local records.

The proposed development

- Briefly describe the development in relation to positive effects for biodiversity
 - ◆ E.g. the type / form of buildings and structures, public and private greenspace, infrastructure such as access
- List the key plan drawings, elevations and other documents setting out proposed biodiversity measures and future management

Relevant strategies, plans & documents informing measures

- What biodiversity requirements or considerations are relevant to the site or development?
 - ◆ identified in the Local Development Plan and other documents (for example, Green Network Strategy, Forestry and Woodland Strategy, Open Space Strategy, etc.)
- List all local nature designated sites, LBAP priority habitats or species relevant to the site or development (these may be on-site, adjacent to, or in the vicinity of the development site)

Stakeholder engagement

- Summary and findings of any engagement
 - ◆ local authority ecologist, local environmental records centre / local biodiversity action partnership, local wildlife and community groups and other NGOs

ACTIONS CONSIDERED FOR MITIGATION AND ENHANCEMENT	MITIGATION: Measures included as mitigation to avoid and minimise impacts	ENHANCEMENT: Measures included to enhance biodiversity (or explanation for not applying)
Protection and enhancement of existing habitats on or adjacent to the site	<ul style="list-style-type: none"> ● Summary of key mitigation (and its location) to address the development's impacts on existing habitats on, or adjacent to, the site 	<ul style="list-style-type: none"> ● Locate and identify any enhancement to existing habitats on, or adjacent to, the site, <ul style="list-style-type: none"> ◆ What specific measures are to be undertaken?
Creation of new habitat on the site	<ul style="list-style-type: none"> ● Locate and identify any new habitat to be created to mitigate habitats lost 	<ul style="list-style-type: none"> ● Locate and identify any new habitat, its extent and timescale to become established ● Confirm the source of plant species and means of their establishment
Protection and enhancement of connectivity through the site and with its surroundings	<ul style="list-style-type: none"> ● Locate and identify mitigation of the development's impacts on established wildlife corridors and connectivity within the site and with surrounding habitat <ul style="list-style-type: none"> ◆ Include measures to reduce risks to movement ● Is the site in, or near, an identified Nature Network opportunity? 	<ul style="list-style-type: none"> ● Locate and identify enhancement of established wildlife corridors within the site and / or with surrounding habitat, and the species supported ● Locate and identify measures to connect existing and / or new habitats within the site and / or with surrounding habitat, and the species supported ● If applicable, how do the enhancements contribute to Nature Networks?
Protection and enhancement of existing species on or adjacent to the site	<ul style="list-style-type: none"> ● Summary of key mitigation (and its location) to address the development's impact on existing species on, or adjacent to, the site <ul style="list-style-type: none"> ◆ What requirements need to be met for protected species? 	<ul style="list-style-type: none"> ● Locate and identify any enhancement of existing species on or adjacent to, the site, <ul style="list-style-type: none"> ◆ What specific measures are to be undertaken?
Enhancement for new species	N/A	<ul style="list-style-type: none"> ● Locate and identify new features that provide or enhance nest, roost and hibernation sites for particular species <ul style="list-style-type: none"> ◆ What are the intended species, the number and type of features

ACTIONS CONSIDERED FOR MITIGATION AND ENHANCEMENT	MITIGATION: Measures included as mitigation to avoid and minimise impacts	ENHANCEMENT: Measures included to enhance biodiversity (or explanation for not applying)
Avoidance, control and removal of invasive species from the site	N/A	<ul style="list-style-type: none"> ● Locate and identify the invasive species to be controlled ● Confirm the method of control
Protecting wildlife from negative interactions with people and / or infrastructure	<ul style="list-style-type: none"> ● Locate and identify threats to existing wildlife resulting from the new development and its use, ● What measures are being applied to mitigate these? <ul style="list-style-type: none"> ◆ for example, vegetation buffers, fencing or tunnels to separate nature from people and dangers 	<ul style="list-style-type: none"> ● Locate and identify potential risks and the measures intended to reduce these on any new habitat and species supported by proposed enhancements <ul style="list-style-type: none"> ◆ for example, drain escapes when new wetland features are created ● Confirm the design standard / guidance to be applied
Promoting awareness and encouraging further actions for nature	N/A	<ul style="list-style-type: none"> ● What actions are being taken to encourage future occupiers / managers of the development to enhance biodiversity, promoting awareness and enabling wider engagement? <ul style="list-style-type: none"> ◆ for example through wildlife monitoring, interpretation signs, management and maintenance plans
SUMMARY: Positive effects that will be delivered	<ul style="list-style-type: none"> ● Overview of the overall positive effects for biodiversity that will be delivered and secured, and why these are considered to be in proportion to the nature and scale of development <p>Where relevant confirm the means by which the monitoring, maintenance and management of the measures delivering positive effects will be provided and secured over the long term. This could include details on the scope of any management plan, who will undertake future management, responsibility for delivering the plan and means by which continuity over the long term will be secured.</p>	<ul style="list-style-type: none"> ● Overview of the overall positive effects for biodiversity that will be delivered and secured, and why these are considered to be in proportion to the nature and scale of development <p>Where relevant confirm the means by which the monitoring, maintenance and management of the measures delivering positive effects will be provided and secured over the long term. This could include details on the scope of any management plan, who will undertake future management, responsibility for delivering the plan and means by which continuity over the long term will be secured.</p>

