



First ‘Biodiversity Report’ on Pursuance of the Duty Under Section 1 of the Nature Conservation (Scotland) Act 2004 (‘Duty to further the conservation of biodiversity’)

Introduction

The Nature Conservation (Scotland) Act 2004 requires all public bodies, in exercising any functions, to further the conservation of biodiversity so far as is consistent with the proper exercise of those functions. In complying with this duty regard must be had to the Scottish Biodiversity Strategy.

The Act requires such bodies to publish a ‘biodiversity report’ within three years of 1 January 2012 and thereafter within every three years of the date on which the last report was published. A biodiversity report is defined as a report on the actions taken by the body in pursuance of its biodiversity duty; it is to be prepared in such a form and published in such a manner as the body thinks fit, and may be incorporated within another report prepared or published by the body.

This is Midlothian Council's first biodiversity report, covering the period from 1 January 2012. It takes into account Scottish Natural Heritage's ‘Biodiversity Duty Reporting’ guidance, providing top-level information on the actions undertaken by the Council to further the conservation of biodiversity, with web-links to more detailed information. It is being published on the Council's website.

Governance and Management

Political leadership and responsibility for biodiversity at Midlothian Council lies with its Cabinet. The lead service is Communities and Economy within the Education, Communities and Economy Division; reporting to the Corporate Management Team (CMT) and Cabinet in turn.

The officer-level Climate Change & Sustainable Development Group leads on the Council's response to its sustainable development, climate change and biodiversity duties; through a process of annual action planning in particular (see *Sustainable Development Framework* below). The group reports to CMT and Cabinet in turn. The group also previously reported to the Midlothian Biodiversity Partnership (MBP) and in turn the Sustainable Growth Midlothian community planning thematic group; however, the loss of the Council's Biodiversity Officer post in 2011 (see Strategy below) has made it difficult to provide support for the MBP and the partnership is currently not active. The Climate Change & Sustainable Development Group continues to report directly to the thematic group.

Background information in relation to community planning, the MBP (including its terms of reference) and Sustainable Growth Midlothian thematic group is available at:-

www.midlothian.gov.uk/info/200130/communities_and_community_planning/367/community_planning

Strategy

Community Plan/Single Outcome Agreement

Midlothian's Community Plan and Single Outcome Agreements have committed to Midlothian's biodiversity as an outcome area for improvement by partners throughout the reporting period. End of year 2011/12 and 2012/13 Community Plan/Single Outcome Agreement performance reports list targets for improving biodiversity (measured in terms of hectareage of broadleaf/mixed woodland cover and proportion of designated local biodiversity sites under active management) as having been met. The 2013/14 and 2014/15 Single Outcome Agreements ('Single Midlothian Plan' ('SMP')) contain targets to further improve performance against these outcome-indicators by 2020, with performance due for reporting in 2015/16.

Starting with the 2013/14 SMP, additional short-term priorities, joint-delivery actions and targets for the year ahead have been introduced. The end of year 2013/14 performance report indicates that support for the Central Scotland Green Network and Lothian & Fife Green Network Partnership programme of actions in Midlothian was successfully delivered, but that neither of the two planned schemes of enhancement and improvement was realised. It is also explained that support for development and delivery of a short term action programme for the Edinburgh and Lothians Forestry and Woodland Strategy in respect of Midlothian was not delivered. Lack of progress is explained as due to a focus on other higher priority work, with focus on biodiversity projects expected to remain minimal. There are no short-term biodiversity priorities, joint-delivery actions and targets in the 2014/15 SMP, due to other priority work and the Council no longer having a specific Biodiversity Officer post.

Background information in relation to community planning in Midlothian, Single Outcome Agreements and associated performance reports is available at:- www.midlothian.gov.uk/info/200130/communities_and_community_planning/367/community_planning

Midlothian Council Corporate Strategy/Service Plans

Review and implementation of the Midlothian Local Biodiversity Action Plan (MLBAP), prepared in 2006, was an action underpinning the sustainable development priority in the Council's Corporate Strategy 2011/12. The end of year 2011/12 performance report records that 50% of progress planned for the year had been achieved, with 16% of LBAP actions off-target. In explanation, the report notes that the Biodiversity Officer post had been vacant since mid-October 2011, putting the review of MLBAP actions on hold. Implementation of MLBAP actions is described as continuing, including through partner organisations. A review of Local

Biodiversity Sites is also described as continuing, and a joint bid made with other Lothian Councils for funding to review and update habitats data.

For 2012/13 onwards, priorities for the year ahead agreed through the Single Outcome Agreement process (see *Community Plan/Single Outcome Agreement* above) have also been adopted as the Council's priorities. However, no specific biodiversity actions and targets have been committed to in Council corporate/service plans beyond those for 2013/14 in the 2013/14 SMP. This is due to the Council no longer having a Biodiversity Officer and other priority work.

Council service performance information is available at:-
http://www.midlothian.gov.uk/info/691/performance_and_spending/746/service_performance

Midlothian Local Biodiversity Action Plan

The Midlothian LBAP lays out actions for the Council and its partners to help improve, enhance, protect and maintain habitats in Midlothian for biodiversity. As explained above, implementation of the MLBAP actions has reduced since October 2011. The plan is now overdue for review.

Further information on the Midlothian LBAP is available at:-
http://www.midlothian.gov.uk/info/200134/biodiversity/409/biodiversity_information/2

Sustainable Development Framework

The Council's Sustainable Development Framework sets out the authority's principal arrangements for ensuring it contributes to the achievement of sustainable development, including annual action planning and performance reporting. It notes that intolerable stresses are being placed on global life-support systems, including through biodiversity loss, and acknowledges the importance attached to biodiversity and natural resources within the UK Shared Framework for Sustainable Development.

The Council's Sustainable Development Policy Statement, also part of its Sustainable Development Framework, references environmental limits and natural resource protection.

The Council's Sustainable Development Framework is available at:-
http://www.midlothian.gov.uk/info/1590/sustainable_development_and_climate_change/783/sustainable_development-council_duties_and_corporate_value

Arrangements for Mainstreaming Consideration of Biodiversity Conservation

The above process of action planning is the Council's principal approach to mainstreaming consideration of biodiversity conservation.

Sustainability Impact Check

A Sustainability Impact Check has been developed which aligns with the Council's Sustainable Development Policy Statement. The check can be applied to most Council actions from the strategic to project/practice level. The Council's corporate report and service plan templates have a 'Sustainable Development' section and applying the check is encouraged to generate the necessary commentary, including in relation to biodiversity impacts.

Strategic Environmental Assessment

Biodiversity is one of the environmental issues referred to in the Environmental Assessment (Scotland) Act 2005. Under the Act the Council is required to carry out a process of 'Strategic Environmental Assessment' ('SEA') when developing or updating certain policies, strategies, plans, programmes, etc. The process is intended to ensure a more thorough consideration of environmental impacts. The Council's corporate reports' template requires the SEA position to be clarified.

SEA and sustainable development information and resources have been brought together for staff on the Council's intranet.

Communications and Capacity Building

Website

Midlothian Council's website has a specific page on biodiversity, providing contacts and sources of further information on biodiversity in both the local and wider context. The website page also provides access to advice for developers on increasing opportunities for biodiversity in new development.

Curriculum for Excellence

Outcomes and experiences under 'Biodiversity and Interdependence' and 'Topical Science' relate in particular to the teaching of biodiversity.

Midlothian Ranger Service

The Midlothian Ranger Service raises awareness of biodiversity through working with over 12,000 hours of volunteer contributions annually, including works with the Criminal Justice Team. The Service also works with over 100 schools annually, promoting biodiversity through the Curriculum for Excellence. Over 100 community groups work with the service annually to support biodiversity measures. Awareness of biodiversity is also promoted via the service's web pages, leaflets and site interpretation. Additionally, over 50 events are run each year in which biodiversity forms a key part of the event.

For the last three years the Ranger Service has promoted and facilitated 16 free workshops on a range of biodiversity topics delivered by experts in the field. Many of

the attendees go on to report and survey species and habitats in the Midlothian area, reporting to a range of organisations who link into the National Biodiversity Network.

The Ranger Service has facilitated the training of volunteers to undertake a herbicide spraying course to remove invasive species along the River North Esk and over 100 hours of spraying time has been undertaken.

Action Taken to Improve Biodiversity Conservation

Land and Countryside Service Actions

The Land and Countryside Service has countryside sites that it manages for people and wildlife through the Ranger Service. Four of these sites have received prestigious Green Flag Awards, in part for managing biodiversity value, with considerable community involvement.

Over 40 hectares of woodland have been brought into active management, with a key objective being biodiversity at Roslin Glen and Springfield Mill. Forestry Commission grants have supported this activity.

Native wildflower grasslands are being created on over 30 hectares of public open space throughout Midlothian. Communities were invited to suggest sites for creating these grasslands.

Wildflower meadows have been introduced to five local schools as part of the Eco-Schools programme.

Midlothian Local Development Plan

The current Midlothian Local Plan (2008) sets out a series of policies for the preservation of the natural heritage of Midlothian which includes protection for internationally, nationally, regionally and locally important nature conservation sites, species protected by law, and habitats outwith designated areas. It also contains a requirement for any development proposals to demonstrate compatibility with the aims and objectives of the MLBAP and related plans, by identifying appropriate measures to protect, enhance and promote existing habitats and/or the creation of new habitats, and provide for the effective management of these habitats.

The Midlothian Local Plan is in the course of replacement with the Midlothian Local Development Plan. Work for the preparation of the Main Issues Report published in 2013 (www.midlothian.gov.uk/downloads/file/3417/main_issues_report) included a biodiversity assessment of potential development sites to identify the presence of significant biodiversity issues. At each stage in its preparation, the Plan has been subject to Strategic Environmental Assessment, with an Environmental Report having been prepared for the Main Issues Report and updated for the Proposed Plan; and Habitat Regulations Appraisal, including Appropriate Assessment.

Midlothian Local Biodiversity Site System

In 2008, the Midlothian Local Plan flagged up that the Council was developing a new system of Local Biodiversity Sites to replace the former Local Wildlife Site system. This change was made in line with the 2006 *Guidance on Establishing and Managing Local Nature Conservation Site Systems in Scotland* which requires sites to be assessed against in terms of species diversity, species rarity, habitat rarity, habitat naturalness, habitat extent and connectivity.

The Midlothian Local Biodiversity Site System is administered by The Wildlife Information Centre on behalf of the Council through a service level agreement reviewed on an annual basis. The Wildlife Information Centre is a registered charity separate from the Council.

The Wildlife Information Centre maintains records for the Council of:

- flora and fauna records across Midlothian, including those identified in proposed and designated Local Biodiversity Sites in Midlothian; and
- details of proposed and designated Local Biodiversity Sites, including site boundaries, site survey and site assessment information.

With the assistance of the Wildlife Information Centre, a methodology for considering and assessing potential Local Biodiversity Sites (LBS) and operating the LBS system in Midlothian has been established by the Council.

The LBS system is overseen by a Midlothian Local Biodiversity Site Steering Group which is chaired by Midlothian Council. Its other members include The Wildlife Information Centre and acknowledged volunteer local botanical experts, including representatives of the Scottish Wildlife Trust and Botanical Society of the British Isles. Scottish Natural Heritage is a corresponding member of the Steering Group.

The Steering Group assesses surveyed Proposed LBS to determine if they pass the Council's established criteria in the LBS methodology in order to achieve status as an LBS. This group also has the responsibility of considering whether sites promoted to become LBS merit the status of becoming a Proposed LBS; the Midlothian Local Plan (2008) affords the weight of protection to both proposed and designated LBS. In order to be identified as a Proposed LBS, the site must be supported by the Steering Group and considered by that group as having reasonable prospect or potential to meet the assessment criteria for becoming an LBS. Sites can be promoted for consideration to the Steering Group by the Midlothian Biodiversity Partnership.

In administering the Steering Group, The Wildlife Information Centre on behalf of the Council also:

- co-ordinates and undertakes site survey and assessment of proposed LBS; through an agreed methodology;
- circulates site assessments of proposed LBS to Steering Group members in advance; and
- acts as a liaison and point of contact between Steering Group members.

Midlothian Green Network

The Planning Policy & Environment Section in the Council's Communities and Economy Service has been working to establish a new Midlothian Green Network in the context of the Midlothian Local Development Plan. Details of what a green network is, and the requirement for planning authorities to identify a green network, is set out in the Scottish Government's Third National Planning Framework (www.scotland.gov.uk/Topics/Built-Environment/planning/National-Planning-Framework) and Scottish Planning Policy (June 2014) (www.scotland.gov.uk/Topics/Built-Environment/planning/Policy). These documents explain that biodiversity and habitat protection and enhancement is a key function of green networks.

In order to assist in identifying the basis of a Midlothian Green Network for public consultation through the Midlothian Local Development Plan, the following individuals and groups were engaged in the process alongside the development plan team:

- land and countryside services and transport colleagues;
- Scottish Natural Heritage;
- Forestry Commission Scotland; and
- The Lothian and Fife Green Network Partnership.

In 2013, biodiversity was identified for consultation through the Main Issues Report for the Local Development Plan as one of four key objectives for a Midlothian Green Network. During the preparation of the Proposed Plan, a series of workshops facilitated by Scottish Natural Heritage and involving a wide range of services across the Council has generated agreement regarding the framework for the Midlothian Green Network which has not only informed the Proposed Plan but will also be developed in detail as Supplementary Guidance for consultation and adoption.

Development Management

As mentioned above, there are development management policies in the adopted Midlothian Local Plan 2008 which seek to promote biodiversity conservation. The Council's Landscape Officer works in close conjunction with developers when implementing landscaping in connection with planning applications, with a view to ensuring development in accordance with these policies. When guiding on suitable plant species, developers are referred to the MLBAP. In the case of smaller developments a list of plants, planting densities and planting sizes are often supplied to the developer to ensure planting adheres to the MLBAP. In preparing master plans/development frameworks, full consideration is given to incorporating development into the landscape and enhancing landscape structure where necessary; this helps anchor development into the landscape and increase connectivity for wildlife and humans.

The section has the following biodiversity services provided through a service level agreement with The Wildlife Information Centre:

- screening of all planning applications received by Midlothian Council and reporting back to flag up potential biodiversity issues from development proposals; and
- Interpretation of and comment on biodiversity information submitted in support of a planning application by an applicant.

Monitoring

Programmes for monitoring a variety of species and habitats are undertaken largely by volunteers and often facilitated through the Ranger Service who report to the National Biodiversity Network as required. This work contributes to national and local monitoring programmes. Species include birds, bats, badgers, amphibians, meadow grassland species, etc.

Highlights

30 hectares of native grassland meadows introduced in 2013 are now in their second year. These interventions may be one of the most significant changes to biodiversity in Midlothian's open spaces over the last 50 years.

Woodlands at Springfield Mill, near Loanhead; Roslin Glen and Cornbank, Penicuik have received grant from the Forestry Commission to support biodiversity works, including felling and replanting with native species.

Over the last three years over 48,000 hours of volunteer time and time through the Midlothian Criminal Justice Team have been realised through the Midlothian Ranger Service, with a value of around £330,000.

Challenges Ahead

Responding to the expectation that the Council has resources to support the Local Biodiversity Action Plan process through the Midlothian Biodiversity Partnership and review of the 2006 MLBAP.

Securing sufficient resources to maintain the current high levels of contributions from volunteers and through the Midlothian Criminal Justice Team.

Wildflower grasslands require ongoing review, including in terms of public acceptance of such features in place of regularly mown playing fields/parkland and formal planting schemes.