

Report to:	QSMTM Q3
Report by:	Helen Gardner-Swift, Head of Corporate Services (HOCS)
Meeting Date:	14 February 2024
Subject/ Title: (and VC no)	Biodiversity Duty Report VC200900
Attached Papers (title and VC no)	Draft Biodiversity Duty Report 2021-2023 VC193436

Purpose of report

1. The purpose of this Committee report (CR) is to seek approval of the Biodiversity Duty report (the Report) for 2021-2023.

Recommendation and actions

2. I recommend that the SMT:
 - (i) considers the draft Report and provides comments to the HOCS by 29 February 2024 and that subject to further comments, the draft Report can be finalised and then published on the Commissioner's website
 - (ii) agrees the key document provisions in paragraphs 18 and 19
 - (iii) agrees the publications arrangements set out in paragraph 21 and 22.

Executive summary

The Biodiversity Duty

3. Under the Nature Conservation (Scotland) Act 2004, all public bodies in Scotland are under a statutory duty to further the conservation of biodiversity when carrying out their responsibilities. The Wildlife and Natural Environment (Scotland) Act 2011 (WANE) introduced a further statutory requirement for public bodies in Scotland to provide a publicly available report every three years on the actions which they have taken to meet this biodiversity duty.
4. Biodiversity Duty reports can be part of an existing report or as a standalone document but they should be made publicly available. Whilst the WANE Act does not specify where Biodiversity Duty reports should be published, the Scottish Government ask that we publish the report online and notify them of the website link when it is published. Guidance explains that the Biodiversity Duty is about connecting people with the environment and managing biodiversity in the wider environment all around us, not just in specific protected sites.

Scottish Government, Nature Scotland and biodiversity

5. The Scottish Government's [Scottish Biodiversity Strategy to 2045](#) sets out the ambition for Scotland to halt biodiversity loss by 2030 and to have restored and regenerated biodiversity across the country by 2045.

6. NatureScot has published guidance for public bodies "[Guidance Note - Biodiversity Duty Explained](#)" which has been taken into account (as far as possible) in preparing the draft Report.

How is biodiversity relevant to the Scottish Information Commissioner?

7. All Scottish public bodies have a statutory duty to further the conservation of biodiversity. Understanding the role of our organisation and how our activities impact or link to biodiversity helps us to identify actions that we can implement.
8. Our C5 Environmental Policy sets out the following aim:

“Our aim is continually to improve our environmental performance and to protect the environment by reducing pollution and resource consumption and to operate in a manner that supports and encourages the natural diversity of plant and animal life.”
9. NatureScot’s guidance referred to above acknowledges that every public body is different but that each can contribute to protecting and enhancing biodiversity and in raising public awareness in some way.

The Commissioner’s Biodiversity Duty Report (the Report)

10. NatureScot has also developed templates and guidance to assist with the drafting of a Biodiversity Duty report. These templates are proportionate as regards the likely level of information that can be provided, depending upon the organisation’s role and remit. These templates also incorporate the key elements which need to be reported on and we have used an appropriate template.
11. Our Report indicates how we have met our biodiversity objectives for the period 2021-2023 and we have used Template 3.
12. Although it is possible to embed the Report within another report (such as an annual sustainability report) this may then make it hard to find, especially for the general public. Therefore, I am of the view that our Report (when approved) should be a standalone report which is published on our website.

Risk impact

13. We mitigate operational risk of not complying with our statutory biodiversity duties by:
 - seeking to further the conservation of biodiversity when carrying out our responsibilities
 - publishing our Report every three years

Equalities impact

14. There is no direct equalities impact.

Privacy impact

15. There are no direct privacy implications.

Resources impact

16. Any resource implications in ensuring that our statutory duties are complied with can be met from within existing resources.

Operational/ strategic plan impact

17. Compliance with our statutory biodiversity duty helps us to meet our strategic aim of leading by example in the open and transparent delivery of our statutory functions and showing that we are an efficiently run and effectively governed public sector body, keeping pace with recognised standards and requirements.

Records management impact (including any key documents actions)

18. The Biodiversity Duty Report will be a Key Document and will be added to the Register of Key Documents. The HOCS will be the Responsible Manager, the SMT the approver and the next review should commence by October 2026.
19. Following approval, the Biodiversity Duty Report 2021-2023 should be uploaded to the Commissioner's website and a link provided in our Guide to Information, Class 7.

Consultation and Communication

20. QSMTM Q3 minute and published on our website.

Publication

21. This CR should be published in full.
22. The draft Report should be withheld from publication on the basis that s.27(1) of FOISA applies and the Biodiversity Duty Report 2021-23 will be finalised and published in full on our website as soon as possible.