

— OFFICE OF THE —

# SCOTTISH ROAD WORKS COMMISSIONER

## BIODIVERSITY DUTY REPORT- JANUARY 2021 - DECEMBER 2023

### **1. Introduction**

The Nature Conservation (Scotland) Act 2004 places a duty on all public bodies to further the conservation of biodiversity in the course of carrying out their responsibilities. The Wildlife and Natural Environment (Scotland) Act 2011 places a further obligation on public bodies to provide a publicly available report, every three years, on the actions taken to comply with the biodiversity duty.

The Scottish Road Works Commissioner is an independent public official set up in 2008 under the Transport (Scotland) Act 2005. The purpose of the Commissioner and the Commissioner's office is to improve and monitor national performance in road works.

As a public body, the Scottish Road Works Commissioner is required to report on its contribution to Scottish Biodiversity over the last three years (1 January 2021- 31 December 2023). This is the Commissioner's report.

## **2. Contribution to Scottish biodiversity duties**

### **2.1 Actions to protect biodiversity and connect people with nature**

The Commissioner is based in Saughton House, Broomhouse Drive in Edinburgh. This is a Scottish Government building and the Commissioner does not hold any land or gardens. However, the Commissioner aims to contribute to Scottish biodiversity and to the Scottish Government's aim to "conserve biodiversity for the health, enjoyment and well-being of people of Scotland, now and in the future" in an appropriate and measured way, in keeping with duties and size. Many of the operational issues that support the biodiversity agenda are controlled by the Scottish Government however, as a small office and team, the following action has been taken:

- The Commissioner and his staff have a hybrid working arrangement which minimises the need for commuting. During the reporting period, travel to the office has been kept to the bare minimum, with generally only essential journeys made.
- Staff are encouraged to walk and cycle to/from work where possible.
- Staff are encouraged to think about their travel choices for meetings and appointments during the working day, making use of public transport by default.
- The Commissioner has leased an electric pool vehicle and encourages also encourages usage of public transport and joint journeys to meetings etc.

In common with many organisations, the Commissioner has embraced digital transformation, eliminating almost all paper format publications and letters. Accordingly, paper use is extremely low.

## 2.2 Mainstreaming biodiversity

In addition to the post of Commissioner, 5 members of staff are employed. The Commissioner is an Other Significant National Body and is sponsored by and supported through grant-in-aid from the Transport Scotland. The Commissioner seeks to:

- Minimise the impact on biodiversity when developing new policies and procedures. Notably, the Commissioner and staff supported the road works community to develop the new version of the Specification for the Reinstatement of Openings in Roads (SROR). This has a greater emphasis on sustainability than any of its' predecessors.
- Promote similar standards and principles towards biodiversity conservation from all third parties involved in our business – suppliers, vendors and contractors.

The Commissioner recognises that, whilst better organised, shorter, higher quality road works have a correlation with the outcomes associated with sustainability, the environment and communities, it is recognised that road works, by their very nature, also have negative environmental and social impacts. The Commissioner will work to support organisations to reduce the number of works carried out, with a particular focus on those involving excavation. This commitment, contained within the Corporate Plan, ensures that environmental sustainability and, by association, biodiversity is considered going forward.

## 2.3 Nature-Based Solutions, Climate Change and Biodiversity

The Commissioner will continue to:

- Encourage replanting of verges after works.
- Encourage partners and stakeholders to make use of recycled aggregates for reinstatements.

- Encourage stakeholders to consider biodiversity when undertaking road works for and vegetation maintenance.
- Perform a mediating role within the road works community to minimise delay and disruption.

#### 2.4 Workforce development

As part of works to implement the Transport (Scotland) Act 2019, the Commissioner will shortly appoint two new Compliance Officers. Whilst their activities will unavoidably involve some travel, this will largely be done using the electric pool vehicle. Service design is also underway to identify and implement the most efficient ways of working. Being introduced in parallel are powers to issue Compliance Notices to roads authorities and statutory undertakers. These additional powers will give a useful new tool to the Commissioner to deal with organisations not working to agreed standards. These powers may offer an option to promote biodiversity where this is linked to some other compliance matter.

#### 2.5 Research and monitoring

Changes made to the SROR include the introduction of a revised materials trials process. The Commissioner will play a lead role in the administration of this process, which will allow information about the efficacy of new materials to be collected and shared. This will allow the Commissioner to closely monitor developments and help shape best practice around use of these materials. Where new materials can be judged to offer a satisfactory alternative, these may help deliver a sustainability and climate change benefit.

## 2.6 Biodiversity highlights and challenges

The Commissioner works closely with the Road Works Community in Scotland to facilitate knowledge sharing and the promotion of good practice. The Commissioner encourages economy, efficiency and sustainability as a matter of course and supports the advancement of technology and undertaking research to reduce disruption and consider new materials and methodologies.