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To: E&R Policy Overview Committee, 29th May 2008

Subject: Biodiversity and Kent County Council

Classification: Unrestricted

Summary: This briefing advises members of a new duty that requires local authorities to have regard to the conservation of biodiversity in all their activities, and its implications for KCC. In addition it also informs members of current and future initiatives to protect and enhance the county's biodiversity.

Introduction

1. Biodiversity is the diversity, or variety, of plants, animals and other living things in a particular area or region. It encompasses habitat diversity, species diversity and genetic diversity.

2. The biodiversity of Kent and Medway is amongst the richest of all counties in the UK (Appendix 1 provides an illustration of the importance of Kent's biodiversity). Not only is it important in its own right, with many sites and species being of national or international importance, but it contributes substantially to the quality of the county. Biodiversity provides valuable ecological services, such as nutrient rich clean water, nursery areas for fisheries, coastal erosion and flood protection, amenities and associated revenue and quality of life.

3. These services are part of a dynamic system, with many elements all interdependent on each other, and this system, and its success, is affected by climate change, land use (such as development and agriculture) and habitat fragmentation.

4. Various specific habitats and species are already legally protected through legislation and designations and the protection afforded to these must be observed by the County Council. The NERC Biodiversity Duty requires consideration of biodiversity as a whole, to protect and enhance this dynamic system, and is an additional obligation for the County Council.

NERC Biodiversity Duty – Relevance to Kent County Council

5. The Natural Environment and Rural Communities (NERC) Act came into force October 2006 and introduced a biodiversity duty that requires local authorities to have regard to the conservation of biodiversity in all their activities. DEFRA guidance on delivery of the duty was issued in the middle of last year and although work has begun on its implementation a more structured approach is now recommended.

6. The implementation of the Biodiversity Duty will be achieved by actual biodiversity enhancement and through reducing adverse impacts on biodiversity. The impact of the Duty will be reviewed in 2009 and Kent County Council will need to demonstrate how it has met its requirements across all Directorates.

7. The actions KCC need to be taking to implement this duty are centred around four key functions:

- (a) Policy, strategy and procurement – incorporation of biodiversity across all KCC policy, strategy and procurement procedures; and minimising negative and maximising positive impacts on biodiversity.
- (b) Management of public land and buildings – protecting and enhancing biodiversity on KCC estate, often through simple measures without additional cost.
- (c) Planning, infrastructure and development – conserving and protecting biodiversity and, wherever possible, enhancing it.
- (d) Education, advice and awareness - promoting understanding and awareness of biodiversity among various audiences including its own staff.

8. To be able to demonstrate compliance with the Duty, buy-in from all Directorates is required – this can not be seen as a task just for the Environment and Waste Division. It should be noted that KCC has already made a commitment to protecting and enhancing biodiversity through its Corporate Environmental Policy.

9. The Natural Environment and Coast Team (E&W) is a key point of contact within KCC for advice to both internal and external clients and is available to assist in any matters relating to the Duty.

10. To date advice has included (c) above: ensuring compliance with the required procedures for protection of biodiversity and for protected species in relation to both KCC's own development and that of utilities and private sector through the formal planning process. Early awareness of the possible need for season-dependent survey in project planning is crucial if delays are to be avoided. Engagement with all key KCC project managers is needed to reduce this risk and guidance notes are in preparation

Working in partnership across Kent to protect and enhance the county's biodiversity- past and future action

11. KCC is a key and active member of the well established **Kent Biodiversity Partnership** and is also the host employing authority for the Partnership Co-ordinator. This Partnership aims to make Kent a place where plants, animals and habitats are protected and enhanced, both for their own sake and as an integral part

of the quality of life in the county. In response to an increasing awareness of the importance of Kent's biodiversity following a comprehensive countywide Habitat Survey, in 1998 the Partnership produced the award winning Kent Biodiversity Action Plan (BAP), comprising 28 Habitat Action Plans, one of the first counties to do so. This was reviewed and updated in 2004. Each Habitat Plan sets targets for conserving, enhancing and restoring important habitats and associated species by collaborative project work.

12. Climate change already appears to be affecting Kent's biodiversity and such change is likely to accelerate as global temperatures increase. The EU funded **BRANCH** (Biodiversity Requires Adaptation in Northwest Europe under a CHanging Climate) project, which concluded in October 2007, has shown that Kent's habitats are not sufficiently connected at present to allow species to adapt to climate change. In addressing this, the project made the following recommendations: specific adaptation strategies will need to be developed; ecological networks must be integrated within the planning process; further fragmentation of habitats should be avoided; future biodiversity adaptation options should not be restricted by spatial planning. In the concluding BRANCH project report for Kent, KCC outlined its commitment to addressing these recommendations through future partnership work.

13. The publication of the **Kent Habitat Survey** in 2003 updated the original survey conducted in 1990 and provided a map based audit of the types, locations and areas of habitats based on a 1999 survey. This together with a 30 year land-cover change survey provided a valuable tool for Kent's conservationists and planners alike, allowing informed decisions. Kent County Council is now developing, under the Kent Biodiversity Partnership umbrella, a project to update the survey and continue its on-going assessment of the county's habitats and change in land-cover to ensure decisions are based on current rather than historic information.

14. Reflecting growing national concern biodiversity has been incorporated into the National Indicators set for local authorities and the proposed **Kent Agreement 2** includes this target. This target commits to a total increase in the number of Local Wildlife Sites in positive management of 15% when compared with the baseline, over a three year period.

Implications of the Duty for Kent County Council

15. No additional resources are to be made available from central government for the implementation of the NERC Biodiversity Duty.

16. Whilst much good practice is already in place, to clarify the duty and engage directorates in its implementation, a KCC corporate action plan for biodiversity must be produced. This plan will link in with KCC's ISO14001 Environment Management System, looking for continuous improvement in terms of biodiversity protection and enhancement. It will be included as a key element of the KCC Environment Plan to flow from the forthcoming KCC Regeneration Strategy

17. A partnership approach will be adopted to resource work such as the updated habitat survey and ecological network development. A similar approach will be

taken to bring Local Wildlife Sites into positive management to contribute to the KA2 target.

18. The work outlined above and implementation of the Biodiversity Duty will primarily contribute to the environmental well-being of the county by protecting and enhancing its biodiversity. However, because of the impact biodiversity also has on the quality of life of residents and on the attractiveness of the county to business and to visitors, it will also contribute to the county's social and economic well-being.

Conclusion

19. Kent's biodiversity is of outstanding quality and Kent County Council is a key partner in collaborative work to ensure its conservation and enhancement. This is no longer just a moral duty but now also a requirement of the NERC Act 2006 and the National Indicator set.

20. In addition to addressing how KCC can reduce its impact on biodiversity, the Council is uniquely placed to support measures to ensure this valuable resource is enabled to adapt to future threats. The most effective and efficient way of taking forward such actions is to do so in collaboration, such as through the Kent Biodiversity Partnership.

21. A briefing paper on biodiversity will be presented to Cabinet on the 14th July.

Recommendations

POC members to recommend to Cabinet:

22. To highlight the importance of the NERC Biodiversity Duty to their respective Directorates.

23. To engage Directorates in the implementation of the NERC Biodiversity Duty, clarifying action through the production of a KCC corporate action plan for biodiversity as a key element of the KCC Environment Plan, to flow from the forthcoming KCC Regeneration Strategy.

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Background Documents: Include ALL background information taken into account in preparing the report. *(This does not include previous Committee Reports)*

- (a) Natural Environment and Rural Communities Act 2006
- (b) Guidance for Local Authorities on Implementing the Biodiversity Duty, May 2007
- (c) Kent Biodiversity Partnership website (www.kentbap.org.uk)
- (d) Kent Biodiversity Partnership Memorandum of Understanding, 2007
- (e) Branch – Creating Networks for Nature in Kent, September 2007
- (f) Planning for Biodiversity as Climate Changes: Branch project final report, September 2007
- (g) Kent Habitat Survey, 2003

Previous Committee Reference: *n/a*

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APPENDIX 1

IMPORTANCE OF KENT'S BIODIVERSITY

Some facts and figures illustrating the importance locally, nationally and internationally, of Kent's biodiversity.

- (a) 101 Sites of Special Scientific Interest (SSSIs) = 33,163 hectares, covering 8.5% of the county.
- (b) 440 Local Wildlife Sites = ~26,000 hectares, 7% of the county.
- (c) Internationally designated areas (including designated and proposed SAC, SPA, Ramsar Sites) = 13 SAC's, 6 SPA's and 6 Ramsar Sites.
- (d) Kent has 13,000 rare and threatened species (Kent Red Data Book 2000).
- (e) 40% of the UK's coastal vegetated shingle is at Dungeness, a total of 4200ha.
- (f) 90% of the national population of Lizard Orchid occurs at Sandwich Bay.
- (g) Kent has 35% of the UK's coastal chalk.
- (h) The UK is thought to hold half the world's chalk grassland, 5% of which is found in Kent.
- (i) The undefended coastline between Dover and Kingsdown represents the best example of vegetated chalk in the country.
- (j) 28% of Kent has semi-natural habitat.
- (k) Kent has over 70% of the ancient woodland resource in the south east. 11% of England's ancient semi-natural woodland is found in Kent.
- (l) The south east of England has one of the highest proportions of veteran trees in Western Europe.
- (m) There are now probably no more than 620ha of non-commercial orchards on 271 holdings in Kent.
- (n) Kent supports 16% of the England's saline lagoons.
- (o) There are 28 UK Biodiversity Action Plan (BAP) priority habitats in Kent.
- (p) There are more than 85 UK BAP priority species recorded in Kent.
- (q) Kent is recognised by the South East Plan as an area of strategic opportunity for contributing to regional biodiversity improvement targets of calcareous grassland, coastal & floodplain grazing marsh, woodland (including ancient), rivers, intertidal habitats and shingle habitats.