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Jenny Marra MSP
Convenor
Public Audit and Post-legislative Scrutiny
Committee
The Scottish Parliament

5 December 2018

Dear Jenny,

Post-legislative Scrutiny: Biodiversity and Biodiversity Reporting Duties

Further to the oral evidence I gave on 7 June, I am writing to thank the Public Audit and Post-legislative Scrutiny Committee for its valuable work on the biodiversity and biodiversity reporting duties under the Nature Conservation (Scotland) Act 2004 (as amended by the Wildlife and Natural Environment Act 2011) and for its helpful report.

As I undertook to do when I gave evidence, I have written to the Chief Executive of every public body in Scotland to reiterate that the biodiversity and associated reporting duties apply to every public body and office holder in Scotland, to outline why the duties are important and to identify the resources which are available to assist with compliance. I have appended that letter to this for the Committee's information.

I am also happy to advise the Committee that each of the recommendations in its report are being carefully considered as part of the ongoing work to promote improvements in public body compliance with the biodiversity and associated reporting duties.

Yours

Roseanna

Roseanna Cunningham

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Dear Chief Executive

Public Body Reporting under the Nature Conservation (Scotland) Act 2004

Under its post-legislative scrutiny work programme, the Scottish Parliament's Public Audit and Post-legislative Scrutiny (PAPLS) Committee has been considering the biodiversity and associated reporting duties placed on every Scottish public body or office holder by the Nature Conservation (Scotland) Act 2004 as amended by the Wildlife and Natural Environment (Scotland) Act 2011. The Act requires public bodies to report every three years on the actions which they have taken to meet their biodiversity duty. The latest public body reports, covering the 2015 to 2017 period, were due for publication on 1st January 2018. The PAPLS Committee's report on this matter was published on 18 July and is available via the following web link:

[http://www.parliament.scot/S5_Public_Audit/Reports/PAPLSS052018R2_\(2\).pdf](http://www.parliament.scot/S5_Public_Audit/Reports/PAPLSS052018R2_(2).pdf)

In its report, the Committee raises concerns regarding the low number of public bodies who have reported on their biodiversity duty. Acknowledging those concerns, I am writing to highlight the support and guidance currently available to encourage your organisation to meet its biodiversity and associated reporting duties. I hope this information is also of some value if you are one of the public bodies which is already fulfilling this requirement.

The Scottish Government set out its biodiversity priorities with the launch of "Scotland's Biodiversity: It's in Your Hands¹" in 2004, a 25 year strategy to "conserve biodiversity for the health, enjoyment and well-being of the people of Scotland, now and in the future". The Strategy was supplemented in June 2013 by the 2020 Challenge for Scotland's Biodiversity². This update to the Scottish Biodiversity Strategy reflects international commitments to the

¹ <https://www2.gov.scot/Publications/2004/05/19366/37241>

² <https://www2.gov.scot/Resource/0042/00425276.pdf>

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Convention on Biological Diversity's Aichi Targets³. It focuses on the desired outcomes for 2020 to halt the loss of biodiversity in Scotland and to restore the essential services and benefits to society that a healthy natural environment provides.

There is no prescribed format or content for public body reporting of the biodiversity duty. However, the Scottish Government has published [guidance](#) which includes a [biodiversity reporting template](#) to help you format your report. Scottish Natural Heritage has also produced a number of useful [case studies](#) which describe work undertaken across the spectrum of public bodies, as well as [guidance and advice](#) on all aspects of meeting your biodiversity duty.

I would like to take this opportunity to outline the purposes served by reporting. It demonstrates fulfilment of a legal duty and outlines the contribution made towards Scotland's important international biodiversity commitments. It also provides evidence of the socially responsible manner in which Scottish public bodies conduct their business and the contribution they make towards sustainable development and improved quality of life. The reporting process may also help inspire you, your management team and staff to think about how to realise the potential for furthering the conservation of biodiversity through the work that you do.

I hope this letter provides the information you need. If you have any questions on the biodiversity duty or reporting, or would like to discuss how your organisation might deliver (or improve its delivery of) the biodiversity duty, please do not hesitate to contact Scottish Natural Heritage's Biodiversity Team via the following email address Biodiversity@nature.scot.

Yours faithfully



ROSEANNA CUNNINGHAM

³ <https://www.cbd.int/sp/targets/>

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