

Public Audit and Post-legislative Scrutiny Committee
Scottish Parliament
Holyrood
Edinburgh
EH99 1SP

Re: Post-legislative Scrutiny: Biodiversity and Biodiversity Reporting Duties

How well do you believe public bodies understand the biodiversity and reporting duties placed upon them?

In a large organisation such as a local authority there will be varying degrees of understanding and awareness of the duties across the staff resource. In East Dunbartonshire Council, those with a remit for biodiversity, elected members and senior management should all have a good awareness and understanding of the duty. The reporting element of the duty has assisted in awareness raising to elected members and those staff that are invited to contribute to the report, which includes staff from across all departments.

However, the understanding of the duty across the rest of the Council staff is probably limited. Unless biodiversity is a core remit of the staff member, the link between the biodiversity duty and the wider, national targets for biodiversity is probably little understood across the organisation. The addition of the section for the Contribution to Scottish Biodiversity Strategy Targets to the template for the most recent reporting round should help in people's understanding of the wider scope of the duty and it is hoped this section will prove useful in the monitoring and evaluation of the contribution public bodies make to the delivery of the Scottish Biodiversity Strategy and for public bodies to also monitor and evaluate their own successes and/or the gaps in their contribution to national targets.

Do you believe that public bodies are adequately resourced to comply with the biodiversity and reporting duties?

Depending on their remit some public bodies will be better placed to comply with the duty than others. As a local authority, East Dunbartonshire Council has many opportunities to comply with the duty through the management of public land and buildings, provision of health and social care, environmental education etc and has an adequate staff resource to comply with the reporting element of the duty.

East Dunbartonshire Council is required to manage an increasing number of diverse duties and responsibilities across its wide range of functions. It is therefore challenging for staff and elected members to take account of all of these and ensure that they are fully considered in strategic planning,

policy development, service delivery and decision making. Given the wide range of duties and responsibilities that need to be taken into account, the Biodiversity Duty Reporting process is a valuable means of reminding staff and members of the need to take account of the duty and to report on its effective delivery. However, the wide range of considerations that need to be taken into account in strategic planning, policy development, service delivery and decision making mean that biodiversity considerations can be overlooked. The Biodiversity Duty Reporting process provides a valuable means of identifying any weaknesses in our approach to the conservation of biodiversity and a basis for practical action to improve the incorporation of biodiversity considerations into planning and delivery in the future.

All Councils face increasing competition for resources to deliver the very wide range of functions for which they are responsible. While East Dunbartonshire Council remains committed to the conservation of biodiversity, increasing pressure on Council budgets results in an increasing challenge to meet all duties adequately. In this context, the value of Biodiversity Duty Reporting is limited and consideration should be given to the development of a more pro-active framework for the protection of biodiversity. It is recommended that a review is carried out to consider how the conservation of biodiversity can be better considered in the planning, delivery and decision making process in public bodies in Scotland. This should take account of existing processes such as EIA, SEA and the land-use planning system, assess whether these processes are giving appropriate weight to the conservation of biodiversity at present, and make recommendations for any improvements that should be made to improve the performance of public bodies in contributing to the challenge of halting biodiversity decline and improving the conservation of biodiversity.

Do you think the requirement to report on the biodiversity duty leads to effective actions for improving and conserving biodiversity by public bodies?

East Dunbartonshire Council employs staff whose remits are directly involved in promoting, protecting, enhancing and educating on biodiversity and other environmental issues. These include countryside rangers, policy officers and those involved in project management and implementation. The Council has an up to date Local Biodiversity Action Plan (LBAP) produced in 2017 together with the East Dunbartonshire LBAP Partnership, which is co-ordinated by the Council. The Council also manages three Local Nature Reserves in addition to a large resource of other parks and greenspaces. The Council, in its current structure and staff resource, would therefore 'further the conservation of biodiversity' whether the duty was in place or not. This will not be the case for all public bodies.

However, the duty and its legislative status provides more weight to the promotion of biodiversity throughout the organisation. The reporting element of the duty has provided a good basis for promoting biodiversity to different parts of the organisation not directly involved in biodiversity and encouraging staff to think about the ways they can contribute.

The reporting duty requires reporting on actions and decisions made within a public body to comply with this duty. Depending on the size of the organisation these could be large or small actions. Importantly the reporting does not require reporting on actions or decisions taken by a public body which negatively impact on biodiversity e.g. the sale of land for development, construction of new large scale transport infrastructure, unsustainable land management practices. Some of these actions may outweigh the actions taken in compliance with the duty and therefore result in a net biodiversity loss/overall negative impact by that public body. The reporting as it is does not take this into account and therefore could paint a deceptively positive image of the state of biodiversity or how well the duty is being delivered across the country.

Are there any changes that could improve the actions by public bodies in respect of the biodiversity and reporting duties?

Currently the legislation requires the publication of biodiversity duty reports on 1st January for the previous 3 years. Due to committee cycles and the holiday season this has often been difficult to achieve and can require the completion of the report several months before the 1st January deadline. Consequently, this can mean the 3rd year cannot always fully reported on, or activities which are scheduled for the latter part of the 3rd year are reported as completed when there may be occasions they end up not being carried out or completed by their scheduled date. A small time lag of a couple of months between the reporting timeframe and the production of the report would be beneficial. In addition, the Council's progress reports and projects cycles normally run to financial years and in many cases the duty reporting may fit in easier with a financial year reporting cycle rather than a calendar year.

The production of biodiversity duty guidance and the suggested reporting template has been positive. Given the wide range of sizes and remits covered by public bodies across Scotland it is important the duty and reporting requirements are not too prescriptive. Thought could be given to formally integrating the biodiversity duty reporting with other public body reporting duties such as those under the Climate Change (Scotland) Act 2009. East Dunbartonshire Council has taken the decision to combine information gathering for both climate change and biodiversity duties as a means of making the process more efficient for the staff involved.

Overall, it is considered positive for public bodies to have a statutory biodiversity duty. For public bodies which are already active for biodiversity conservation the production of a report every three years is not overly onerous and East Dunbartonshire Council has found the duty to be a mostly positive precursor to the promotion of biodiversity across the authority's various departments.