



**REPORT TO: ECONOMIC DEVELOPMENT AND INFRASTRUCTURE
SERVICES COMMITTEE 14 NOVEMBER 2023**

SUBJECT: BIODIVERSITY DUTY REPORT 2021-2023

**BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND
FINANCE)**

1. REASON FOR REPORT

- 1.1 To ask the Committee to agree the content of the council's Biodiversity Duty Report 2021-2023.
- 1.2 This report is submitted to Committee in terms of Section III (F) (13) of the Council's Scheme of Administration relating to matters regarding environmental protection.

2. RECOMMENDATION

- 2.1 It is recommended that Committee agree the content of the Biodiversity Duty Report 2021-23 set out in Appendix 1 that will be issued to the Scottish Government.**

3. BACKGROUND

- 3.1 Biodiversity loss and ecosystem collapse are one of the most severe and likely risks to humanity. In recognition of this, 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 responsibilities. In accordance with the Wildlife and Natural Environment (Scotland) Act 2011 public bodies must also publicly report its compliance with this biodiversity duty.
- 3.2 Biodiversity duty reports are required every three years, and are not only about protecting biodiversity through managing specific sites, habitats and species but also aim to:
- Increase the level of understanding and connection between people and the living environment.
 - Promote consideration of all our impacts on the natural world through our actions and decisions, including through procurement and use of resources; and,

- Encourage staff, partners and customers to engage with, understand and consider biodiversity.
- 3.3 On 2 February 2023 Moray Council formally recognised that we are facing a nature emergency (para 9 of the minute refers). Our economies, livelihoods and well-being all depend on nature, which is being lost at an alarming rate. Biodiversity underpins our economy, for example our food and drink production rely on healthy soils, pollination and clean water. Nature is also our greatest store of carbon and is a cost effective way to mitigate the impacts of extreme weather such as flooding and heatwaves. The social and cultural value of nature further extend to improved health and wellbeing as well as educational outcomes.
- 3.4 The council's statutory responsibilities and influence over these areas are wide ranging, from land regulation through planning to direct impacts as a land owner. The Biodiversity Duty Report set out in **Appendix 1** will be issued to the Scottish Government and made publicly available on the Council's website on 1 January 2024.

4. HIGHLIGHTS OF THE BIODIVERSITY REPORT

4.1 Action to protect and enhance biodiversity

- 4.2 Much of the activity outlined in the report was already reported to this committee on 2 May 2023 (para 20 of the minute refers) but the report provides additional detail on;
- Implementation of the National Planning Framework 4 (NPF4) this year, with significantly stronger policies on biodiversity and climate change;
 - Developments within the gathering of evidence for the next Local Development Plan and Moray Nature Network;
 - Nature positive management of council land, including wildflower program, improvement of key nature sites, invasive non-native species removal, installation of rain gardens and supporting communities to grow food on council land;
 - Work with communities to identify and implement improvements in public spaces, schools and new developments;
 - Participation in the North East Scotland Biodiversity Partnership's work to engage individuals, communities, businesses and developers to take action on the priorities for nature in our local area.

The report acknowledges the challenges to effectively deliver this work with the limited resources available.

Mainstreaming within Moray Council

- 4.3 The report summarises policies, plans, guidance and strategies that are embedding biodiversity considerations within council decisions and actions. These include: supplementary planning guidance and NPF 4, the Climate Change Strategy, climate change and biodiversity implications section within committee reports, adjusted operational procedures for grass cutting, training

delivered including Carbon Literacy and a new staff e-module on climate change.

Climate change adaptation and nature based solutions

- 4.4 The Climate Change Strategy and its delivery plan acknowledge climate change and biodiversity loss as twin crises requiring a combined response. Reducing carbon emissions and adapting to the impacts of climate change both require us to work with nature and this is recognised across a number of strategies and plans. Opportunities for synergies between these to deliver nature based solutions to climate change are currently being explored.
- 4.5 The main climate impacts relevant to biodiversity in Moray in the next three years are also highlighted in the report as:
- Extreme weather events, such as flooding, damage and loss of forests caused by storms and of forest/heath/dune habitats caused by wildfires
 - Ecosystem changes increasing the risk of invasive species and diseases as well as disrupted synchronisation of various species and their emergence/breeding/food sources.

Engagement and understanding

- 4.6 This section of the report acknowledges the limited resources the council has to deliver environmental engagement. It does highlight some excellent examples of where good work has been possible, including high quality outdoor learning provided by some schools, engagement undertaken by the North East Biodiversity Partnership , community engagement (particularly for the Local Development Plan), celebrating successes through press and social media, and staff undertaking learning/ sharing opportunities.

Research and monitoring

- 4.7 A range of research has been undertaken in 2023, driven by a number of interlinking statutory duties covering requirements for the Evidence Report for the next Local Development Plan, the introduction of NPF4, the Climate Change (Scotland) Act 2009 and efforts to meet the council's emissions reductions target, and the expected increase in responsibilities for public bodies under the new Scottish Biodiversity Strategy. The studies outlined in the report have involved extensive desk based research and initial ecological surveys in order to advance the council's understanding of biodiversity within Moray.
- 4.8 Monitoring has been a challenge to resource, however the Nature Restoration Fund has enabled some ecological surveys of key nature sites to be commissioned.. There are plans to develop performance indicators that will be essential for measuring the impact of biodiversity enhancements through planning, within the Nature Network, and carbon offsetting projects.

Future challenges

- 4.9 Future challenges were identified as:

- Staff capacity and resource pressures to deliver direct enhancements and engagement/ training
- Delivery and monitoring of 'enhancement' via NPF4
- Development and monitoring of the Nature Network
- Collaborative and co-ordinated working across departments
- Achieving carbon insetting by investing in natural capital enhancements
- Adapting to climate impacts using Nature based Solutions (especially school estate and mitigation of flood risk)

5. **SUMMARY OF IMPLICATIONS**

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

Action on biodiversity loss supports the delivery of corporate plan priorities for people, place and the future by; improving health and wellbeing, strengthening communities, minimising harm and costs arising from climate change impacts and creating economic opportunities.

(b) Policy and Legal

Public bodies in Scotland are required to further the conservation of biodiversity and to publicly report compliance with this duty under the following legislation:

- Nature Conservation (Scotland) Act 2004
- Wildlife and Natural Environment (Scotland) Act 2011
- NPF 4
- Local Development Plan 2020

(c) Financial implications

The Nature Restoration Fund direct grant allocations of £471,000 over the reporting period have made delivery of a range of practical actions possible. Without this funding, it is difficult to see how the council could have meaningfully contributed to furthering the conservation of biodiversity on its own land given funding constraints.

(d) Risk Implications

Challenges have been highlighted within the report which may pose a risk to the council's compliance with the Biodiversity Duty in future.

(e) Staffing Implications

The council has endeavoured to deliver its basic statutory duty with constrained resources over the period 2021-23. It should be recognised that statutory responsibilities for biodiversity have significantly increased through NPF4 and are likely to increase further through the adoption of the Scottish Biodiversity Strategy and the proposed Natural Environment Bill. Current staffing levels would be unable to absorb additional duties without additional funding being provided..

(f) Property

The future challenges highlighted in 4.9 may impact on the enhancement of council land.

(g) Equalities/Socio Economic Impact

Equal access to quality greenspace is important for health, wellbeing, community cohesion, child development and limiting harm from pollution. Improving biodiversity presents opportunities to reduce inequality.

(h) Climate Change and Biodiversity Impacts

The council's duties and activities have a significant impact on the biodiversity of Moray.

The risks associated with the loss of vital ecosystem services range from disrupted food systems and water supplies to increased damage resulting from climate change impacts and reduced capacity to absorb carbon emissions. Failure to act now will lead to catastrophic implications on our economy and the health and wellbeing of future generations.

Full delivery of the council's Biodiversity Duty is therefore of vital importance and the future challenges highlighted in 4.9 should be noted.

(i) Consultations

The Depute Chief Executive (Economy, Environment and Finance), Head of Economic Growth and Development, the Legal Services Manager, Environmental Protection Manager, Open Spaces Manager, Chief Financial Officer, Lissa Rowan (Committee Services Officer) and Equal Opportunities Officer have been consulted and comments received have been incorporated into the report.

6. CONCLUSION

6.1 The council's Biodiversity Duty Report 2021-23 outlines the actions taken to protect, enhance and restore biodiversity.

6.2 Statutory obligations related to biodiversity have increased over the reporting period. While understanding of, and action taken to reverse, biodiversity loss has also increased, this has been delivered within existing staff capacity.

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Background Papers: Economic Development and Infrastructure Services Committee, 2 May 2023