

PE2134/B: Introduce legislation to make it a requirement for swift bricks to be installed in all new developments in Scotland, and include swifts in building surveys

Scottish Government written submission, 7 February 2025

I am writing to provide the Scottish Government's response to the above petition, which calls on the Scottish Parliament to urge the Scottish Government to help reverse the decline in swift populations by introducing legislation that would make swift nesting bricks a requirement for all new build developments in Scotland, as well as making it mandatory to include swifts in all ecological building surveys.

It is important that, when considering proposals for new build development and its potential impact on biodiversity, the focus is not just on rare and vulnerable species such as swifts, but a holistic view is taken of the effects on wildlife and the habitats which support them.

National Planning Framework 4 (NPF4) was adopted and published by the Scottish Ministers on 13 February 2023. NPF4 signals a turning point for planning, placing climate and nature at the centre of our planning system.

Improving biodiversity is a cross-cutting outcome within NPF4, and our strategy and policies support development that helps to secure positive effects for biodiversity. Policy 1 gives significant weight to both the nature crisis and the climate emergency to ensure that these are each recognised as a priority in all plans and decisions. Most significantly, Policy 3 plays a critical role in ensuring that development will secure positive effects for biodiversity. Development proposals for national, major and Environmental Impact Assessment (EIA) development will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks, so they are in a demonstrably better state than without intervention. Proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity.

We worked with NatureScot to finalise its 'Developing With Nature' guidance. This was published alongside NPF4 on 13 February 2023. This guidance supports the implementation and delivery of policy 3 as it applies to relevant local development proposals. The guidance describes a number of measures that development can incorporate to conserve, restore and enhance nature. This is not intended to be an exhaustive list of measures, but rather provides detail of many common actions widely applicable across a range of settings, in many types of development. The guidance sets out at measure 13 - 'Homes for small birds' that bird boxes/bird bricks can increase nesting opportunities for a range of bird species, introducing new niches for breeding that can support the species survival and wider dispersal. Swifts are in rapid decline and where conditions are suitable, new nesting areas (including swift bricks and boxes) are highlighted as one possible measure that may be included as part of a development proposal.

Where survey work associated with new development highlights the presence of rare and vulnerable species, we would expect provisions, such as swift nesting bricks, to

be made in development to protect and where possible enhance the local populations.

In light of the existing policy position within NPF4 which sets out to secure positive effects for biodiversity and the references to homes for birds within the guidance supporting Policy 3, we do not consider that it is necessary to mandate the use of swift-bricks or other individual measures explicitly or exclusively, although we recognise that they may be an important and helpful intervention in some developments.

Within building regulations sustainable development is promoted through standard 7.1, including advice on how biodiversity can be well served as a topic in new school developments. It is our intent to review this standard to consider further opportunities for building regulations to make a positive contribution to biodiversity within all new developments. However, as this standard sets out additional voluntary actions a developer may adopt, it would promote but not require mandated prescriptive provisions, such as the use of swift bricks, in new buildings.

Scotland's new biodiversity strategy sets out our ambition to halt the loss of nature by 2030 and make significant progress to restoring nature by 2045. The strategy is supported by a series of 6 year rolling delivery plans. The first plan includes ambitious actions to ensure we are on track to halting biodiversity loss by 2030.

Building Standards Division