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To: Environment, Highways & Waste Policy Overview & Scrutiny
Committee – 10 November 2009

Subject: A Strategy for the Implementation of the Biodiversity Duty

Classification: Unrestricted

Summary: This paper provides an overview of the NERC Act 2006 Biodiversity Duty and the Kent County Council Strategy developed to implement its requirements.

This paper seeks support from POC for the adoption of this Strategy by Cabinet in 2010.

1. Introduction to the Biodiversity Duty

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.

Biodiversity provides us with many services fundamental to our quality of life, including:

- Maintaining life, e.g. regulating atmosphere; providing clean water and air and fertile soil; helps tackle climate change and flood management.
- Maintaining economy, e.g. provides food, fuel and construction materials which supports industry and employment; contributes to the attractiveness of a place to live, work and visit.
- Maintaining well being, e.g. inspires outdoor exercise and recreation; provides a free commodity to be enjoyed by all; provides motivation for learning.

In 2006, the Natural Environment and Rural Communities Act (NERC) introduced a new duty on local authorities to have regard to the conservation of biodiversity in exercising their functions. The Biodiversity Duty (Section 40) 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”

2. Purpose and development of the Strategy for the Implementation of the Biodiversity Duty

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:

- Raise the profile and visibility of biodiversity across the authority.
- Clarify existing and new commitments with regard to biodiversity.
- Make biodiversity a natural and integral part of policy, decision making and action.
- Make a significant contribution to the protection, conservation and enhancement of the county's biodiversity.

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

- Protect, conserve and enhance biodiversity through policy, forward planning and development control: develop and apply policies within forward planning and development control that ensure consideration of biodiversity.
- Manage our estate to benefit biodiversity: apply best practice approach when managing and developing council land, buildings and grounds.
- 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.
- 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.

Appendix 1, the Strategy, provides further details of the targets to be delivered under these objectives.

During the Strategy's development, the objectives and broad targets have been discussed with all the Council's Directorates to ensure they are realistic and achievable. Buy-in has been sought and assured from all senior management teams and the KCC Environment Board has endorsed the Strategy.

3. Implementing the Strategy

Over the next year, the Natural Environment and Coast Team (Environment & Waste, EHW) will work with Directorates to provide them with the advice and guidance required to implement the Biodiversity Duty and therefore work towards the objectives of this Strategy.

In the first year of this Strategy, Directorates will be asked to develop action plans to help progress the achievement of the Strategy objectives. 2010/11 Business Plans should include the development of these plans as a target. The Natural Environment & Coast Team will work with Directorates to develop these plans.

It is understood that the implementation of 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. Guidance will be on hand from the Natural Environment & Coast Team. An analysis of impacts of implementing the Strategy across the Council is provided in Appendix 2.

The objectives and targets will be monitored on an annual basis using a set of indicators. Each annual monitoring will report on our progress against these indicators, reviewing the targets and, where necessary, amending them.

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.

4. Next steps

As previously mentioned, the Strategy has already been discussed and endorsed by all Directorates and the KCC Environment Board. The Strategy will now be put to Cabinet in early 2010 with the recommendation of adoption.

5. Recommendations

Members are invited

- a) to consider the *Strategy for the Implementation of the Biodiversity Duty*,
- b) to recommend adoption of the Strategy by Cabinet, in fulfilment of its duty under the Natural Environment and Rural Communities Act 2006.

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Appendix 1 – Objectives and targets of the *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.

Appendix 2 – Analysis of impacts of implementing strategy

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.

Objective 2: Manage our estate to benefit biodiversity

At KCC we have a great potential to improve the biodiversity of the county by addressing the management of our own, large estate.

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.

There will be costs associated with developing and implementing site management plans but these can be designed to also identify cost saving measures for the future as some measures to positively manage the estate to benefit biodiversity may result in cost savings for grounds maintenance. KCC's Countryside Management Partnerships can assist with the development of such plans.

There will be costs with bringing Local Wildlife Sites(LWS) and SSSIs into positive management but this action will also contribute towards KAA2, which includes indicator NI197 (bringing LWS into positive management). In relation to SSSIs, owners have a duty to maintain favourable condition and manage the site positively – therefore the strategy is not placing any further burden on the Council, just reaffirming our commitment.

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 largely already done (and is legislated for), therefore additional costs are not anticipated. However, avoiding/mitigating against impacts on wider biodiversity will be a new approach and some costs can be anticipated.

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

It is intended that the assessment and monitoring of the KCC biodiversity resource will be undertaken by the users of the site, for example staff volunteer/wider contribution, activities for pupils/clients, or the use of volunteer programmes. This data can also be collated from surveys of sites that have been undertaken in preparation for development/construction. Therefore, whilst this is a big and ongoing task, this assessment is not anticipated to be financially costly.

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 may require further staff resource.