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To: Cabinet, March 29th 2010

Subject: Kent County Council *Strategy for the Implementation of the Biodiversity Duty*

Classification: Unrestricted

Summary: This report describes the Natural Environment and Rural Communities Act 2006 Biodiversity Duty for local authorities and sets out Kent County Council's Strategy for the implementation of this Duty internally across the council and through its functions. It seeks approval for the adoption of this strategy.

Introduction to the Biodiversity Duty

1. Biodiversity is the variety of plants, animals and other living things in a particular area or region. It encompasses habitat diversity, species diversity and genetic diversity.
2. Biodiversity provides us with many services fundamental to our quality of life, including:
 - a) Maintaining life, e.g. regulating atmosphere; providing clean water and air and fertile soil; helps tackle climate change and flood management.
 - b) Maintaining economy, e.g. provides food, fuel and construction materials; contributes to the attractiveness of a place to live, work and visit.
 - c) Maintaining well-being, e.g. inspires outdoor exercise and recreation; provides a free commodity to be enjoyed by all.
3. In 2006, the Natural Environment and Rural Communities Act (NERC) introduced a new duty on local authorities that states that: "Every public body 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 Kent County Council Strategy for the Implementation of the Biodiversity Duty

4. Kent County Council has already made a commitment to the protection and enhancement of biodiversity through its Corporate Environment Policy 2008. The *Strategy for the Implementation of the Biodiversity Duty* has been prepared to assist the County Council in realising its obligations under the NERC Act and, as such, aims to:

- a) Clarify existing and new commitments with regard to biodiversity.
- b) Make biodiversity a natural and integral part of policy, decision making and action, not an additional burden.
- c) Make a significant contribution to the protection, conservation and enhancement of the county's biodiversity.
- d) Raise the profile and visibility of biodiversity across the authority.

5. The Strategy has been developed around four objectives, steered by the Biodiversity Duty:

- a) Protect, conserve and enhance biodiversity through policy, forward planning and development control
- b) Manage our estate to benefit biodiversity - apply best practice approach when managing and developing council land, buildings and grounds.
- c) Better understanding of the county's biodiversity resource - to enable well informed decisions and prioritise action.
- d) Be a community leader for biodiversity - through following best practice set an example to the rest of the county.

6. Further details of the targets to be delivered under these objectives are provided in Appendix 1. A set of indicators will be developed for monitoring purposes.

Implementing the Strategy

7. In this, the first year of the three year strategy, Directorates will be asked to identify specific actions to help progress the achievement of the Strategy objectives. Where relevant these should feature in future business plans and strategies.

9. The Biodiversity Duty has to be embedded within the context of delivering other statutory duties and expectations and within limited budgets. The purpose of this strategy, and the resulting action planning, is to identify opportunities for biodiversity within these limits, and wherever appropriate external funding will be sought.

10. The Strategy will be reviewed after three years and refreshed in light of successes, areas for improvement and any new requirements under the Biodiversity Duty. DEFRA is expected to continue to monitor local authorities' responses to the Duty.

Implications

12. The implementation of this Strategy will largely be undertaken within the constraints of existing budgets and staff resources. The majority of the targets will be achieved by assessing current practices and policies and altering these where appropriate for the protection and enhancement of biodiversity. There may be some additional cost associated with this, either financial or staff time, but this is anticipated to be minimal, following discussion with Directorates.

13. A more detailed analysis of implementing each of the four objectives is provided in Appendix 2.

Consultations

14. During the Strategy's development, the objectives and broad targets have been discussed with all the Council's Directorate Management Teams to ensure they are realistic and achievable and the KCC Environment Board has endorsed the Strategy.

Conclusion

15. Kent is one of the largest local authorities in England and has consistently been rated as among the very best. As such KCC must demonstrate it is implementing the NERC Act (2006) Biodiversity Duty in order to maintain its reputation. The Kent County Council *Strategy for the Implementation of the Biodiversity Duty* sets out how we will undertake this duty and clarifies to all Directorates across the Council what is required of them.

16. All Directorates have already committed to the Strategy's aims and objectives and Member support is now sought so that the Strategy can be taken forward this year.

Recommendations

17. The following recommendation is made to Cabinet:

- a) That Kent County Council adopts the *Kent County Council Strategy for the Implementation of the Biodiversity Duty*, in fulfilment of its duty under the Natural Environment and Rural Communities Act 2006.

Background documents

- a) Kent County Council – A Strategy for the implementation of the Biodiversity Duty 2010-13
- b) Kent County Council Environment Policy, 2008
- c) Natural Environment and Rural Communities Act, 2006
- d) Guidance for Local Authorities on Implementing the Biodiversity Duty, Defra, 2007

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Objectives and targets of the *Kent County Council Strategy for the Implementation of the Biodiversity Duty*

Objective 1: Protect, conserve and enhance biodiversity through forward planning and development control - *develop and apply policies within forward planning and development control that ensure consideration of biodiversity.*

- Integrate biodiversity conservation and enhancement into the wider regeneration agenda.
- Ensure delivery of biodiversity benefits from green infrastructure.
- Use strategic planning to identify locations where priority should be given to biodiversity and the establishment of ecological networks.
- Ensure strategic planning decisions do not restrict options for biodiversity adaptation to climate change.
- Realise and implement opportunities offered by Section 106 to provide biodiversity benefits.
- Ensure any planning applications submitted to KCC, or that KCC is consulted on, take full consideration of biodiversity and are accompanied by the relevant ecological information before determination.

Objective 2: Manage our estate to benefit biodiversity - *apply best practice approach when managing and developing council land, buildings and grounds.*

Existing estate:

- Put in place management to conserve and enhance legally protected or UK Biodiversity Action Plan (BAP) priority species on KCC owned land.
- In addition to upholding statutory requirements to protect designated sites, habitats and species, conserve biodiversity and actively seek opportunities for its enhancement.
- Bring KCC owned Local Wildlife Sites and SSSIs into positive management.
- Recognise the biodiversity value of road verges and adopt appropriate management regimes to enhance this value.
- Identify opportunities within KCC estate to deliver Kent BAP targets and implement.
- Where appropriate, use native trees and plants in landscaping and, where possible, of local origin.
- Utilise KCC owned public spaces to educate and raise awareness of biodiversity.
- Enhance biodiversity within school grounds.

Development of KCC estate:

- Ensure all potential effects on biodiversity from development are considered at the outset, avoiding adverse impacts on biodiversity wherever possible and mitigating others.
- Design new sites and buildings to provide biodiversity benefits through the conservation and integration of existing habitats and the provision of biodiversity enhancement features.

Objective 3: Better understanding of the county's biodiversity resource - *collate and make available a good evidence base for biodiversity to enable well informed decisions and prioritise action.*

- Support the county's biological record centre in the collation and maintenance of data on Kent's habitats and species.
- Support the Kent Biodiversity Partnership's ongoing work to monitor Kent's priority habitats.
- Monitor trends in biodiversity.
- Assess and monitor the biodiversity resource on KCC estate.
- Undertake projects, and contribute to partnerships, that improve our understanding of the county's biodiversity, its conservation and enhancement and measures for adaptation to climate change.

Objective 4: Be a community leader for biodiversity - through following best practice and demonstrating a commitment to biodiversity set an example to the rest of the county.

Internal:

- Stimulate a greater understanding and appreciation of biodiversity amongst staff and elected members, raising awareness of the impact they may have on biodiversity and the impact it may have on them.
- Ensure all staff and elected members consider biodiversity when making procurement decisions.
- Incorporate biodiversity conservation and enhancement into internal policy and corporate strategy.
- Include biodiversity in environmental management systems.

External:

- Support the co-ordination of Kent Biodiversity Partnership and Kent Biodiversity Action Plan and contribute to other partnership work that benefits biodiversity.
- Support and contribute to partnership work that allows biodiversity to adapt to climate change.
- Include biodiversity in the Kent Area Agreement or its successor.
- Be seen as a centre of excellence for advice and support to district authorities, businesses, land owners, general public on biodiversity conservation and enhancement.
- Undertake community engagement and awareness raising activities to provide informal education on biodiversity (provision of places and events to learn about biodiversity informally; better use of local media; engage children, young people and hard to reach communities).
- Encourage lifestyle changes that help to protect the natural environment.

Implications of implementing the Biodiversity Duty and the objectives set out in the Strategy

Although the Duty is relatively new and could appear to be quite onerous, analysis has shown that it is unlikely to be overly burdensome or introduce new obstacles, for instance to the development of KCC land and buildings. It can be embraced by minor adjustment to existing processes within the council and existing legislation. Where this is not the case, the additional burden can be addressed by ensuring a proportionate response, innovation, securing external funding or using volunteers to enhance the resources available to benefit biodiversity.

The implications of achieving the strategy's aim are detailed below in relation to each objective.

Objective 1: Protect, conserve and enhance biodiversity through forward planning and development control

This work is largely already undertaken across the Council and therefore no additional costs are anticipated. There may be some, minimal, additional staff time required to fully implement this objective but costs are anticipated to be contained within existing budgets.

Objective 2: Manage our estate to benefit biodiversity

Actions relating to conserving habitats and species on KCC owned land will largely not place additional costs on the Council, it is simply a case of maintaining the natural environment in its current state and not undertaking any activities that will negatively impact on it. Additional costs will only apply where the habitat is in a poor state and restoration or enhancement is required.

Habitat enhancement can be done on varying scales, with proportionate expense. Simple measures, such as using old wood to create log piles or allowing a patch of grass to grow wild can be done at no expense. Bat and bird boxes are relatively inexpensive (a stone bat/bird box is around £25). More extensive habitat enhancement is not likely to be addressed within the first three years of the strategy – where such enhancement is identified as required, external funding will be sought to support this work.

Bringing Local Wildlife Sites (LWS) and SSSIs into positive management will contribute towards the achievement of this objective however it is unlikely to place additional financial burden on the Council. Through Kent Area Agreement 2 we are already committed to bringing Local Wildlife Sites into positive management and funding for this has been found within existing budgets and through external funding. For SSSIs, as owners we already have a duty to maintain favourable condition and manage the site positively.

Opportunities to support the delivery of the Kent BAP targets have largely already been discussed with the relevant directorates. Where additional work is identified on the KCC estate, the Kent BAP Coordinator will be able to assist with seeking funding to support this work.

The use of native species for planting can prove more expensive than traditional non-native. It is recognised that the use of such plants may not always be possible but the strategy commits those involved in landscape design to review the possibility of using native species.

Using KCC owned public spaces to educate and raise awareness of biodiversity could potentially be a costly action, in terms of installing dedicated education material such as interpretation panels. The first step in relation to this is to integrate biodiversity into other education material as it is developed for the site. Further on, funding/sponsorship can be sought to support more extensive education materials solely for biodiversity.

The cost of enhancing biodiversity in school grounds will be proportionate to the actions taken – as referred to above. The wider benefit of this improved biodiversity in school grounds, and its potential use as an educational resource, need to be considered alongside the cost of the action.

Consideration of biodiversity in new developments and avoiding/mitigating adverse impacts on protected species is already done (and is legislated for), therefore additional costs are not anticipated. However, avoiding/mitigating against impacts on wider biodiversity will be a further consideration and mitigation may result in additional costs.

Inclusion of bird/bat boxes into the design of a new build should not make a notable increase in the build costs. Features such as green roofs, walls and Sustainable Urban Drainage Systems will be more costly but the benefits of such systems are wider than just biodiversity and the installation of these are covered by other sustainability strategies for the Council. As before, enhancement of biodiversity can be as small or large scale as the budget will allow – but it is important to make a commitment to provide some form of enhancement and have a strategic approach for doing so.

Objective 3: Better understanding of the county's biodiversity resource

This is the most, potentially, costly objective however it is intended that the majority of this objective will be achieved through external funding and partnerships.

It is not intended that the assessment and monitoring of the KCC biodiversity resource will be undertaken as a matter of course and a complete picture of the KCC estate will be compiled within the timescale of this strategy. Instead existing data will be collated and then, where possible and relevant, gaps will be filled (and monitoring undertaken) by users of the site, for example staff volunteer/wider contribution, activities for pupils/clients or through the use of existing volunteer programmes.

Objective 4: Be a community leader for biodiversity

This objective will build on the work already undertaken and is not likely to increase costs, although it may require further staff time (to be accommodated within the existing staff resource).