

APPENDIX N

WAVERLEY BOROUGH COUNCIL

EXECUTIVE - 20TH MAY 2008

Title:

BIODIVERSITY – IMPLICATIONS OF STATUTORY DUTY

**[Portfolio Holders: Cllrs J R Sandy and R J Steel]
[Wards Affected: All]**

Summary and purpose:

The purpose of this report is to advise Members on the implications, for the work of the Council, of the statutory duty for biodiversity.

Environmental implications:

Biodiversity is defined as the variety of all life on earth. It is not an `add on`, it is a core component of sustainable development, underpins economic development and contributes to quality of life. It needs to be central to all the Council does and must be considered across all its functions and embedded in its policies and strategies.

Social / community implications:

See above.

E-Government implications:

There are no e-government implications.

Resource and legal implications:

Defra considers that implementing the biodiversity duty will not have significant effects on budgets. But there will be a need to build partnerships and look at flexible and innovative solutions in order to address the biodiversity duty, implement solutions and monitor effects.

Legal action can be taken against a local authority if it cannot demonstrate it has taken account of this duty in its activities.

What is Biodiversity and what does the Duty means for Waverley Borough Council?

1. Biodiversity is the variety of life on earth and includes all species of plants, animals and the natural systems that support them.

2. Since October 2006 all public authorities (under section 40: Natural Environment and Rural Communities Act 2006) have a ***Duty to have regard to the conservation of biodiversity in exercising their functions***. This means biodiversity must be considered across all functions of the Council and in all its policies and strategies
3. Local authorities can make a positive difference to biodiversity. However, conservation is not just about protection, but includes restoring and enhancing species populations and habitats.
4. The benefits of conserving and enhancing biodiversity are that it:-
 - plays an important role in tackling climate change
 - supports the ecosystems that maintain air, soil and water quality and that reduce flooding and pollution
 - provides opportunities for community engagement, volunteering and learning and can improve peoples' health and well-being
 - is an important part of Waverley's local character and distinctiveness
 - provides essential products and materials
 - there is an ethical responsibility to conserve biodiversity for future generations.
5. Waverley Borough Council must consider biodiversity in the following functions and services:-

Development and delivery of key local policies and strategies; including biodiversity in the Core Strategy, Local Development Framework, Sustainable Community Strategy, Local Area Agreements, Corporate and Service Plans.

Ownership and management of land and buildings; including public open space, countryside estate, housing land, cemeteries, allotments, council offices and buildings. The first step is assessing the potential biodiversity resource, through surveys and audits. Implementation could include use of native trees and plants, reducing the application of chemicals, sensitive pest control, removal of invasive non-native species, linking green sites, interpretation and public involvement. This would also extend to the management of contracts; such as waste collection and disposal, grounds maintenance and management of sports centres. Local authorities have an important role to play in leading by example in managing their own sites.

Development of new infrastructure; including local authority's own sites, buildings and structures, as well as its involvement in new developments as part of wider regeneration, economic development and housing. New sites and buildings can provide benefits for biodiversity, e.g. the provision of nest boxes, green/brown walls and green roofs where appropriate, minimising visual and landscape impacts, locating development away from important sites, reducing energy consumption and providing small-scale habitats for wildlife, Certification schemes such as the Building Research Establishment's Environmental Assessment Method (BREEAM) can enable local authorities to demonstrate that their buildings meet recognised environmental standards.

Generating environmental impacts; including reduction in the use of energy and water and disposal of waste, .eg replacing old gas fuelled boilers at The Burys with wood chip fed biomass boilers using locally sourced wood, installing low energy bulbs in offices, applying the results from the energy efficiency study.

Administering the planning system and licensing; Biodiversity issues should be considered in all relevant Planning Policies and Strategies: There should be a good evidence base, which can be provided by the Local Biodiversity Action Plan (BAP) partnership and the Biological Records Centre, both of which are managed by Surrey Wildlife Trust.

Planners can contribute to the conservation of biodiversity by: giving advice to developers, providing screening advice, imposing planning conditions and obligations. Measures to monitor the implementation of planning conditions and obligations relating to biodiversity should be put in place and action taken if conditions are not met.

Influencing awareness and attitudes of the public and businesses; through leading by example, (eg Council eco house and installing biomass boilers) providing advice to the business community and encouraging community involvement through neighbourhood empowerment and volunteering.

Making decisions about procurement; sourcing materials locally and those produced by sustainable production methods, helps to reduce pollution and carbon dioxide emissions and support local businesses.

Monitoring; In order to demonstrate that a local authority has implemented its Duty it needs to show that it has:-

- Identified and taken opportunities to integrate biodiversity considerations into all relevant service areas and functions and ensured that biodiversity is protected and enhanced in line with current statutory duties.
- Raised awareness of all staff, managers and elected members of how biodiversity issues relate to their own decisions and actions
- Demonstrated a commitment and contribution to key local biodiversity initiatives, such as the production of Local Biodiversity Action Plan and support for the Regional Record Centres and Local Biodiversity Partnerships run by Surrey Wildlife Trust.
- Demonstrated progress against key national and local biodiversity indicators and targets. e.g. contribution to the Government's Public Service Agreement target to ensure that 95% of Sites of Special Scientific Interest (SSSIs) are in favourable condition by 2010 (which is relevant to more than 525 hectares of the Council's countryside estate). The Government is introducing a specific biodiversity National Indicator, *N197*

Improved Local Biodiversity – Active Management of Local Sites, which will require partnership working with other Surrey local authorities and the Local Biodiversity Partnership.

Conclusion

6. The biodiversity duty has wide-ranging implications across the whole of the Council's work. It is suggested that the following actions are implemented in 2008:-
- A strategic cross-department group is set up to instigate a biodiversity audit across the Council, to identify key actions and a strategy for monitoring.
 - Raise awareness of the duty to all staff. Surrey Wildlife Trust have agreed to give a presentation at Tuesday Talk Time and offered to hold a lunchtime surgery for planning department staff.
 - Explore partnership working with Surrey Wildlife Trust.
 - Consider the production of a Waverley Local Biodiversity Action Plan.

Recommendation

It is recommended that Waverley recognises the implications of the biodiversity duty and asks officers to identify actions required to comply with the duty in all relevant considerations of the authority.

Background Papers (DoCS)

Copies of Defra's booklet *Guidance for Local Authorities on Implementing the Biodiversity Duty*, PB12584 May 2007, and the Wildlife Trust's pamphlet, *Local Authority Services and Biodiversity – Your Statutory Obligations*, will be available in the Members room.

CONTACT OFFICER:

Name: Jane Bowden

Telephone: 01483 543443

E-mail: jane.bowden@waverley.gov.uk