



The Scottish Parliament
Pàrlamaid na h-Alba

Roseanna Cunningham MSP
Cabinet Secretary for Environment,
Climate Change and Land Reform

**Public Audit and Post-legislative
Scrutiny Committee**

Room T 3.60
The Scottish Parliament
EDINBURGH
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31 January 2019

Dear Cabinet Secretary,

Post-legislative Scrutiny: Biodiversity and Biodiversity Reporting Duties

Thank you for your letter of 5 December 2018 in which you respond to the Public Audit and Post-legislative Committee's report on [Post-legislative Scrutiny: Biodiversity and Biodiversity Reporting Duties](#).

The Committee considered your response at its meeting on [10 January](#). It noted that you had written to all public bodies in Scotland to reiterate, among other things, the importance of the biodiversity and reporting duties. Your response also advised that each of the Committee's recommendations was being carefully considered as part of ongoing work to promote improvements in public body compliance with the biodiversity and biodiversity reporting duties.

While the Committee welcomes your correspondence to all public bodies, it was disappointed at the lack of detail provided in respect of the recommendations in the report. The Committee agreed to write to you again seeking clarity on the specific actions that are being taken in response to each of the report's recommendations.

For ease of reference, the recommendations in respect of which the Committee seeks a response are listed in the Annexe overleaf.

I look forward to hearing from you by **28 February 2019**.

Yours sincerely,

Jenny Marra MSP
Convener

Recommendations

- The Committee recommends that the Scottish Government works with Scottish Natural Heritage to explore how the links between key biodiversity documents can be made more explicit. In particular, the Scottish Government and SNH should explore how guidance on the biodiversity duty can make clearer how the actions of public bodies in compliance with the duty contribute to key national and international targets and outcomes.
- The Committee considers that, in addition to writing to public bodies in the lead up to the reporting deadline, the Scottish Government should write to public bodies at the start of the reporting cycle, and at regular intervals, to remind such bodies of the biodiversity and reporting duties and how the work that they undertake as part of the day-to-day running of their organisations can contribute to fulfilling the duty.
- The Committee recommends that the Scottish Government and Scottish Natural Heritage review the evidence from public bodies received by the Committee which proposes additional guidance and support to assist them in complying with the biodiversity and reporting duties and consider what further assistance could be provided, including whether such assistance could be tailored to particular types of public bodies.
- The Committee notes the availability of guidance and templates for public bodies of differing sizes and functions. The Committee recommends that the Scottish Government and Scottish Natural Heritage consider what further steps could be taken to raise awareness of such guidance and the templates.
- The Committee also recommends that the Scottish Government and Scottish Natural Heritage continue to review the guidance to ensure that concerns expressed by stakeholders in relation to proportionality are reflected in such guidance.
- The Committee recommends that the Scottish Government keep under review the work being undertaken by the Scottish Biodiversity Forum to ensure that such developments are designed with a view to providing support to public bodies in fulfilling their biodiversity and reporting duties.
- The Committee recognises that a requirement to report on the public and local engagement undertaken by public bodies in complying with the biodiversity duty would help to ensure that such activity takes place. It therefore recommends that the Scottish Government explores requiring biodiversity duty reports to include information on the public and local engagement which the public body has undertaken to inform its approach to complying with the biodiversity duty.
- The Committee acknowledges the difficulties that some public bodies may face in complying with the statutory reporting date of 1 January. The Committee also notes the Scottish Government's willingness to accept late submissions.

However, the Committee notes that, without a change to primary legislation, there is always a risk that this approach may not be adopted by future administrations.

The Committee therefore recommends that the Scottish Government explores with public bodies in the first instance whether a majority of organisations would have a preference for an alternative reporting deadline and, if so, consider whether an appropriate legislative vehicle could be found to make this small change to the relevant legislation.

- The Committee considers that it is clearly important that biodiversity duty reports from public bodies are published online without delay. It recommends that the Scottish Government and Scottish Natural Heritage work together to improve the process for the receipt and publication of biodiversity duty reports and that this process is made clear in the guidance provided to public bodies.