

**BROMSGROVE DISTRICT COUNCIL**

**CABINET**

**1ST APRIL 2009**

**WEST MIDLANDS BIODIVERSITY PLEDGE AND REVISED BIODIVERSITY ACTION PLAN**

Responsible Portfolio Holder	Councillor P. J. Whittaker
Responsible Head of Service	Executive Director – Partnerships and Projects
Key Decision	

**1. SUMMARY**

1.1 The report below summaries the Natural Environment and Rural Communities Act 2006 and the Guidance for Local Authorities on Implementing the Biodiversity Duty produced by Department for Environment Food and Rural Affairs (Defra). It also provides reasons for signing the West Midlands Biodiversity Pledge, the Revised Biodiversity Action Plan and adding Biodiversity Implications to the corporate report template.

**2. RECOMMENDATIONS**

- 2.1 That Cabinet approves the signing of the West Midlands Biodiversity Pledge and the Revised Biodiversity Action Plan.
- 2.2 That Cabinet notes the implications for Bromsgrove.
- 2.3 That Cabinet approves the adding of Biodiversity Implications to the corporate report template.
- 2.4 That Cabinet note the inclusion of corporate biodiversity issues within the job description of the proposed Climate Change Officer post to be shared with Redditch Borough Council.

**3. BACKGROUND**

- 3.1 The Natural Environment and Rural Communities (NERC) Act 2006  
This Act introduced a new duty on local authorities (and public bodies) to have regard to the conservation of biodiversity in exercising their functions. Section 40(1) 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 these functions, to the purpose of conserving biodiversity”.

### 3.2 Guidance for Local Authorities on Implementing the Biodiversity Duty

This guidance, produced by Defra, sets out the key roles that local authorities have in conserving biodiversity through their activities relating to:

- Developing and influencing local policies and strategies
- Planning, infrastructure and development
- Owning and managing their estates; and
- Procurement, education, awareness raising and advisory function

The guidance also states that “biodiversity is hugely important in its own right and we have international responsibilities and national and local systems in place to protect and enhance it. It plays a key role in underpinning local quality of life and giving a “sense of place”. Biodiversity offers opportunities for tourism, economic development, health promotion, sustainable communities and social cohesion.”

3.3 This guidance also indicates Defra’s intention to review progress on implementing the duty in 2009. It is likely that as part of the review, the Council will be asked to demonstrate key activities including the following:-

- 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 obligations;
- Raised awareness of staff, managers and elected members with regard to biodiversity issues;
- Demonstrated a commitment and contribution to key local biodiversity initiatives, such as Local Biodiversity Action Plans, Local and/or Regional Records Centres and Local Site systems;
- Demonstrated progress against biodiversity indicators and targets.

The document providing guidance from DEFRA can be found at <http://www.defra.gov.uk/wildlife-countryside/pdf/biodiversity/la-guid-english.pdf>

### 3.4 The West Midlands Biodiversity Pledge (WMBP)

The West Midlands Biodiversity Partnership and West Midlands Local Government Association are jointly promoting the West Midlands Biodiversity Pledge as a means of raising awareness of the biodiversity duties imposed on local authorities. The intentions stated in the pledge closely reflect the expectations placed on authorities in the Defra guidance. All local authorities in the West Midlands region have been invited to sign the pledge.

3.5 The Council is not currently fulfilling its commitments under the NERC Act and raising awareness of staff, managers and elected members through commitment to the pledge should reduce the risks of contravention of the legal duty to have regard for biodiversity.

### 3.6 The Revised Local Biodiversity Action Plan (LBAP)

The UK Biodiversity Action Plan was launched in 1994 in response to the Convention of Biological Diversity, the first treaty to provide a legal framework for biodiversity conservation. The UK Biodiversity Action Plan describes the UK's biological resources and commits a detailed plan for the protection of these habitats and species. Each county and unitary authority in the UK has also prepared a Local Biodiversity Action Plan for species and habitats of particular conservation importance in their geographic area. The Worcestershire Biodiversity Action Plan was prepared by the Worcestershire Biodiversity Partnership in 1999 and revised in 2008. The LBAP identifies local priorities and determines the contribution the Partnership can make to the delivery of the national Species and Habitat Action Plan targets. It is therefore important for the Council to both sign and act in accordance with the LBAP as one of the means to meet its biodiversity duties.

### 3.7 Add Biodiversity Implications to Report Template

Decisions made by the Council are usually supported by officers' report which includes considerations of implications to the Council. If "Biodiversity Implications" are added to the report template, the Council could make a more informed decision and ensured that biodiversity is protected and enhanced in line with current statutory obligations. This is also in line with the expectations placed on authorities in the Defra guidance.

## 4. FINANCIAL IMPLICATIONS

4.1 The guidance produced by Defra on implementing the Biodiversity Duty states that "the Biodiversity Duty requires local authorities to have regard to biodiversity in carrying out their existing duties and function. It should not represent a significant financial burden."

4.2 Furthermore, Defra's Regulatory Impact Assessment for the NERC Act 2006 states that "there should be no significant net financial cost to public bodies and statutory undertakers as a result of extending the duty. Many local authorities, for example, already carry out the requirements of the duty to a large extent, demonstrating that it will not be onerous. The duty will clarify existing requirements and encourage a culture change so that biodiversity becomes a natural part of policy and decision-making."

## 5. LEGAL IMPLICATIONS

5.1 The Natural Environment and Rural Communities Act requires all local authorities to pay due regards to biodiversity in exercising its functions. Signing the West Midlands Biodiversity Pledge, the revised Biodiversity Action Plan and adding the 'Biodiversity Implications' to the corporate report template would indicate the council's commitment to fulfilling their responsibilities under NERC. In order for that signing to be meaningful, the

council must also demonstrate its commitment through positive action to help the Worcestershire Biodiversity Partnership deliver the Biodiversity Action Plan.

## **6. COUNCIL OBJECTIVES**

- 6.1 One of the priorities of Bromsgrove Sustainable Community Strategy is “to protect and improve the natural environment”. To raise staff, members and public awareness of biodiversity is the first step to achieve this aim. Signing the Biodiversity Pledge and the Biodiversity Action Plan will deliver two of the actions within the ‘better environment’ theme of the Sustainable Community Strategy.

## **7. RISK MANAGEMENT**

- 7.1 Amongst the risks that exist is that there could be an adverse effect on the ecology of the district. In particular Bromsgrove has a water vole population. This is Britain’s rarest mammal and its habitat is under severe risk. The Council’s commitment to bio diversity will provide additional support to the protection of this species.
- 7.2 The Council is current not fulfilling its commitments under the NERC Act. Therefore, raising awareness of staff, managers and elected members through commitment to the pledge should reduce the risks of contravention of the legal duty to have regard for biodiversity.

## **8. CUSTOMER IMPLICATIONS**

- 8.1 Internal / external customers will need to consider the implications of decisions on biodiversity. Training can be arranged for members and council staff.

## **9. EQUALITIES AND DIVERSITY IMPLICATIONS**

- 9.1 No equalities and diversity implications are identified.

## **10. VALUE FOR MONEY IMPLICATIONS**

- 10.1 No direct value for money implications identified.

## **11. OTHER IMPLICATIONS**

Procurement Issues	None
Personnel Implications	A new post may need to be created to take care of the corporate biodiversity issues.

Governance/Performance Management	The Council will need to consider and act in accordance to the pledge and the biodiversity action plan.
Community Safety including Section 17 of Crime and Disorder Act 1998	None
Policy	None
Environmental	Paying due regards to biodiversity is critical to the protection of the environment and in particular to plant and animal life.

## 12. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	Yes
Chief Executive	Yes
Executive Director - Partnerships and Projects	Yes
Executive Director - Services	Yes
Assistant Chief Executive	Yes
Head of Service	Yes
Head of Financial Services	Yes
Head of Legal, Equalities & Democratic Services	Yes
Head of Organisational Development & HR	Yes
Corporate Procurement Team	No

## 13. WARDS AFFECTED

13.1 All wards.

## **14. APPENDICES**

- 14.1 Appendix 1 West Midlands Biodiversity Pledge  
Appendix 2 Revised Biodiversity Action Plan for Bromsgrove

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