

Committee:	Environment	Agenda Item
Date:	13 March 2007	6
Title:	Corporate Biodiversity Policy	
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Summary

The Natural Environment and Rural Communities Act came into being in March of this year when it received Royal assent, and came into force on 1 October 2006. One of the provisions of this new piece of legislation is the new duty that it places on Public Authorities in relation to the conservation of biodiversity.

Under the NERC Act, there is now a requirement for public authorities to have regard to the conservation of biodiversity when going about their functions. The actual duty is created by section 40 (1) of the Act, where it says: "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity."

The Act goes on to explain that the term 'public authority' applies to all District and County Councils as well as also explicitly mentioning Local Planning Authorities and, interestingly, also includes Parish Councils.

Recommendations

That the Council recognises that there are many areas of work where it should adopt holistic corporate-wide policies and practices that encourage the conservation and enhancement of biodiversity.

That the Council adopts a Corporate Policy for Biodiversity, as set out in the eight Themes within this report (Appendix 1), to ensure compliance with the requirements of legislation

Background Papers

The Natural Environment and Rural Communities Act 2006

Increasing the Momentum a Vision Statement for Biodiversity in Local Government 2004-2010 (Association of Local Government Ecologists March 2004)

Impact

Communication/Consultation	Presented to CEO and Directors
Community Safety	n/a
Equalities	n/a
Finance	may require training of staff
Human Rights	n/a
Legal implications	Need to comply with Act
Sustainability	Positive
Ward-specific impacts	All
Workforce/Workplace	n/a

Situation

The aim of the duty is to ensure that the conservation of biodiversity is considered at the heart of policy making and service delivery for local authorities. The NERC Act explains that conservation does not just mean the prevention of further losses to our biodiversity resource; it also means the restoration and enhancement of it. This means working to increase populations of species, and to create and enhance important habitats. The Local Authority needs to identify functions which could have an impact on conserving biodiversity, positively or negatively. It should then seek to secure the maximum positive impact on biodiversity, so long as that does not impact on the proper exercise of its functions.

The conservation of biodiversity is a cross-cutting theme that potentially involves a wide range of services. The Government wishes to develop a 'holistic' approach, which ensures that biodiversity is an integral part of all policies and programmes. In doing so, it wishes to encourage a climate that builds consideration for biodiversity into everyday lives and businesses, so that it comes naturally to society as a whole. Local government has a central role to play in the achievement of these objectives. Biodiversity is a crucial component of the 'quality of life' enjoyed by the communities that local government serves throughout the United Kingdom. As such it is a key test for sustainable development and therefore, for local government, biodiversity is embedded within the preparation of its Community Strategies and Plans. There is now widespread recognition that the quality of the UK's biodiversity is not just dependent on nature conservation programmes, but on a whole range of other policies and actions - many of them the responsibility of local government. Local government must therefore look carefully at its activities to

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see how they can be progressed in ways that are consistent with biodiversity conservation objectives.

3 Biodiversity conservation is a relevant issue for the whole Local Authority that should be integrated into the delivery of all of the following services;

- Architectural services
- Building Surveying
- Community safety
- Customer Services
- Education through community programmes
- Emergency Planning
- Environmental health
- Finance
- Graveyards
- Grounds maintenance and management of public open space
- Health promotion
- Housing services
- Land drainage and flood defence
- Land use planning and development control
- Leadership & mobilisation of community views & action (e.g. Community Strategies, Area Panels)
- Legal services
- Marketing and economic development
- Museum / Culture
- Pest control
- Procurement
- Property Management
- Social services (Day Centres)
- The deployment of staff time and funding in support of public and voluntary sector activity
- Tourism and Leisure
- Travel Plans and parking
- Waste Management

4. The approach taken in this report is to outline the Corporate Policy that the Local Authority needs to adopt under a number of separate Themes, which are;

THEME 1 Political Leadership, Democratic Accountability and Financial Management

THEME 2 Encouraging Local Coordination and Partnership

THEME 3 Collection and Use of Biodiversity Data

THEME 4 Planning Policy and Development Control

THEME 5 Enabling Community Participation, Involvement and Education

THEME 6 Management of Local Authority Land

THEME 7 Assisting other Land Managers and Owners

THEME 8 Statutory Responsibility and Professional Competence

Appendix 1 sets out the hallmarks that the Council would need to achieve within each theme to be a high performing biodiversity authority

- 5 Each Service will need to look at the eight themes and consider how their work impacts on biodiversity (negative and positive impacts). The next step is to develop a set of actions to benefit biodiversity and change practices to mitigate harmful activities. There will also be a need to identify training needs for staff.

Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
Council makes a decision which does not have due regard to biodiversity legislation	Medium	Harm caused to biodiversity and possible financial penalty through court proceedings	Adoption of Corporate Biodiversity Policy and provision of adequate expertise and resources to ensure competency

Appendix 1

THEME 1

Political Leadership, Democratic Accountability and Financial Management

The hallmarks of a high performing local authority capable of demonstrating political leadership, democratic accountability and financial management for biodiversity purposes are:

- Elected members and senior managers who are well informed about the importance of biodiversity, so that the work is perceived as a truly cross-cutting theme and a key component for achieving Quality of Life and Sustainable Development
- A high regard for biodiversity as relevant to the work of all departments in the Council
- Clear understanding among members, decision-making committees and the chief executive of how important biodiversity issues often are with the local communities that they serve and to whom they are democratically accountable

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- Preparation of an Action Plan for Biodiversity, adopted by elected members. Through the preparation of this public statement, the authority will have gained a comprehensive overview of what it should do for biodiversity conservation locally
- Include appropriate biodiversity measures and indicators when undertaking performance review of all of its various departments and teams through the Best Value and Comprehensive Performance Assessment reporting processes
- Elected member approval for active participation in the Essex Biodiversity Project and Biological Record Initiative for Essex (BRIE)
- Formulation and implementation of nature conservation or biodiversity targets in the development of their own Local Area Agreement targets
- Consider the benefits of implementing either the Eco-Management and Audit Scheme (EMAS) or an Environmental Management Scheme (EMS) into key areas of activity to ensure that biodiversity is systematically accounted for in all decision making and practical council operations
- An awareness of relative performance on biodiversity issues when compared and benchmarked against other authorities locally, regionally and nationally
- Allocation of financial and staff resources for biodiversity work that are adequate to meet the statutory requirements, and national, regional and local policy guidance

THEME 2

Encouraging Local Coordination and Partnership

The hallmarks of a high performing local authority capable of encouraging local co-ordination and partnership for biodiversity conservation are:

- Recognition that biodiversity action planning is one of the cornerstones of sustainable development, most effectively and efficiently delivered through local co-ordination and partnership
- Active participation in the Essex Biodiversity Project in a manner that fully engages local communities, statutory bodies, voluntary organisations, and private, academic and business interests
- An active role in Essex Biodiversity Project in promoting and implementation of appropriate action plans for priority species and habitats
- Full incorporation of biodiversity planning into the Corporate Plan and Community Strategy

THEME 3

Collection and Use of Biodiversity Data

The hallmarks of a high performing local authority that is committed to the collection and use of biodiversity data are:

- A high value attached to up to date and easily accessible baseline data on local biodiversity, and an understanding of how this can be used in its work; for instance in:
 - Strategic land use planning and development control
 - Determination of planning applications affecting sites and species protected under Law and Regulations
 - Identification and protection of Local Wildlife Sites
 - Strategic environmental appraisal of Council plans under the SEA Regulations
 - Formal and informal education (i.e. National Curriculum and Life-Long Learning)
 - Management of Sites of Special Scientific Interest (SSSIs), Local Nature Reserves (LNRs), Local Wildlife Sites and other parks, open spaces and school grounds
 - Construction, improvement and maintenance of highways, bridges and structures
- Promotion and support of BRIE as the most effective, efficient and economical means of managing local biodiversity data to meet its own requirements by providing;
 - Knowledge of the likely location and extent of BAP priority habitats and species in the local area, and an ability to monitor broad changes in local biodiversity
 - Data for monitoring broad changes and regularly reporting on net changes in the quality and quantity of natural and semi-natural habitats in their local area
 - Data for monitoring the outcome of decisions made and actions taken through Strategic Environmental Assessment
 - Data for measuring performance against biodiversity indicators
- Support for Saffron Walden Museum in its role as a provider of biodiversity data to BRIE and its role in educating the community about biodiversity

THEME 4

Planning Policy and Development Control

The hallmarks of a high performing local authority that is committed to applying planning policy and development control to achieve biodiversity benefits are:

- Full awareness of the implications for biodiversity conservation of changes in the planning system (e.g. arising from the Planning and Compensation Act in England and Wales)
- High importance attached to making planning decisions, which are informed by government planning policy guidance on nature conservation/biodiversity (e.g. PPS 9)

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- An awareness of key biodiversity issues arising from the East of England Plan and the implications for preparing the Local Development Framework (LDF)
- A full 'suite' of nature conservation policies in the LDF that promote the conservation and enhancement of biodiversity; these policies should at least cover:
 - Protection of designated sites (international, national and local sites)
 - Protection of legally protected and/or important species
 - Management of landscape features of major importance for wildlife
 - Mitigation and compensation of adverse impacts on biodiversity
 - Positive contributions to the physical improvement of the environment with enhancements and net gains for biodiversity (linked to the local BAP process)
- Consistent determination of planning applications with full regard to protected species and protected habitats and in a manner fully compliant with relevant legislation; such as:
 - The Wildlife and Countryside Act (1981 and subsequent amendments)
 - The Badgers Act (1991)
 - The Habitat Regulations (1994)
 - The Hedgerow Regulations (1997)
 - The EIA Regulations
 - The Countryside and Rights of Way Act (2000)
 - The Natural Environment and Rural Communities Act (2006)
- All planning decisions informed by up to date and adequate ecological information
- Understanding and full use of published good practice and technical advice on biodiversity conservation prepared specifically for planners and developers (namely the EBP guide Integrating Biodiversity into Development, and DEFRA guidance on the NERC Act)
- Regular uptake of biodiversity training for its elected members and professional planning officers

THEME 5

Enabling Community Participation, Involvement and Education

The hallmarks of a high performing local authority that is capable of enabling community participation, involvement and education in biodiversity conservation are:

- Active implementation of biodiversity action through its Community Strategy; Local Agenda 21; Farming, Wildlife and Countryside Group and Uttlesford Nature Conservation Working Group, ensuring that all sectors of the local community have an opportunity to participate in the local BAP process

- Active involvement of the local community in all decision-making, taking note of the opinions and preferences they express about their local biodiversity
- Assisting and encouraging town and parish councils to include biodiversity in their community led plans
- Use of formal and informal education, to provide opportunities for all age groups to learn about their natural environment. Including:
 - protection afforded by law to birds, and other animals and plants
 - Providing opportunities for local people to become involved in the study, protection and monitoring of their local wildlife and improving their overall understanding and appreciation for the natural environment
- Provision for local communities to gain access to local wildlife sites
- Support for programmes and initiatives that enable local people to volunteer for practical conservation tasks in their local areas (e.g. for site management on nature reserves, and wildlife surveys and monitoring)

THEME 6

Management of Local Authority Land

The hallmarks of a high performing local authority that takes responsibility for management of the authority's own land for the benefit of biodiversity are:

- Lawful and competent action with regard to its responsibilities for land management in respect of special roadside verges, council owned/occupied public open space, burial grounds, council buildings (e.g. that may host protected species)
- To consider the possibilities for the declaration of Local Nature Reserves (LNRs) working to achieve the stated target of 1 hectare of LNR per 1000 head of population in the local authority's area
- Surveys of council owned and managed land to identify the presence or opportunities for LBAP priority habitats and species
- Management of an appropriately targeted proportion of council owned or managed land to meet Local Biodiversity Action Plan (LBAP) habitat and species targets
- Maps showing all council land managed for the benefit of biodiversity
- Awareness by all parts of the Council involved in land management of the location and extent of designated wildlife sites etc. (e.g. through use of Council GIS) and access to specialist information and advice on biodiversity
- Established land management funds / service agreements
- Awareness and uptake of opportunities for grant schemes

THEME 7

Assisting other Land Managers and Owners

The hallmarks of a high performing local authority that is capable of assisting other land managers and owners on biodiversity issues are:

- Information and advice for other land owners/managers on the relevant protection afforded by law to birds, other animals and plants
- Adoption and implementation of the government's proposals for a Local Wildlife Sites system in association with the Essex Wildlife Trust, and development and sharing of good practice over the system
- Information for and consultation with landowners/managers in association with the Essex Wildlife Trust about potential and designated wildlife sites and Local Wildlife Sites, and helpful contact with owners of such wildlife sites
- Professional advice for other local landowners/managers on various biodiversity issues and topics - e.g. bats in buildings, works during the bird-nesting season, works potentially affecting badgers, Local Wildlife Sites, etc.
- Dissemination of relevant advice for landowners/managers produced by other organisations; e.g. Natural England's advice leaflets on bats, badgers and great crested newts
- Support for the production of Opportunity Maps for the local area to illustrate where specific BAP targets can be realised

THEME 8

Statutory Responsibility and Professional Competence

The hallmarks of a high performing local authority that is committed to meeting its statutory responsibilities and to achieving effective professional competence for the benefit of biodiversity are:

- Full compliance with all relevant environmental legislation in all decisions and actions
- Adequate ecological expertise sufficient to meet its needs and statutory duties and responsibilities
- Demonstration of professional competence in all of its decisions and activities that potentially affect biodiversity interests
- Development and implementation of good practice throughout all departments where their actions may affect biodiversity
- Investment in training and continuing professional development (CPD) for their staff to ensure that they:
 - Acquire and maintain necessary levels of technical and professional competency
 - Comply with all relevant statutory duties when making decisions and taking action
 - Take advantage of appropriate statutory powers to enable benefits to be achieved for biodiversity conservation