

A Biodiversity Metric for Scotland's Planning System - Key Issues consultation |

Overview

General Comments

Scottish Water welcomes the opportunity to consult on the introduction of a biodiversity metric for Scotland's planning system. We recognise the need for action to address the nature-climate crisis and support the Scottish Government's ambition to become nature positive by 2030.

Scottish Water recently published its 3-yearly [Biodiversity Report](#) in line with its public body duty in Scotland. This set out how it is supporting delivery of the six outcomes of the Scottish Government's Biodiversity Strategy. A key element was the creation of a biodiversity metric for Scottish Water's landholdings, to enable Scottish Water to understand the status of biodiversity and where to focus for improvement. We would be keen to engage further with Scottish Government to explore the development of a similar metric for the planning system.

Detailed Response

Specific Comments

Scottish Water is frequently engaged with the Scottish planning system through our investment portfolio. We have encountered varied interpretations of the NPF4 Policy 3 and NatureScot's Developing with Nature guidance across the Local Authorities and welcome a move to standardisation and consistency.

We request that any standardised approach supports proportionality and considers an appropriate scale of impact. As a critical public services provider, Scottish Water would also welcome provisions to ensure that critical infrastructure is afforded appropriate consideration within the planning system.

Scottish Water's existing infrastructure requires maintenance, repairs and upgrades to support the needs of a growing population. Biodiversity net gain planning conditions associated with a Major application are generally held for a minimum of 30 years. The implementation of biodiversity enhancements across new water or wastewater treatment sites may, therefore, delay critical repairs, maintenance or upgrades at these sites, should changes to such a planning condition be required during the operational lifetime of the asset. In addition, our landholdings are often limited to a narrow perimeter surrounding an asset and our capacity to influence land use on the surrounding habitat is limited. This further reduces Scottish Water's capacity to implement meaningful and localised biodiversity net gain.

Scottish Water recognise the difficulty in addressing these points whilst meeting the needs of NPF Section 3(b). We would welcome an opportunity to participate further in this consultation, should such an opportunity be available.

2.1	The principles and rules underpinning the metric's approach
i	Do you agree with the issue(s) identified?
<p>Yes.</p> <p>As discussed in the context of the Renewables sector, Scottish Water undertakes large linear infrastructure projects that result in the presentation of a disproportionately large red line boundary within our planning applications. The impact of this work, post-reinstatement, is often minimal at surface level. Large proportions of this land may also be outside of Scottish Water's ownership, and it would not be in the public's interest to purchase this land at cost. Mapping, analysing and developing all land within the red line boundary to implement a post-reinstatement demonstrable biodiversity net gain would therefore prove timely, expensive and disproportionate to the impact of the development when considering buried infrastructure. Such examples are commonplace across Scotland and become significantly more complex in the Highlands and Western Isles where heath and peatland habitats dominate.</p>	
ii	Are there any other issues relating to this aspect of England's metric that we need to consider?
No further comment.	
iii	If you have ideas or solutions for addressing the issues identified, please outline your approach.
No further comment.	
2.2	The habitat classification system
i	Do you agree with the issue(s) identified?
<p>As noted in the consultation document, Scottish Water has had difficulty sourcing Ecologists trained in UKHab in Scotland, with Phase 1 being a more commonly applied technique. This skills shortage and significant cost for survey effort will have a cumulative impact on Scottish Water's budget when considered across our investment portfolio.</p>	
ii	Are there any other issues relating to this aspect of England's metric that we need to consider?
<p>Scottish Water has encountered at least one Local Authority who are mandating the application of the DEFRA metric to the biodiversity assessments that are accompanying planning applications. We do not feel this method has been appropriately tested in Scotland, as outlined in SRUC's review, and express concern at this premature adoption in Scotland.</p>	
iii	If you have ideas or solutions for addressing the issues identified, please outline your approach.
No further comment.	

2.3	Irreplaceable Habitats
<i>i</i>	Do you agree with the issue(s) identified?
<p>Yes.</p> <p>A large proportion of the Scottish Highlands and Western Isles are characterised by heathland and peatland. We recognise that heath is rare in a European context and is therefore classified as an Irreplaceable Habitat in England's current metric. However, heathland habitat is relatively abundant within the Scottish Highlands and there would be value in considering this regional discrepancy when considering a bespoke solution for Scotland.</p> <p>Scottish Water does not always have capacity to alter a pipeline route to accommodate heathland or peat deposits and would support a bespoke consideration for essential developments within these habitats, where appropriate.</p>	
<i>ii</i>	Are there any other issues relating to this aspect of England's metric that we need to consider?
No further comment.	
<i>iii</i>	If you have ideas or solutions for addressing the issues identified, please outline your approach.
<p>Whilst we recognise the significant value in localised biodiversity improvements, offsetting may offer a solution to compensate for essential infrastructure construction within these unique habitats. As a landowner, Scottish Water is undertaking an extensive programme of peatland restoration across our landholdings, and we feel supporting such schemes on a national scale could balance the need for critical infrastructure to support our remote communities.</p>	
2.4	Habitat Distinctiveness
<i>i</i>	Do you agree with the issue(s) identified?
Yes.	
<i>ii</i>	Are there any other issues relating to this aspect of England's metric that we need to consider?
No further comment.	
<i>iii</i>	If you have ideas or solutions for addressing the issues identified, please outline your approach.
No further comment.	
2.5	Habitat Condition

<i>i</i>	Do you agree with the issue(s) identified?
Yes.	
<i>ii</i>	Are there any other issues relating to this aspect of England's metric that we need to consider?
No further comment.	
<i>iii</i>	If you have ideas or solutions for addressing the issues identified, please outline your approach.
No further comment.	
2.6	Strategic Significance
<i>i</i>	Do you agree with the issue(s) identified?
Yes.	
The detail contained within Local Biodiversity Action Plans (LBAP) are inconsistent across Local Authorities and several LBAP's appear outdated.	
<i>ii</i>	Are there any other issues relating to this aspect of England's metric that we need to consider?
No further comment.	
<i>iii</i>	If you have ideas or solutions for addressing the issues identified, please outline your approach.
We recognised the growing demand on Local Authorities and understand that Planning Officers may not be best placed to advise on biodiversity net gain requirements. An increase in biodiversity support is required on a national scale, to allow the embedment of Biodiversity Officers within Local Authorities.	
2.7	Technical Difficulty Risk Factor
<i>i</i>	Do you agree with the issue(s) identified?
Yes.	
<i>ii</i>	Are there any other issues relating to this aspect of England's metric that we need to consider?
No further comment.	
<i>iii</i>	If you have ideas or solutions for addressing the issues identified, please outline your approach.

No further comment.	
2.9	Temporal Risk Factor
<i>i</i>	Do you agree with the issue(s) identified?
Yes.	
<i>ii</i>	Are there any other issues relating to this aspect of England's metric that we need to consider?
No further comment.	
<i>iii</i>	If you have ideas or solutions for addressing the issues identified, please outline your approach.
No further comment.	
2.10	Spatial Risk Factor
<i>i</i>	Do you agree with the issue(s) identified?
Yes.	
<i>ii</i>	Are there any other issues relating to this aspect of England's metric that we need to consider?
No further comment.	
<i>iii.</i>	If you have ideas or solutions for addressing the issues identified, please outline your approach.
<p>Scottish Water frequently develops land under notice and without having ownership of the land in perpetuity. We cannot mandate biodiversity net gain conditions across land that we do not own and often do not possess sufficient undeveloped land to support habitat improvements immediately under the footprint of our works. Offsetting may be the only practical method available to us in these circumstances. We understand the penalty weighting that is usually applied to this method but would welcome further consideration of a local fund to support targeted habitat improvement within a Local Authority, or the balance of biodiversity improvements at existing Scottish Water landholding on a voluntary basis to compensate for limitations under the footprint of a works area.</p>	
3	Developing a Scottish Metric
<i>iv</i>	Do you have any comments on the phased approach set out, and priorities indicated?
<p>Scottish Water would welcome an opportunity to participate further in this consultation, should such an opportunity be available.</p>	

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