

WYRE FOREST DISTRICT COUNCIL

CABINET

THURSDAY 24th JULY 2008

**Natural Environment and Rural Communities Act 2006 -
Section 40 Duty to Conserve Biodiversity
West Midlands Biodiversity Pledge**

	OPEN
SUSTAINABLE COMMUNITY STRATEGY THEME	A Better Environment for Today and Tomorrow
CORPORATE PLAN AIM:	A Sustainable Environment
CABINET MEMBER:	Cllr. Marcus Hart
HEAD OF SERVICE:	Head of Community and Partnership Services
CONTACT OFFICER:	Paul Allen - 01562 722971
APPENDICES	Appendix 1 Draft copy of The Pledge

1. PURPOSE OF REPORT

- 1.1 To inform the Cabinet of the new Duty under Section 40 of the Natural Environment and Rural Communities Act 2006.
- 1.2 To seek endorsement for the West Midlands Biodiversity Pledge.

2. RECOMMENDATION

Cabinet is asked to recommend to Council that:

- 2.1 **The Natural Environment and Rural Communities Act (2006) which placed a new duty to conserve biodiversity on all Public Authorities including Local Authorities be noted.**
- 2.2 **Wyre Forest District Council's commitment to the West Midlands Biodiversity Pledge and the implementation of the duties contained within Appendix 1 is approved.**

3. BACKGROUND

- 3.1 The Natural Environment and Rural Communities Act came into force in England and Wales on the 1st October, 2006. Section 40 of the Act states that:

"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".

- 3.2 Local authorities have a key role to play in conserving biodiversity through their work in: developing and implementing external and internal policies and strategies; administering the planning system; managing their land and buildings; developing infrastructure; engaging with business and the public; conducting research and managing information; making decisions about procurement; and implementing economic, environmental and social programmes.
- 3.3 The duty affects over 900 public bodies including the Council and cuts across many divisional functions that contribute towards the work of the Council e.g. ensuring that items purchased and used by the local authority do not harm the natural world through their production e.g. the use of chemical treatments on timber that damage the natural world when that timber is in situ.
- 3.4 Guidance on how this might be implemented by Public Bodies and Local Authorities was published on the 22nd May, 2007.
- 3.5 In 2009 Defra intend to review progress with implementation of the duty. The Guidance states that *"In demonstrating that it has implemented its Duty a public authority is likely to be able to show that it has:*
 - (a) *Identified and taken opportunities to integrate biodiversity considerations into relevant service areas and functions, and ensured that biodiversity is protected and enhanced in line with current statutory obligations;*
 - (b) *Raised awareness of staff and managers with regard to biodiversity issues;*
 - (c) *Demonstrated a commitment and contribution to Biodiversity Action Plans, where appropriate;*
 - (d) *Demonstrated progress against key biodiversity indicators and targets."*

4. KEY ISSUES

The West Midlands Biodiversity Pledge

- 4.1 The West Midlands Biodiversity Partnership (WMBP), with the support of Defra and Natural England, are in the process of helping to raise awareness of this new duty across the West Midlands. A key element of this is the development of a 'Biodiversity Pledge' for local authorities in the region to sign up to as a way of showing their commitment to biodiversity and the implementation of the duty. A draft of the Pledge is attached as an Appendix.
- 4.2 The purpose of the Pledge is to raise the profile of Biodiversity as a core consideration for local authorities and to encourage them to look at it as a cross-cutting issue which needs to be integrated into the delivery of other services. The WMBP would like the Council to endorse the Pledge as a sign of their commitment to biodiversity..
- 4.3 The Pledge incorporates the main areas that Local Authorities should seek to address as outlined within the Defra guidance and would also help ensure that biodiversity becomes a natural consideration in policy and decision-making as outlined in the LGA information note (see below). The WMBP is in the process of

planning a high profile launch of the Pledge in the autumn and would welcome the involvement of the Council in that event.

5. THE LGA & BIODIVERSITY

5.1 The LGA has produced an Information Note entitled 'Biodiversity' which suggests that: Biodiversity is important for the following reasons:

- Biodiversity is a core component of sustainable development, underpinning economic development, community well-being and local quality of life.
- It plays an important role in tackling climate change. The natural environment plays a vital role in helping to reduce the severity of climate change and minimising the impacts of climate change at both local and national levels.
- We rely on biodiversity for delivery of key services such as food production, provision of clean air and water, and flood management.
- Studies have shown that nature helps to enhance our physical and mental health by encouraging outdoor recreation, exercise and relaxation.
- It can encourage social interaction between children and different communities. Local biodiversity projects offer opportunities to engage local communities and promote social inclusion.
- Protecting and enhancing the wildlife and natural habitats is important for its own sake.

6. FINANCIAL IMPLICATIONS

6.1 To ensure compliance, the District Council must meet the criteria set out in 3.5 above. The District has already shown commitment by signing up to the current 2008 edition of the Local Biodiversity Action Plan.

Through the current work of the District Councils Countryside Service and Planning and Environment Section many of the targets identified through the Local Biodiversity Action Plan will be met, hence showing progress.

A training course for section heads to raise their awareness of biodiversity will have a cost element in staff time and also if an external trainer is felt necessary. These costs will be met through existing budgets.

The implementation of this training will also help the District Council comply by embedding biodiversity throughout the Council's functions.

7. LEGAL AND POLICY IMPLICATIONS

7.1 The Natural Environment and Rural Communities Act 2006 states that "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"

Failure of compliance can result in criminal prosecution of individuals and the organisation.

8. RISK MANAGEMENT

- 8.1 Failure of compliance could result in a criminal prosecution of individuals and the authority, leading to negative publicity and damage to the organisations reputation and potential financial penalties.
This risk has been noted and will be managed in line with the Risk Management Strategy.

9. CONCLUSION

- 9.1 Compliance with the Natural Environment and Rural Communities Act 2006 is statutory. Signature to support the biodiversity pledge raises the profile of the importance of compliance within this Authority. This generates positive publicity and highlights the District Council's continued commitment to improve the biodiversity of Wyre Forest District.

10. CONSULTEES

- 10.1 CMT
Cabinet

11. Background Papers

- 11.1 The Natural Environment and Rural Communities Act 2006
Defra: Guidance for Local Authorities on Implementing the Biodiversity Duty

The West Midlands Biodiversity Pledge

We acknowledge:

- that biodiversity and the natural environment have a vital role to play in enhancing wellbeing and quality of life
- that biodiversity is under threat from climate change and other human-induced pressures
- our duty under the NERC Act 2006 to have regard to the purpose of conserving biodiversity in carrying out our functions

We welcome the:

- Social, health, environment and economic benefits which come from biodiversity
- Opportunity for local government to lead the drive to conserve and enhance biodiversity at a local level

We commit our Council from this date to:

1. Ensure the conservation of biodiversity is incorporated into all relevant corporate strategies, plans and programmes.
2. Champion the benefits of biodiversity within local partnerships including Community Strategies and Local Area Agreements.
3. Consider the impacts of climate change on biodiversity and review policies and actions to assist wildlife to adapt.
4. Participate actively in Local Biodiversity Partnerships and assist with the delivery of Local Biodiversity Action Plans.
5. Protect and enhance biodiversity within the planning system and deliver the key principles for biodiversity set out in national planning guidance.
6. Seek to ensure that up-to-date biodiversity data is available and used appropriately and support the maintenance and development of Local Record Centres.
7. Work in partnership with others to identify, protect and enhance Local Sites of Importance for Biodiversity, taking them into account within the planning and land management systems.
8. Protect and enhance biodiversity within the local authority estate.
9. Promote the social benefits of biodiversity in the delivery of public services such as recreation, social care and health.
10. Supporting access to nature and understanding of the natural world within formal and informal education and community engagement.
11. Raise awareness of all staff, elected members, contractors and the general public with regard to biodiversity issues.

SignedChief Executive ofLocal Authority

SignedWMLGA Lead Member for Environment

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