

**ANGUS COUNCIL**

**COMMUNITIES COMMITTEE – 21 NOVEMBER 2023**

**STATUTORY BIODIVERSITY DUTY REPORT ON DELIVERY (2021-2023)**

**REPORT BY ALISON SMITH, DIRECTOR OF VIBRANT COMMUNITIES AND  
SUSTAINABLE GROWTH**

**ABSTRACT**

This report details the progress made by the Council from 1st January 2021 to 31st December 2023 in relation to the conservation of biodiversity when carrying out the statutory functions required by the Nature Conservation (Scotland) Act 2004 and the Wildlife and Natural Environment (Scotland) Act 2011.

**1. RECOMMENDATIONS**

It is recommended that the Committee:

- (i) Approve the contents of this report for submission to the Scottish Government; and
- (ii) Approve the publication of the report on the Council's website.

**2. ALIGNMENT TO THE COUNCIL PLAN**

2.1 This report contributes to the following priorities in the Council Plan 2023-2028:

**Caring for our Place**

- Enhance and restore Angus biodiversity, corporately and with a range of stakeholders.
- Take action to mitigate against climate change by delivering our Transition to Net Zero.

**3. BACKGROUND**

3.1 Under the Nature Conservation (Scotland) Act 2004, all public bodies in Scotland are required to further the conservation of biodiversity when carrying out their functions and as such have a biodiversity duty to fulfil. The Wildlife and Natural Environment (Scotland) Act 2011 further requires all public bodies to report every three years on how they comply with this biodiversity duty. This report is required to be submitted to the Scottish Government by 1st January 2024 to cover the progress we have made and what we have achieved as a Council from 1st January 2021 to 31st December 2023. This detailed report contained in Appendix 1 demonstrates how the Council has complied with its biodiversity duties for this period.

3.2 Scottish Government have provided a guidance note to Local Authorities on how to structure the statutory reporting on biodiversity to them. The guidance suggests that Statutory Biodiversity Duty Reports should be structured as follows:

1. Introductory information about your public body.
2. Actions to protect and enhance biodiversity.
3. Mainstreaming biodiversity.
4. Nature-based solutions, climate change and biodiversity.
5. Public engagement and workforce development.
6. Research and monitoring.
7. Biodiversity highlights and challenges.

- 3.3 For the information of Members, there have been three previous Statutory Biodiversity Duty reports, each reporting on three-yearly cycles covering periods 2012-2014, 2015-2017, and 2018-2021. Previous reports have contained details of progress with reference to the Scottish Biodiversity Strategy [2020 Challenge for Scotland's Biodiversity](#) published in 2013, and [Scotland's Biodiversity – A Route Map to 2020](#) published in 2015. Although these documents were published before the current reporting period and are considered to be outdated due to the fact they related in the time period to 2020, the key themes expressed within these documents continue to underline the report contained in Appendix 1. This is due to the replacement for these documents - the [Scottish Biodiversity Strategy to 2045: Tackling the Nature Emergency](#) - not being published until September 2023, while the corresponding document - Scotland's Strategic Framework for Biodiversity which includes the first 5-year Delivery Plan for the Scottish Biodiversity Strategy – was not published in draft consultation form until September 2023 with consultation responses due by December 2023.
- 3.4 Also for the information of Members, the Scottish Government are undertaking a review of data contained within the previous Biodiversity Duty reports (2018-2020) and the reporting process (including guidance) to ensure that Biodiversity Duty reporting makes a meaningful contribution to the revised biodiversity priorities, as set out in the six main objectives listed below, of the recently published Scottish Biodiversity Strategy to 2045:
1. Accelerate restoration and regeneration;
  2. Protect nature on land and at sea, across and beyond protected areas;
  3. Embed nature positive farming, fishing and forestry;
  4. Protect and support the recovery of vulnerable and important species and habitats;
  5. Invest in nature; and,
  6. Take action on the indirect drivers of biodiversity loss.

It is also the intention to reduce the reporting burden upon public bodies. However, any changes resulting from the review process are intended to be implemented within the next reporting cycle of 1<sup>st</sup> January 2024 to 31<sup>st</sup> December 2026.

#### **4. CURRENT POSITION**

- 4.1 This report provides an update on the last three years' progress as requested by the Scottish Government. In completing this report, information has been gathered from across Council Services relating to their contributions to our statutory biodiversity duties. Services which have contributed to detailing the progress made within the report contained within Appendix 1 include:
- Planning and Sustainable Growth Service.
  - Infrastructure: Environmental, Roads and Transportation, Capital Projects, and Asset Services.
  - Education and Lifelong Learning.
  - Angus Alive: Sport and Leisure.
- 4.2 The full detail of the progress made, as noted above, is contained within the Statutory Biodiversity Duty Report on Delivery (2021 – 2023) in Appendix 1, and this follows the structure suggested in Scottish Government guidance with the addition of pledged future biodiversity action. This report to Committee summarises the main progress we have made in fulfilling our statutory duties, which are as follows:

##### **Actions to protect and enhance biodiversity:**

- 4.3 The Council continues to build on partnership working with key organisations and initiatives to deliver biodiversity restoration and enhancements in particular through the Tayside Biodiversity Partnership and the River South Esk Partnership. We have carried out many actions to protect and enhance biodiversity across Angus, the most significant in relation to this report being an increase in the area of grassland restoration and wildflower and meadow management across Angus, both independently on roadside and path verges, and at our Country Parks; and through partnership working on the Strathmore B-Lines project.

- 4.4 The Nature Restoration Fund direct award has enabled the Council to carry out saltmarsh restoration, impactful urban pond restoration, hedgerow and tree planting across Angus, and treatment of Invasive Non-Native Species (INNS).
- 4.5 There has also been a significant increase in habitat creation and enhancement at Angus schools through input from the Learning for Sustainability role.

**Mainstreaming biodiversity:**

- 4.6 The Council continues to embed biodiversity into the delivery of our services. The Council Plan sets out a clear priority to Care for our Place by 'Enhancing and restoring Angus Biodiversity, corporately and with a range of stakeholders'. The Council also incorporates biodiversity into climate change strategies through the Sustainable Energy and Climate Action Plan, and the Transition to Net Zero Action Plan.

**Climate change and biodiversity:**

- 4.7 The Council has worked at scale with communities and wider stakeholders to deliver woodland expansion, natural flood management, grassland regeneration, and wetland creation in particular through projects delivered via the River South Esk Catchment Partnership.

**Public engagement and workforce development:**

- 4.8 The Council continues to work with communities on biodiversity projects and litter and pollution prevention, as well as holding various exhibitions and events, largely through the provision of the Angus Alive Ranger Service. There has been a notable increase in biodiversity activity across Angus schools during this reporting period.

**Research and monitoring:**

- 4.9 The Council has carried out a Tayside Local Biodiversity Action Plan Progress Review in 2023 to monitor progress across a range of projects delivered in Angus through the Partnership. Key site features at Montrose Basin Local Nature Reserve and Glen Doll, continue to be regularly monitored through the Angus Alive Ranger Service, though survey work associated with monitoring was impacted in the early stages of this reporting period by Covid19 and related restrictions.
- 4.10 The full report in Appendix 1 concludes that over the past three years we have demonstrated commitment to our biodiversity duty and met our statutory obligation by delivering actions to further the conservation of biodiversity as required by the Nature Conservation (Scotland) Act 2004.

**5. PROPOSALS**

- 5.1 The full report, contained in Appendix 1, also proposes key areas of focus for future biodiversity action which are detailed here:
- 5.2 A progress review of the 2<sup>nd</sup> Edition of the Tayside Local Biodiversity Action Plan 2016-26 has taken place and it is proposed the Council continue to monitor progress on project delivery for the remainder of its life.
- 5.3 In addition to this, the full report further proposes to investigate the production of a third Edition of the Tayside Local Biodiversity Action Plan.
- 5.4 During this three-year reporting period, it is clear the Council Services, mentioned in paragraph 4.1 above, have delivered a range of biodiversity actions. It is proposed that we continue to mainstream the biodiversity process across Angus Council departments with a targeted focus on underrepresented services.
- 5.5 A biodiversity e-learning unit is currently in production via the Scottish Biodiversity Officers Network. It is proposed this be made available to all Angus Council staff to further understanding of biodiversity and promote opportunities to enhance it, thereby fulfilling our statutory biodiversity duty.

- 5.6 A Species and Habitat Champions programme was first launched in 2018. This was further developed in 2022 with the commitment of 18 elected members pledging support for a range of 24 species and 11 habitats which are significant in Angus. The full report proposes the Council continues to support Species and Habitat Champions to encourage communities and businesses to focus on action for priority species and projects.
- 5.7 The Council have also identified a suite of 28 sites which are assessed to be suitable for designation as Local Nature Conservation Sites, and these 28 sites are contained in a separate report to this Committee in November 2023. A second phase of identifying and assessing further sites is underway and the Local Nature Conservation Sites report proposes to commit to the development of this. This commitment is reiterated in the Statutory Biodiversity Duty Report on Delivery 2021-23 in Appendix 1.
- 5.8 It is a requirement of National Planning Framework 4 (NPF4) for local authorities to identify nature networks. The full report pledges this work will be progressed to contribute to ecological resilience.
- 5.9 It is recognised that the key indirect driver for biodiversity loss is the lack of connection with and value placed upon nature by people. A further proposal in the full report is to encourage people to embrace biodiversity by being more involved with the natural world with the added benefits this is known to have on health and wellbeing.

## **6. FINANCIAL IMPLICATIONS**

- 6.1 The delivery of future biodiversity actions proposed in the final report, and summarised in this report to Committee, are likely to have financial implications for the Council, though the scale of the financial implications depends upon varying factors and cannot be quantified at this present time. However, some of the proposals carry no financial implications.
- 6.2 The production of a third edition of the Tayside Biodiversity Action Plan is likely to include projects requiring commitment from Angus Council. However, until the third edition has been concluded, the number of actions and what they require is difficult to ascertain and the financial implication difficult to predict at this point.
- 6.3 Further mainstreaming the biodiversity process to focus on underrepresented services could have financial implications depending on the scale of what is delivered. Other requirements to address the nature crisis, placed upon the Council by other legislation – such as National Planning Framework 4 and the identification and allocation of Nature Networks – could also have other financial costs that the Council will need to address. Again, these are not quantifiable at this present moment.

## **7. OTHER IMPLICATIONS**

### **Risks**

- 7.1 Failure to produce a regular report would result in the Council failing to meet the commitment under The Wildlife and Natural Environment (Scotland) Act 2011 requiring all public bodies to report every three years on how they comply with their statutory duty to further the conservation of biodiversity.

### **Equalities**

- 7.2 A Screening only Equality Impact Assessment has been carried out and is attached.

## **8. CONSULTATION**

- 8.1 Council Services, as noted in paragraph 4.1, were consulted in the preparation of this Committee report and the Statutory Biodiversity Duty Report on Delivery (2021-2023) as contained in Appendix 1.

**NOTE:** The background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) which were relied on to any material extent in preparing the above report are:

- [Angus Council Statutory Biodiversity Duty Report on Delivery \(2012-2014\)](#)
- [Angus Council Statutory Biodiversity Duty Report on Delivery \(2015-2017\)](#)
- [Angus Council Statutory Biodiversity Duty Report on Delivery \(2018-2020\)](#)

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List of Appendices:

Appendix 1: Statutory Biodiversity Duty Report on Delivery (2021 – 2023)



## Equality Impact/Fairer Scotland Duty Assessment Form

(To be completed with reference to Guidance Notes)

### Step 1

**Name of Proposal** (includes e. g. budget savings, committee reports, strategies, policies, procedures, service reviews, functions):

### Statutory Biodiversity Duty Report on Delivery (2021 – 2023)

### Step 2

Is this only a **screening** Equality Impact Assessment

**Yes/No**

**(A)** If Yes, please choose from the following options **all** reasons why a full EIA/FSD is not required:

(i) It does not impact on people

**Yes/No**

The biodiversity action reported in the Statutory Biodiversity Duty Report on Delivery (2021 – 2023) is retrospective and has no impact on people.

(ii) It is a percentage increase in fees which has no differential impact on protected characteristics

**Yes/No**

(iii) It is for information only

**Yes/No**

The report is in part to provide information to Scottish Government with regards to the Council's compliance with the Biodiversity Duty outlined in the Nature Conservation (Scotland) Act 2004 and the Wildlife and Natural Environment (Scotland) Act 2011. Approval is also sought for the contents of the report and publication.

(iv) It is reflective e.g. of budget spend over a financial year

**Yes/No**

The main content of the Statutory Biodiversity Duty Report on Delivery 2021-2023 is reflective and reports on biodiversity action over the preceding three-year period as required. The 'Future Biodiversity Action' pledged within the full report and summarised in sections 5 and 6 of the committee report reflects upon actions outlined in other strategies, plans and policies.

(v) It is technical

**Yes/No**

If you have answered yes to any of points above, please go to **Step 16**, and sign off the Assessment.

**(B)** If you have answered No to the above, please indicate the following:

Is this a full Equality Impact Assessment	Yes/No
Is this a Fairer Scotland Duty Assessment	Yes/No

If you have answered Yes to either or both of the above, continue with Step 3.

If your proposal is a **strategy** please ensure you complete Step 13 which is the Fairer Scotland Duty Assessment.

**Step 16: Sign off and Authorisation.** Please state name, post, and date for each:

Prepared by: Anna Cowie – Project Officer Environment – 13.10.2023

Reviewed by: Doreen Phillips - Senior Practitioner (Equalities). 23.10.23

Approved by: Kelly Ann Dempsey – Team Leader Environment and Climate Change  
– 20.10.2023

NB. There are several worked examples of separate EIA and FSD Assessments in the Guidance which may be of use to you.

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