

Perth And Kinross Council

Climate Change And Sustainability Committee

27 November 2023

**STATUTORY BIODIVERSITY DUTY:
REPORT ON DELIVERY - JANUARY 2021 TO DECEMBER 2023**

Report by Strategic Lead – Economy, Development and Planning
(Report No. 23/328)

1. PURPOSE

1.1 Under the Nature Conservation (Scotland) Act 2004, all public bodies in Scotland have a duty to further the conservation of biodiversity when carrying out their functions. The Wildlife and Natural Environment (Scotland) Act 2011 further requires all public bodies to report every three years on how they comply with this duty. This is the third report, covering the period from 1 January 2021 to 31 December 2023 demonstrating how Perth and Kinross Council has performed regarding the biodiversity duty for this three-year period.

1.2 The report includes actions undertaken by PKC to:

- protect and enhance biodiversity
- mainstream nature-based solutions, climate change and biodiversity throughout the organisation
- engage with the public and develop the workforce
- monitor actions undertaken and conduct/commission research, and
- draw attention to main achievements for biodiversity over the last three years and look ahead to potential challenges.

2. RECOMMENDATIONS

2.1 It is recommended that Committee:

- notes the significant positive work undertaken over the period 2021-2023
- approves the Biodiversity Duty Report (Appendix A) to be uploaded to the PKC website and sent to the Scottish Government prior to the 31 December 2023 deadline.

3. STRUCTURE OF REPORT

3.1 This report is structured over the following sections:

- Section 4: Background/Main Issues
- Section 5: Summary
- Section 6: Conclusion
- Appendix A: Biodiversity Duty Report

4. BACKGROUND / MAIN ISSUES

- 4.1 The Council has a statutory duty to protect and enhance biodiversity when carrying out their functions. All public bodies must report to Scottish Government every three years on how they comply with this duty. This report covers the period 1 January 2021 to 31 December 2023, demonstrating how Perth and Kinross Council has performed regarding the biodiversity duty.

5. SUMMARY

- 5.1 The purpose of this report is to summarise some of the Council's successes in delivering the statutory biodiversity duty and to submit the report to the Scottish Government in line with guidance provided by NatureScot. Compared to the last report in 2020, the guidance for the production of this report requests more details on successes, challenges encountered and more explanation of ongoing or proposed monitoring of activities undertaken for biodiversity. More details on research and monitoring in relation to nature-based solutions, climate change and biodiversity are also requested.
- 5.2 There has been significant positive actions taken both by the Council directly, and by communities with support from the Council. These have led to positive progress in addressing the Biodiversity emergency across Perth and Kinross. Key highlights identified in the report include:
1. receiving over £700k of Scottish Government Nature Restoration Fund from 2021 that has enabled more than 30 projects to be successfully delivered by the Council and community groups, with a further 18 on-going in 2023/24. This has supported and empowered local communities to carry out their own projects to enhance nature and increase nature connectedness.
 2. developing a new approach to grassland management across greenspaces.
 3. developing and adopting the [Planning for Nature Supplementary Guidance](#) to set clear expectations and requirements for planning applications regarding information on biodiversity.
 4. mainstreaming of biodiversity throughout the organisation – for example, the new Protecting Swifts in Conservation Buildings working group set up in 2023, where the Council is working in partnership with the Perth & Kinross Heritage Trust in considering swifts in the heritage funded conservation projects.
 5. building a successful partnership with the Scottish Invasive Species Initiative and local landowners to deliver a catchment scale approach to Invasive non-native species (INNS) control project on the River Almond.
 6. creating the new Climate Action website and social media channels to raise awareness of actions to tackle the twin emergencies of climate change and nature loss.
 7. developing our Biodiversity Towns and Villages programme, with Blairgowrie & Rattray named as Scotland's first Biodiversity Town.
 8. supporting partnership to tackle landscape scale challenges with the Perthshire Nature Connections Partnership and Conservation Officer post.

9. increasing our biodiversity workforce, through the budget process, with the establishment of the Climate Change Officer into Community Greenspace and creation of a new Climate Change Land Restoration Officer to further landscape scale restoration and upskilling our existing workforce.
10. growing the membership of PKC staff Biodiversity Ambassadors.

5.3 NatureScot provides guidance on the contents of the Biodiversity Duty Report and requests the inclusion of main challenges for the next three years. The challenges identified by various public bodies are collated and analysed by NatureScot and Scottish Government to identify commonalities. This can then be used to prioritise funding or create stronger policy and guidance for public bodies. The attached report set out the main challenges for improving biodiversity over the next three years and includes:

1. the Council has increased its biodiversity resources over the last three years, reflecting the increased need to incorporate greater levels of biodiversity enhancement into planning decisions and operational enhancements. However, more work needs to be undertaken to:
 - a. implement NPF4 requirements and follow-ups in future Local Development Plan and creation of nature networks across Perth and Kinross;
 - b. provide long term management plans and tree planting plans for Council's owned and maintained land;
 - c. undertake long-term biodiversity monitoring of projects.
2. a more sustainable approach to the NRF funding and consistency of themes to produce more effective results
3. Tayside does not have a local biodiversity records centre which is a challenge for the Council as biodiversity data is held in several different locations rather than one centralised database. A records centre would also aid development management and land use decisions as well as creation of nature networks. A new Scottish Government funded project called Better Biodiversity Data is analysing records centres across Scotland, as well as looking at solutions to ensure better storage and interpretation of biological records. PKC is a partner of the project.
4. While the Council has its Local Biodiversity Action Plan (LBAP), further consideration needs to be given to the development of long-term Council's specific biodiversity and greenspace strategies and policies. These collectively would support co-ordination of delivery, prioritisation, and securing necessary resources for biodiversity enhancements on Council's owned land to deliver multiple benefits.
5. Effective invasive non-native species (INNS) control requires a catchment-wide long-term plan. There is not currently one for the River Tay catchment, which is a challenge for effective management. PKC created the new post of Climate Change Land Restoration Officer in 2023. An element of this role will be to explore the potential of PKC being a part of a larger catchment management group.

6. CONCLUSION

- 6.1 Perth and Kinross Council has achieved positive outcomes for biodiversity over the last three years with enhanced mainstreaming and prioritisation of climate change and reducing biodiversity loss. The Council is appreciative of the Scottish Government's and NatureScot's allocation of funds from the Nature Restoration Fund to allow the Council to carry out practical activities to restore nature. It has also given the Council the opportunity to support and empower local communities to carry out their own projects to enhance nature and increase nature connectedness. Local community and staff volunteers contributed a significant amount to enhancing biodiversity across Perth and Kinross.

Author

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Approved

| Name | Designation | Date |
|----------------|----------------------------------|------------------|
| Barbara Renton | Executive Director (Communities) | 20 November 2023 |

APPENDICES

- Appendix A - Statutory Biodiversity Duty: Report on Delivery, January 2021 to December 2023

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All Council Services can offer a telephone translation facility.

1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

| Strategic Implications | Yes / None |
|---|-------------------|
| Community Plan / Single Outcome Agreement | Yes |
| Corporate Plan | Yes |
| Resource Implications | |
| Financial | No |
| Workforce | No |
| Asset Management (land, property, IST) | No |
| Assessments | |
| Equality Impact Assessment | No |
| Strategic Environmental Assessment | No |
| Sustainability (community, economic, environmental) | No |
| Legal and Governance | Yes |
| Risk | No |
| Consultation | |
| Internal | Yes |
| External | No |
| Communication | |
| Communications Plan | No |

1. Strategic Implications

Community Plan/Single Outcome Agreement

- 1.1 This report supports all of the priorities within the Community Plan 2022-27.
- (i) *Reducing Poverty (including child poverty, fuel poverty and food poverty)*
 - (ii) *Mental and physical wellbeing*
 - (iii) *Digital participation*
 - (iv) *Skills, learning and development*
 - (v) *Employability*
- 1.2 The report summarises the positive on-going work related to biodiversity, which has proven mental and physical wellbeing benefits.

Corporate Plan

1.3 This report supports the objectives within the draft new Corporate Plan:-

- (i) *Children and young people grow up safe, respected, well-educated, and confident in their ability to realise their full potential;*
- (ii) *People and businesses are increasingly able to prosper in a local economy which support low carbon ambitions and offers opportunities for all;*
- (iii) *People can achieve their best physical and mental health and have access to quality care and support when they need it;*
- (iv) *Communities are resilient and physically, digital and socially connected;*
- (v) *Perth and Kinross is a safe and vibrant place, mitigating the impact of climate and environmental change for this and future generations.*

2. Resource Implications

Financial

2.1 None.

Workforce

2.2 None.

Asset Management (land, property, IT)

2.3 None.

3. Assessments

3.1 The Impact and Value Assessment Tool has been completed for this paper, with the following findings:

3.2 Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and policies allows the Council to demonstrate that it is meeting these duties. The Equality Impact Assessment undertaken in relation to this report can be viewed clicking [here](#).

- (i) Assessed as **not relevant** for the purposes of EqIA

Strategic Environmental Assessment

3.3 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals.

- 3.4 However, no action is required as the Act does not apply to the matters presented in this report. This is because the Committee are requested to note the contents of the report only and the Committee are not being requested to approve, adopt or agree to an action or to set the framework for future decisions.

Sustainability

- 3.5 Under the provisions of the Local Government in Scotland Act 2003 the Council has to discharge its duties in a way which contributes to the achievement of sustainable development. Under the Climate Change (Scotland) Act 2009 the Council also has a duty relating to climate change and, in exercising its functions must act:
- in the way best calculated to delivery of the Act's emissions reduction targets;
 - in the way best calculated to deliver any statutory adaptation programmes; and
 - in a way that it considers most sustainable.

- 3.6 The paper highlights positive work, but has no direct impact.

Legal and Governance

- 3.7 Approval of Appendix A is required for the Council to fulfil its duties under the Nature Conservation (Scotland) Act 2004.

Risk

- 3.8 Not applicable.

4. Consultation

Internal

- 4.1 A request for feedback and contributions went out to all Service Managers in the Council. Key services working on biodiversity have contributed to the report.

External

- 4.2 None.

5. Communication

- 5.1 Not applicable.

2. BACKGROUND PAPERS

- 2.1 NatureScot Biodiversity Duty Guidelines.