

ABERDEEN CITY COUNCIL

COMMITTEE	Net Zero, Environment and Transport
DATE	31 October 2023
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Biodiversity Duty Report 2023
REPORT NUMBER	COM/23/333
DIRECTOR	Gale Beattie
CHIEF OFFICER	David Dunne
REPORT AUTHOR	Lina-Elvira Back
TERMS OF REFERENCE	9.4

1. PURPOSE OF REPORT

- 1.1 This report is to allow Members to consider and review the draft Aberdeen City Council (ACC) Biodiversity Duty Report 2023 (BDR2023) and seek Committee approval for submission to Scottish Government. The Nature Conservation (Scotland) Act 2004 requires ACC to consider and further biodiversity whilst carrying out our duties as a local authority. The Wildlife and Natural Environment (Scotland) Act 2011 adds to that duty the duty to report every three years on our actions to fulfil our Biodiversity duty. The submission is required by the 31st December 2023 and covers the period from 1st January 2021 to 31st December 2023. The previous report can be viewed on our website (<https://www.aberdeencity.gov.uk/media/13779>).

2. RECOMMENDATIONS

That the Committee:-

- 2.1 Approves the content of the draft report;
- 2.2 Instructs the Chief Officer – Strategic Place Planning to finalise the report (minor corrections and design format) and submit it to the Scottish Government by 31st December 2023;
- 2.3 Instructs the Chief Officer – Strategic Place Planning to publish the finalised report on the Council’s website and circulate it as a Service Update to this Committee in early 2024; and
- 2.4 Instructs the Chief Officer – Strategic Place Planning to develop and lead on two projects in partnership with other public bodies in the city to:
- a) develop and monitor a suite of cross-organisation biodiversity and related data, i.e. land managed for nature, access to nature, engagement with nature, etc. to inform the Council and City’s strategic direction and required on the ground actions and investments now and in the future;
 - b) develop, implement and monitor a public and wider stakeholder awareness and engagement campaign on the value of nature to the City, its citizens and

businesses, the risks to nature locally and the need for local action, what the Council & partners are doing and what others can also do in support of nature recovery across Aberdeen;

c) report back to this Committee within 12 months with the outcomes of these projects.

3. CURRENT SITUATION

3.1 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 responsibilities. This biodiversity duty is about taking care of nature all around us, not just in specific protected sites and for particular species. Fulfilling our Biodiversity Duty can help address wider outcomes such as:

- Helping Scotland halt biodiversity loss and address the climate emergency, and contributing to a green recovery and a net zero future.
- Ensuring compliance with the legislation and helping Scotland to meet its national and international biodiversity targets.
- Contributing to sustainable development and the quality of life in Scotland.
- Demonstrating you are working in a socially responsible and ethical way, by safeguarding biodiversity and environmental assets for future generations.

3.2 The Wildlife and Natural Environment (Scotland) Act 2011 (commonly known as the WANE Act), added the duty for every public body in Scotland to produce a publicly available report on compliance with the Biodiversity Duty. Reports must be submitted once every three years. The current submission is required by the 31st December 2023 and covers the period from 1st January 2021 to 31st December 2023. The previous report which was submitted in December 2020 can be viewed on our website (<https://www.aberdeencity.gov.uk/media/13779>).

3.3 Officers are now seeking Members' approval to finalise and then submit the draft BDR2023 report to Scottish Government before 31st December 2023, to ensure we are in compliance with our statutory duty.

4. FINANCIAL IMPLICATIONS

4.1 There are no direct financial implications arising from the recommendations of this report. The collaborative work recommended will be undertaken as part of existing staff roles and budgets and any awareness raising materials produced will be funded from the Council's direct allocation of the Edinburgh Process Fund from the Scottish Government.

5. LEGAL IMPLICATIONS

5.1 The Nature Conservation (Scotland) Act 2004 requires ACC to consider and further biodiversity whilst carrying out our duties as a local authority. The Wildlife and Natural Environment (Scotland) Act 2011 adds to that duty the duty to report every three years on our actions to fulfil our Biodiversity duty. Failure

to submit this report by 31st December 2023 would mean that ACC is not fulfilling its statutory duty.

6. ENVIRONMENTAL IMPLICATIONS

6.1 There are no direct environmental implications arising from the recommendations of this report.

7. RISK

The assessment of risk contained within the table below is considered to be consistent with the Council's Risk Appetite Statement.

Category	Risks	Primary Controls/Control Actions to achieve Target Risk Level	*Target Risk Level (L, M or H) <small>*taking into account controls/control actions</small>	*Does Target Risk Level Match Appetite Set?
Strategic Risk	No significant risks identified			Yes
Compliance	Risk of not complying with our statutory duty should report either not be submitted, or not be submitted on time	Early preparation of report and internal consultation/sign off for report to allow submission on time.	L	Yes
Operational	No significant risks identified			Yes
Financial	No significant risks identified			Yes
Reputational	Risk to ACC if report not submitted on time or had	Early preparation of report and internal consultation/sign off for report to allow submission on time.	L	Yes

	significant omissions of relevant work carried out by ACC over the period			
Environment / Climate	No significant risks identified			Yes

8. OUTCOMES

<u>COUNCIL DELIVERY PLAN 2023-2024</u>	
	Impact of Report
<p>Aberdeen City Council Policy Statement</p> <p><u>Working in Partnership for Aberdeen</u></p>	<p>The examples feature in our report support the delivery of the following aspects of the policy statement:-</p> <ul style="list-style-type: none"> • Work with communities to review the management of council-managed open spaces to create more sustainable and safer green areas and open spaces and develop a Community Environmental Improvement Fund, for communities to access, to implement their own small-scale local environmental improvements. • Recognise the importance of Aberdeen's Green Belt, green spaces and open spaces so they can be enjoyed for purposes of leisure, sport and environmental wellbeing, and investigate the creation of new pocket parks.
<u>Aberdeen City Local Outcome Improvement Plan 2016-26</u>	
Prosperous Economy Stretch Outcomes	Whilst not immediately supporting the Prosperous Economy stretch outcomes, protection of nature and biodiversity within the city will create an attractive place where people will want to live and work.
Prosperous People Stretch Outcomes	Whilst it is not necessarily obvious, protecting biodiversity whilst carrying out our duties as described in the Biodiversity Duty Report will work towards achieving the stretch outcomes for Prosperous People. The positive effect on the wellbeing and health of people from interactions and closeness to nature are well documented, and therefore continuing to protect and enhance

	biodiversity while we carry out our duties is essential to achieving this LOIP stretch goal.
Prosperous Place Stretch Outcomes	The proposals within this report support the delivery of LOIP Stretch Outcome 15 – Addressing the nature crisis by protecting/managing 26% of Aberdeen’s area for nature by 2026. The report details projects and actions the Council have taken whilst still carrying out our duties which assists biodiversity and nature within the Council boundary.
Regional and City Strategies	The details in the Biodiversity Duty Report supports both national and regional priorities such as the emerging national strategy for Nature Networks, ACC’s Nature Conservation Strategy, Net Zero Aberdeen, Aberdeen Adapts, the Regional Economic Strategy, and the adopted principles of our North East Scotland Biodiversity Partnership (NESBiP), which is a regional strategic partnership with Aberdeenshire and Moray Councils and public and private sector partners.

9. IMPACT ASSESSMENTS

Assessment	Outcome
Integrated Impact Assessment	Stage 1 Assessment has been completed.
Data Protection Impact Assessment	Not required
Other	N/A

10. BACKGROUND PAPERS

- 10.1 [“Trees and woodland”, report no RES/23/132](#) at Net Zero, Environment and Transport Committee, 9 May 2023
- 10.2 [Aberdeen City Council Planning Performance Framework annual report 2022-23](#)

11. APPENDICES

- 11.1 Aberdeen City Council Biodiversity Duty Report 2023

12. REPORT AUTHOR CONTACT DETAILS

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