

SEPA Position Statement on Biodiversity

As Scotland's principal environmental regulator SEPA's main role is protecting and improving the environment, including enhancing, protecting and preventing deterioration of the status of ecosystems¹. We have clear statutory duties to protect and safeguard biodiversity through our regulatory and other functions².

Biodiversity is the variety of species, habitats, ecosystems and genetic resources – in other words, the richness of nature. Biodiversity is an important part of the Scottish Government's vision of a smart, sustainable and successful Scotland. Biodiversity sustains the natural systems that provide vital goods and services to society, supporting tourism, farming, forestry, aquaculture and fishing industries. It adds variety to our urban green spaces and contributes to improving the health and well-being of the people of Scotland. Scotland's nature can, and does, inspire our people. For all of these reasons, biodiversity is important to SEPA.

SEPA has a public body biodiversity duty³ to further the conservation of biodiversity through the way we exercise our various functions. As an environmental regulator and a contributor of advice to the Town and Country Planning system our role extends beyond the boundaries of designated nature conservation sites.

SEPA is a key partner in the delivery of the [Scottish Biodiversity Strategy](#) (SBS)⁴. We have developed a Delivery Agreement with Scottish Government to set out how we will contribute to delivery of Scotland's biodiversity targets.

This position statement highlights the key areas where we deliver for biodiversity.

Environmental Regulation

SEPA is responsible for setting standards in environmental licences that protect and help improve the state of water, land and air and the natural services that ecosystems provide⁵. Our *Nature Conservation Procedure for Environmental Licensing* ensures that we fulfil our statutory duties to protect designated features in nature conservation sites (SSSIs, SACs, SPAs, Ramsar sites) in all environmental licensing regimes in a consistent and auditable manner; we will update this procedure in line with Regulatory Reform (Scotland) Act 2014 requirements. We will adopt a similar approach to protect the biodiversity interests of Marine Protected Areas once these are established.

As more data become available (e.g. [Habitat Map of Scotland](#)), we will be able to extend application of the *Nature Conservation Procedure* to include assessment of impacts to priority habitats (those which are sensitive to activities that we regulate) in the wider countryside, outside protected sites.

¹ [Regulatory Reform \(Scotland\) Act 2014](#)

² Wildlife & Countryside 1981 as amended, Nature Conservation (Scotland) Act 2004, Conservation (Natural Habitats, &c.) Regulations 1994 as amended and the Wildlife and Natural Environment (Scotland) Act 2011

³ Section 1 of the Nature Conservation (Scotland) Act 2004

⁴ [2020 Challenge for Scotland's Biodiversity](#) - A Strategy for the conservation and enhancement of biodiversity in Scotland (Scottish Government 2013); [Scotland's Biodiversity: It's in Your Hands](#) (Scottish Government 2004)

⁵ Environmental Licences are issued under regulatory regimes which are defined by the following relevant legislation: Pollution Prevention and Control (Scotland) Regulations 2012, Water Environment (Controlled Activities) (Scotland) Regulations 2011, as amended, and Waste Management Licensing (Scotland) Regulations 2011.

River Basin Management Planning (RBMP)

The [Land Use Strategy](#) and the [2020 Challenge for Scotland's Biodiversity](#) call for a more integrated approach to land and water management across whole catchments. The statutory six-year cycles of both river basin and flood risk management planning provide us with the opportunity to integrate biodiversity objectives into wider water management objectives.

River basin planning is a process through which SEPA and partners can work together to identify pressures, then prioritise and deliver biodiversity enhancement and protection of the water environment to address these pressures. SEPA's [Water Environment Fund](#)⁶ will continue to support projects to improve the physical condition of the water environment, restoring important habitats and thus delivering benefits for biodiversity.

Flood Risk Management Planning

Our responsibilities under the [Flood Risk Management \(Scotland\) Act 2009](#) include the development of a *Flood Risk Management Strategy* covering the 14 Local Plan Districts in Scotland. The strategy will summarise the main flooding issues and flood impacts within each district, and set out a vision for how flooding should be managed. We are preparing a Strategic Environmental Assessment for the *Flood Risk Management Strategy*, ensuring that the envisioned measures to address flood risk are sustainable. These duties present SEPA with the opportunity to integrate biodiversity objectives into flood risk management planning. Natural flood management can be a key component in providing sustainable flood management solutions. Natural flood management measures include restoration of functional wetlands, floodplains and associated habitats, strategic location of woodlands, riparian habitat creation to reduce bank erosion and restoration of the natural route of artificially straightened or canalised watercourses.

Land Use Planning

SEPA's duty to protect biodiversity applies to our role as a statutory consultee in the development planning process under the Planning etc. (Scotland) Act 2006. Our engagement in development planning (Strategic Development Plans, Local Development Plans and National Park Plans) is our highest priority in this area. Biodiversity protection is considered as a crosscutting theme and will be integrated into staff guidance and subsequent advice to planning authorities.

We have identified a number of habitats on the Scottish Biodiversity List as priority habitats that are relevant to our remit. In responding to the Planning process, we will advise on the protection and enhancement of these habitats, including the need to seek benefits from new development where possible, the restoration of degraded habitats and the avoidance of further habitat fragmentation.

As a public authority, SEPA is required⁷ to have regard to the national and regional marine plans during the enactment of its duties. We use the *National Marine Plan* interactive map as a screening tool for marine and coastal planning, and provide advice through the planning process on mitigation measures to achieve marine ecosystem objectives.

Green Infrastructure & Green Networks

Green infrastructure is the use of ecosystems, green spaces and engineered habitats and water features to deliver environmental, health, wellbeing, and quality of life benefits in the urban environment. Green infrastructure can provide services such as sustainable drainage, pollutant mitigation, safer travel routes, noise reduction, improved wildlife habitats and creation of attractive places to work and live.

The predicted impacts of climate change call for urgent and more effective action to protect habitats and reverse habitat fragmentation; the provision of networks of resilient habitats across the country will allow species to disperse and adapt to climate change. Green

⁶ [SEPA's Water Environment Fund](#)

⁷ Marine (Scotland) Act 2010, s.15(3), with regard to the economic, social and ecosystem objectives set by Scottish Ministers under s.4a(i) of the Marine Scotland Act (2010)

infrastructure makes an increasingly important contribution to helping Scotland's wildlife adapt to climate change, and to improving connectedness between fragmented habitats. We will promote green infrastructure and its benefits for biodiversity by providing advice to the planning system, and through our roles within river basin and flood risk management.

SEPA's Biodiversity Data

We have a duty to monitor and report on the state of Scotland's environment and to use that scientific understanding to inform and audit our regulation of activities that may affect its quality. Measurements of the biodiversity of water and land environments make up an important part of our environmental monitoring programme; this allows us to report on ecological status as a part of State of the Environment reporting for Scotland. We want to make our environmental data and information widely and easily available; to deliver this aspiration, we are leading the development of [Scotland's Environment Web](#), which is a collaborative project involving a wide range of partner organisations. This website provides access to environmental data, including biodiversity data from the UK's National Biodiversity Network (NBN). It is also our aim to make all of our biological data available through the NBN.

Invasive Non-Native Species (INNS)

In the [Non-Native Species Code of Practice](#), SEPA, as a statutory body, is identified as the habitat lead for still and flowing freshwater habitats. For these habitats, our role is to determine priorities, deliver a strategy and provide a point of contact for issues relating to INNS in freshwater habitats. We will aim to influence all major water user groups and key commercial stakeholders to implement biosecurity measures to prevent the introduction and spread of INNS, and will continue to develop our (and Scotland's) ability to respond to new outbreaks in freshwaters.

Ecosystem Services and Natural Capital

Ecosystem services are the benefits to people from the environment. Using the ecosystem services approach to describe the impacts and consequences of environmental change enables us to understand and communicate better about the importance and value of our environment. We are developing and embedding an ecosystem services approach within our decision-making. The initial focus is on developing methods to support decisions in river basin and flood risk management planning. We are also developing guidance for our input to development planning. While integrating an ecosystem services framework into our decision-making, we will ensure that biodiversity is appropriately valued as a key building block of healthy ecosystems. Through the Scottish Biodiversity Natural Capital Group, we will work with other agencies and organisations towards achieving a joined-up approach.

Leading by Example – Biodiversity in SEPA Office Grounds

We have made a commitment to encouraging biodiversity in the grounds around SEPA offices. Greening SEPA is a programme of work to implement [SEPA's Environmental Policy statement](#) to reduce our own negative environmental impacts. The Greening SEPA biodiversity target is for all SEPA offices with control of their grounds to implement a biodiversity action plan by 2017, carrying out site-specific practical measures to improve conditions for wildlife. The biodiversity action plans also includes work to educate, raise awareness and inspire neighbouring communities and businesses to take forward similar activities in order to bring about a greater overall benefit for biodiversity.