

NEW BIODIVERSITY DUTY FOR LOCAL AUTHORITIES

Briefing note
Environment Department, Hampshire County Council
July 2007

Introduction

The Natural Environment and Rural Communities (NERC) Act 2006 has introduced a new duty for all public bodies to have regard to the conservation of biodiversity. In May 2007 DEFRA published guidance on the implementation of this duty. Two sets of guidance are available: one for public bodies in general and one specifically for local authorities. Local government is considered to have a particularly wide and significant responsibility in implementing the duty.

(www.defra.gov.uk/wildlife-countryside/biodiversity/index.htm)

This briefing note explains the biodiversity duty and what it means for Hampshire County Council. It explains how the current work of the County Council contributes to implementation of the duty and how the present framework for addressing biodiversity within the County Council stands the authority in good stead for meeting future expectations of the duty.

The Duty

The duty is set out in Section 40 of the NERC Act 2006 and states that:

‘Every public authority 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’.

DEFRA have emphasised that: *‘The aim of this duty is to raise the profile and visibility of biodiversity, to clarify and consolidate existing commitments with regard to biodiversity and to help stimulate a culture change so that biodiversity issues become a natural part of decision-making right across the public sector’.*

The DEFRA guidance advises that biodiversity conservation should be viewed as a core component of sustainable development, which underpins economic development and prosperity and offers a range of quality of life benefits. The guidance stresses the importance of biodiversity in maintaining and supporting environmental processes, health and wellbeing, recreation, the economy, education, culture, sense of place and social inclusion.

The guidance sets out the following key messages:

Extract from: *Guidance for Local Authorities on Implementing the Biodiversity Duty*, DEFRA 2007

Key messages

- Biodiversity is at the very heart of sustainable development and can contribute positively to social cohesion, community well-being and quality of life
- A key opportunity for local authorities is to recognise these quality of life benefits by establishing and maintaining biodiversity conservation as a local priority and integrating biodiversity throughout a range of functions and services.
- There is a need to integrate biodiversity within corporate priorities and internal policy
- There are opportunities to deliver biodiversity conservation through Local Strategic Partnerships, Sustainable Community Strategies and Local Area Agreements
- It is important to make best use of the Local Biodiversity Action Planning process

Many departments and functions of local authorities have a vital role to play in the conservation of biodiversity. The guidance identifies the following important aspects of integrating biodiversity into local authority services:

Extract from: *Guidance for Local Authorities on Implementing the Biodiversity Duty*, DEFRA 2007

Important aspects of integrating biodiversity into local authority services

- Fulfilling statutory obligations for the protection and enhancement of biodiversity within the forward planning and development control processes.
- Incorporating the conservation of biodiversity and its benefits into relevant strategies of the local authority. These include Corporate Strategies, sustainable development strategies, procurement strategies, asset management plans, economic development plans and environmental management systems.
- Having regard to biodiversity within partnership arrangements such as Community Strategies and Local Area Agreements.
- Taking account of the links between biodiversity and other environmental programmes such as waste management, energy conservation and response to climate change.
- Delivering the key principles for biodiversity set out in national planning guidance.

- Participating in local biodiversity partnerships and helping to deliver objectives of Local Biodiversity Action Plans (and where appropriate UK Biodiversity Action Plans) within relevant local authority services.
- Working in partnership with other organisations to promote beneficial land management for biodiversity.
- Protecting and enhancing biodiversity on the local authority estate.
- Identifying policy drivers and ensuring up-to-date biodiversity data is available to the local authority including support to Local Record Centres.
- Identifying Local Sites of importance for biodiversity and managing systems, in partnership with others, to take these into account within the planning and land management processes.
- Using the benefits of access to biodiversity in the delivery of services to the public such as social care, community development, health, and recreation.
- Supporting appropriate access to nature and understanding of the natural world within schools, community engagement, education programmes. and raising awareness of biodiversity to the public

Appendix 5 of the DEFRA guidance provides a useful diagram of the relationship between local authority services and biodiversity. A copy of this is provided in Annex 1.

The duty does not introduce any specific performance measures or monitoring. However the impact of the duty is to be reviewed in 2009. The guidance therefore suggests that local authorities should measure their own performance and refers to various sources of potential indicators such as those published by the Audit Commission and the Improvement and Development Agency.

Hampshire County Council

Hampshire County Council is strongly committed to the conservation of biodiversity and is well placed to meet the expectations of the new duty.

Hampshire County Council's *Corporate Biodiversity Action Plan* (<http://www3.hants.gov.uk/biodiversity/corporateactionplan/corporateactionplan-2.htm>) adopted by Cabinet in 2005, is included as the primary case study in the DEFRA guidance (see Annex 2). The *Corporate Biodiversity Action Plan* has also been held up in the House of Commons as a model for all local authorities to follow.

Hampshire County Council became a signatory to Countdown 2010 in June 2006, joining a European-wide alliance of partners that have agreed to do their best to halt the loss of biodiversity by 2010. Hampshire County Council is also committed to the Aalborg Charter on sustainable development, which includes biodiversity as a key theme.

There are two key objectives for biodiversity in the County Council's 2007 *Corporate Business Plan*:

- *Maintain and enhance biodiversity – achieve no net loss of biodiversity through council decisions or activities*
- *Management of council land holdings has favourable impact on biodiversity*

Corporate Biodiversity Action Plan

The *Corporate Biodiversity Action Plan* is overseen by a Corporate Biodiversity Group composed of officers from all Departments. The overall purpose of the biodiversity programme is to achieve the County Council's vision of:

“a rich and diverse natural environment, where wildlife is conserved and the benefits of nature are available to everyone”

The corporate biodiversity programme has been developed to assist departments with integrating biodiversity into their sustainable development agendas and to promote cross-departmental working. The Plan identifies a wide range of council activities relating to biodiversity and includes a plan of action for an initial three year period 2005-2008.

Themes addressed within Hampshire County Council's Corporate Biodiversity Action Plan

Policy and programmes
Forward planning
Development
Transportation and highway management
Land management
Coast
County Council landholdings
County Council buildings and grounds
Data and information
Associated environmental initiatives
Education
Social care
Economic development
Awareness, involvement and quality of life

The Plan sets specific targets and performance indicators under 14 themes and progress is monitored and reported annually. Progress has been very positive. Examples of achievements within the first two years include protecting sites of international importance for biodiversity, improving access to nature in school grounds and care homes, facilitating the management of hundreds of hectares of UK priority habitat across Hampshire, and improving the management of the County Council's own estate.

Implications of the New Duty

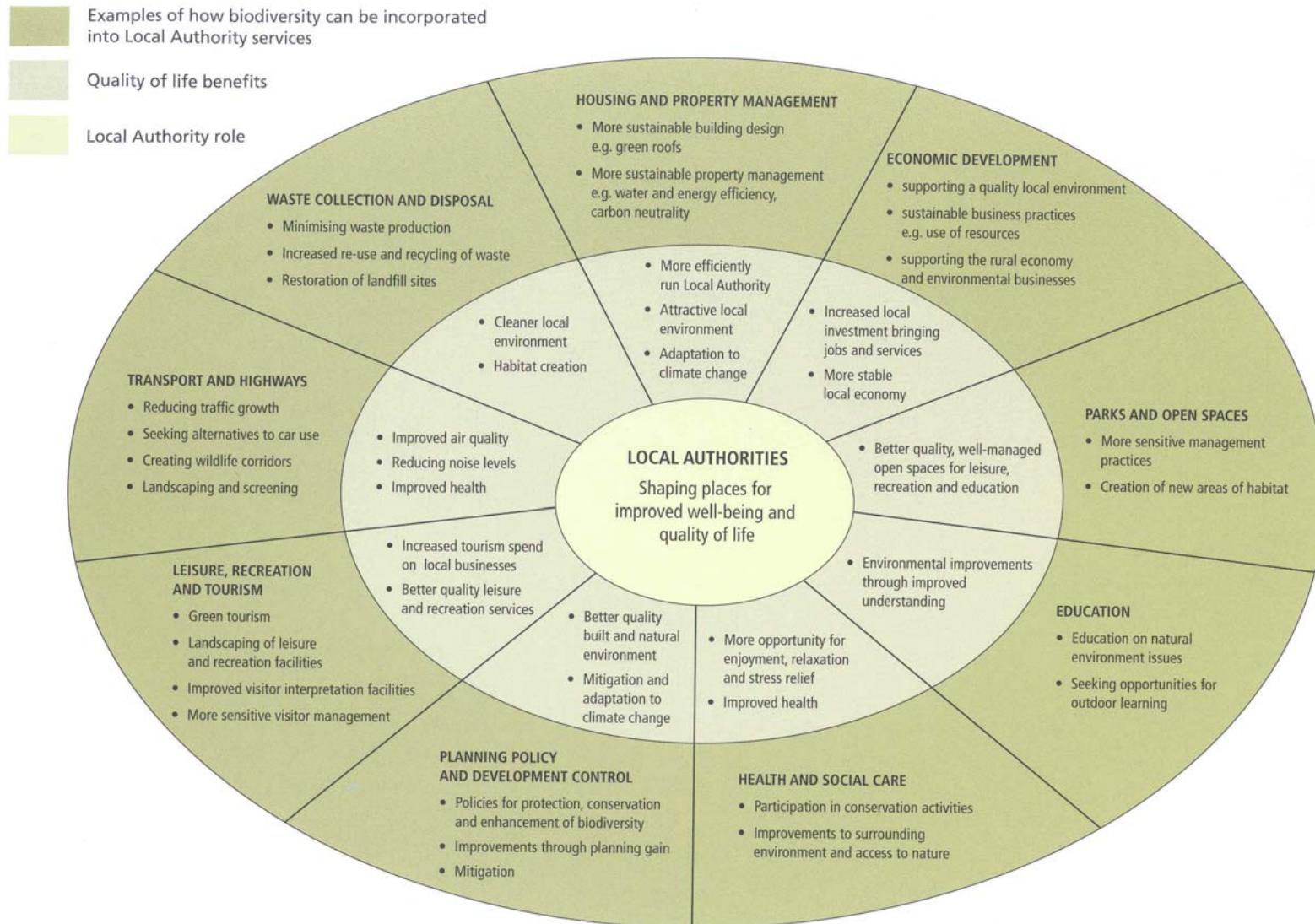
The new duty places an increased focus on biodiversity. Local authorities have long been recognised as having a unique position in relation to nature conservation because of their wide remit and ability to use discretion to meet local needs. Nevertheless, the new duty recognises that local authorities need to improve performance in this area.

The work across departments set out in our *Corporate Biodiversity Action Plan* is clearly in accordance with the expectations of the NERC duty.

An update of the *Corporate Biodiversity Action Plan* for 2008 – 2011, will provide a vehicle for review of evolving circumstances and to maintain and develop services in line with the NERC duty.

Extract from: *Guidance for Local Authorities on Implementing the Biodiversity Duty, DEFRA 2007*

Local Authority Services



Annex 2

Guidance for Local Authorities in Implementing the Biodiversity Duty, DEFRA 2007

Case Study: Hampshire County Council's Corporate Biodiversity Action Plan

Hampshire County Council's Corporate Biodiversity Action plan emphasises the importance of nature to quality of life in Hampshire. It involves all departments of the County Council and includes planning, highways, land management, recreation, education and social care. Actions vary from protecting internationally important habitats to enhancing the natural environment of school grounds.

The Plan is a key element in the County Council's programme for sustainable development. It demonstrates strong corporate commitment to conserving the natural environment of Hampshire and sets out a challenging plan of actions to further this work and develop new initiatives.

The Corporate Biodiversity Action Plan has three main aims:

- To improve the County Council's performance in conserving and enhancing the natural environment of Hampshire County Council
- To use the benefits of biodiversity in delivering services such as education and social care
- To raise public and staff awareness of biodiversity

The Plan encompasses key actions, indicators and targets to ensure real commitment to delivery. The significant recognition that biodiversity underpins sustainability places Conserving Nature for the Community at the very heart of day-to-day work in Hampshire. This has helped to improve delivery of environmental programmes, improve interdepartmental working on biodiversity activity and enhance awareness amongst Council staff.

<http://www3.hants.gov.uk/biodiversity/corporateactionplan.htm>