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SPF Consultation Response

Natural (Scotland) Environment Bill

Submitted on 9 May 2025

SCOTTISH PROPERTY FEDERATION

The Scottish Property Federation (SPF) is the voice for the real estate industry in Scotland. As a part of the wider British Property Federation, we include among our members: property investors, including major institutional pension and life funds; developers; landlords of commercial and residential property; and professional property consultants and advisers. Our members build Scotland's workplaces, homes, shops, schools and other facilities and the infrastructure that serves them. Our industry is therefore a core component of the Scottish economy.

CONSULTATION SUMMARY

We would like to thank the Scottish Parliament's Rural Affairs and Islands Committee's call for comments. We have responded to aspects of the Bill seeking to modify the EIA and Habitats regulations relevant to planning applications only on behalf of our members.

If you have any questions about our response or would like to discuss any of the points, please contact us at spf@bpf.org.uk.

OUR RESPONSE

Part 1 – Targets for Improving Biodiversity

Question Are statutory nature targets needed in Scotland?

If set pragmatically and addressed to appropriate priorities, they can help to create a clear framework to support long-term certainty of environmental quality requirements. For calculating Biodiversity Net Gain in Scotland NPF4 Policy 3 supported by draft planning guidance does set out the considerations for applicants but utilising the approach by UK Government of 10% Biodiversity Net Gain and or biodiversity metric tool can help guide development proposals and applicants.

Part 2 – Power to modify or restate environmental impact assessment (EIA) legislation and Habitats Regulations

Question Do you support the Scottish Government being granted powers to modify or restate EIA legislation and Habitats Regulations?

Broadly we do agree so long as the powers are proportionate and transparent. Given EIA and HRD delays are often a barrier to development, it is a timely opportunity for reform in order to tackle issues around the timeframes, the resourcing of statutory consultees (e.g., Nature Scot) and to have a consistent understanding of the most pressing issues to be assessed.

We would urge that any changes to future powers are clearly scoped and thoroughly consulted on.

Question Do you agree with the purposes set out in the Bill for which powers to amend those regimes may be used?

No comments

Question Is there anything else you would like to say about Part 2 of the Bill on powers to modify EIA legislation and Habitats Regulations?

The Bill must also recognise that EIAs and HRAs are equally as relevant to urban development as they are to rural or natural areas. For example, sites set for major brownfield re-generation, renewable development or town centre re-development already undergo significant environmental assessments. We would therefore urge that

any future changes should be fully accounted to ensure proportionality, feasibility and fairness.

We also urge for EIA / HRA reforms to integrate with NPF4 and Local Developments Plans to avoid policy duplication or conflict. In addition, we believe there should be consideration of the requirements for HRA studies which can be required over two year periods – for developers already subjected to a system that has significant time periods in trying to achieve delivery this can add a serious burden of time delay. It has been noticed there is not much of a variation in data for two years so if the requirement can be of two seasons instead that can capture required data and keep the process swift as well.

Similarly in relation to flood risk aspects of environmental assessments, there is serious concern over the benchmarks currently being applied – for example SEPA use an RCP 8.5 increased carbon emissions basis which is equal to a 4.3 degrees average global temperature increase, thus leading to significant increases in flooding risk in a widespread range of locations (Clyde, Forth etc). However, a 4.3 degree increase is significantly above the 2 degree increase committed to by governments, because it assumes little or no successful temperature rise mitigation by 2100. There is little doubt that we are in a climate emergency and we must adapt accordingly. Yet our members are concerned that this is making it difficult for new (re)developments and existing buildings in certain areas – including brownfield areas that local authorities wish to see redeveloped as part of the response to climate concerns (i.e. avoid building on greenfield) – to be approved or indeed insured. The question for EIAs must therefore be what forms of mitigation can be assumed or supported as part of their regulatory purposes. We feel it is essential that appropriate and pragmatic guidance is provided by central government for this purpose.

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