



Executive Committee

No specific Ward Relevance

28 October 2009

The West Midlands Biodiversity Pledge

(Report of the Head of Environment)

1. Summary of Proposals

To inform Members of the West Midlands Biodiversity Pledge and our duties under the National Environment and Rural Communities Act 2006, and to seek approval to sign up to the West Midlands Biodiversity Pledge.

2. Recommendations

The Committee is asked to RECOMMEND that

Redditch Borough Council signs the West Midlands Biodiversity Pledge which will assist in meeting duties under the Natural Environment and Rural Communities Act (NERC) 2006.

3. Financial, Legal, Policy, Risk and Sustainability Implications

Financial

- 3.1 None arising from this report. The Department for Environment, Food and Rural Affairs (DEFRA) Regulatory Impact Assessment for the Natural Environment and Rural Communities Act states; "there should be no significant net financial cost to public bodies and statutory undertakers as a result of extending the biodiversity 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".

Legal

- 3.2 In June 1992, the United Nations conference on The Environment and Development, "The Earth Summit" in Rio de Janeiro, considered methods of tackling some of the most serious of the worlds environmental and development problems. This resulted in the world wide agreement to take action in four key areas.
- a) To try to make a reduction in greenhouse gas emissions which are causing climate change.
 - b) To sustainably manage the worlds forests.

- c) To conserve biological diversity (biodiversity)
 - d) To form Agenda 21 – an action plan for the 21st Century.
- 3.3 Following The Earth Summit, the convention on Biological Diversity was signed by 153 countries including the UK Article 6A of this convention requires each contracting country to “develop national strategies, plans or programmes for the conservation and sustainable use of biological resources”.
- 3.4 This represented the first global commitment to conserving and sustaining biodiversity.
- 3.5 The UK Government was one of the first Governments to respond to the commitment of the convention and in January 1994, it produced Biodiversity: The UK Action Plan. At the same time, a consortium of voluntary conservation organisations produced “Biodiversity Challenge” a comprehensive look at the key habitats in the UK and the produced action plans for these.
- 3.6 The UK Government created a UK Biodiversity Steering Group to progress the plan using these two publications as guides. It produced its report “Meeting the Rio challenge” in December 1995. This report now contained comprehensive lists of priority habitats and species with 114 Habitat Action Plans and 116 Species Action Plans. The Governments response in May 1996 endorsed this approach taken in the report and this paved the way for much work to be carried out on a local basis, where it was now believed that the real delivery of biodiversity conservation would occur.
- 3.7 In 1997, “Biodiversity Challenge – Worcestershire”, was published. This set out the framework in which Worcestershire biodiversity planning and implementation would occur.
- 3.8 In 1999, “Biodiversity Action Plan for Worcestershire” was published as a strategic document that outlines how the most urgent priorities for wildlife conservation can be promoted in Worcestershire. The report contained Habitat Action Plans for 19 of Worcestershire’s key wildlife habitats, for example woodland, heath land, marshland and hedgerows and contained Species Action Plans for 20 of its species, such as Otter, Brown Hairstreak Butterfly and Slow Worms. These Habitat Action Plans (HAPS) and Species Action Plans (SAPS) were chosen for their threatened status or because important national strongholds occur in Worcestershire or for both reasons.
- 3.9 Later in that year, a series of District and Borough Action Plans were produced to help Councils identify the areas of their activity that have an impact on biodiversity and define how actions protect and enhance their local wildlife heritage.

- 3.10 In 2002, a Biodiversity Action Plan was produced for Redditch. This included Habitat Action Plans for 14 key Worcestershire wildlife habitats, which happen to also occur in Redditch and contained Species Action Plans for 8 of Worcestershire's key species, which occur within the boundaries of Redditch.
- 3.11 In 2006, The Natural Environment and Rural Communities Act (NERC) introduced a biodiversity duty for all public authorities.
- 3.12 In 2007, biodiversity was introduced into the Performance Framework for Local Government. This is National Indicator 197, which measures the proportion of local wildlife sites (Special Wildlife Sites) under active conservation management. In Redditch there are currently 23 Special Wildlife Sites of which 9 occur on Redditch Borough Council owned land.
- 3.13 Policy

Within Redditch Borough Council's Local Plan Number 3 are a number of policies relating to biodiversity, these are:

- a) Policy B (NE).1 – Overarching Policy of Intent, concerned with the protection of biodiversity.
- b) Policy B (NE).1a – Trees, Woodland and Hedgerows.
- c) Policy B (NE).3 – Wildlife Corridors.
- d) Policy B (NE).10a – Sites of National Wildlife Importance.
- e) Policy B (NE).10b – Sites of Regional or Local Wildlife Importance.

Risk

- 3.14 Failing to implement the duty imposed by Section 40 of the Natural Environment and Rural Communities Act (2006) would be unlawful.
- 3.15 As already mentioned, guidance for Local Authorities on the discharge of its duty to conserve biodiversity was published by The Department of Environment, Food and Rural Affairs (DEFRA) in May 2007. This guideline indicates The Department of Environment, Food and Rural Affairs (DEFRA) intention to review progress in implementing the duty in 2009. Indicators that may be used in this review include looking at whether an Authority has:
- a) Examined opportunities to integrate biodiversity considerations into all relevant service areas and functions and taken steps to implement the opportunities identified;

- b) Managed its own sites in a way that is sensitive to biodiversity;
 - c) Made efforts to raise awareness of all staff and managers with regard to biodiversity issues;
 - d) Demonstrated a commitment and contribution to Biodiversity Action Plans where appropriate;
 - e) Demonstrated progress against key biodiversity indicators and targets for Biodiversity Action Programmes (BAP) listed priority habitats and species and Local Biodiversity Action Programmes (LBAP) listed species and habitats where appropriate.
- 3.16 Fifteen other Local Authorities in the West Midlands have already signed up to the pledge. For Redditch not to sign would cast an unreasonably negative light on the Borough Council's commitment to Biodiversity conservation.

Sustainability / Environmental

3.17

- a) By conserving biodiversity Redditch Borough Council is following one of the measures for tackling climate change. Protecting a wide range of habitats such as marshlands, meadows and woodland can help to prevent flooding.
- b) Protecting biodiversity protects the wider health of the environment. Trees and woodland absorb pollution, thus helping to clean the air.
- c) Protection of biodiversity contributes to health and well being. It is known that nature improves physical and mental health and is important for children's well being and social development.

Report

4. Background

- 4.1 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 duties imposed on Local Authorities in Section 40 of the Natural Environment and Rural Communities Act (2006) – commonly known as the Biodiversity Duty. All Local Authorities in the West Midlands Region have been invited to sign the pledge. Fifteen Local

- Authorities have already signed up to the pledge (by end of January 2009).
- 4.2 The intentions stated in the Biodiversity Pledge reflect closely the expectations placed on Local Authorities in the guidance on implementing the Biodiversity Duty produced by The Department of Environment, Food and Rural Affairs (DEFRA).
- 4.3 The Natural Environment and Rural Communities Act (2006) introduced a new duty on Local Authorities (and public bodies) to have regard to the purpose of conserving biodiversity in the discharge of their functions. Section 40(i) 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 those functions, to the purpose of conserving biodiversity".
- 4.4 Local Authorities have a major role to play in conserving biodiversity through:
- a) Incorporating biodiversity into local policies, strategies and Local Area Agreements;
 - b) Planning and development control;
 - c) Protection, management and enhancement of biodiversity throughout the Local Authority estate;
 - d) Promotion of the benefits of biodiversity for health, recreational purposes and educational purposes.
- 4.5 The West Midlands Biodiversity Partnership is an umbrella organisation working to promote biodiversity conservation throughout the West Midlands. Its members come from the private, voluntary and public sectors, including the West Midlands Regional Assembly, West Midlands Local Government Association, the Wildlife Trusts, Natural England, the Environment Agency and others.

5. **Key Issues**

- 5.1 Biodiversity is a relatively new term derived from the words "biological diversity" by the entomologist Edward. O. Wilson. Biodiversity encompasses the whole variety of life. It covers everything from mosses to Oak trees and from flies to badgers. Biodiversity equates with what is properly known as wildlife, but also includes the wider meaning of the habitats that is the woodlands, meadows, heath lands, marshlands, rivers and ponds on which wildlife depends.

The natural world is more than just its living component. It is built on the underlying geology of rocks and land forms which themselves show great variation. The protection of our geological heritage is also very important.

- 5.2 By signing the pledge Redditch Borough Council will be acknowledging:
- a) That biodiversity and the natural environment play a vital role in enhancing wellbeing and quality of life.
 - b) The Council's duty under the Natural Environment and Rural Communities Act (2006) to have regard to the purpose of conserving biodiversity in carrying out its functions.
 - c) The social, health, environmental and economic benefits which come from biodiversity.
 - d) The opportunities for Local Government to lead the drive to conserve and enhance biodiversity at a local level.
- 5.3 Redditch Borough Council will also be committing itself to a range of activities relating to the conservation of biodiversity. The activities listed in the pledge match closely with those set out in the DEFRA Guidance for Local Authorities in implementing section 40 of the NERC Act 2006.
- 5.4 The Department of Environment, Food and Rural Affairs (DEFRA) Guidance mentions that biodiversity is hugely important in its own right and we have international responsibilities and national and local systems in place to 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.
- 5.5 Redditch Borough Council is already undertaking much of the activity highlighted in the Biodiversity Pledge:
- a) The Landscape and Countryside section (L&C Section) have for a number of years been managing the Council's open spaces in a way which supports, protects and enhances the biodiversity value of each site.
 - b) The L & C Section are managing several areas of the Arrow Valley Country Park under schemes known as Countryside Stewardship Schemes. These schemes are grant aided by DEFRA (The Department of Environment, Food and Rural Affairs). Here the land is being managed to maintain a

- number of wildflower meadows, some important scrubland, rejuvenate old hedgerows and de-silt old ponds.
- c) The L & C Section have been carefully managing important areas of woodland within the town, under a “Woodland Grant Scheme”, from the Forestry Authority. Grant aid is being brought in to help to increase wildlife within the woods.
 - d) Over the past four years work has gone on to greatly improve the biodiversity found at the Arrow Valley Lake by planting reed beds and other marginal vegetation around the edge of the lake, and around the islands. This has given rise to a great increase in bird populations found here, including the fourth largest heronry in Worcestershire.
 - e) Redditch Borough Council commissioned a Biodiversity Action Plan for Redditch in 2001. Included in this Biodiversity Action Plan is the fact that there are at least fourteen important habitats in Redditch which all have had an Action Plan drawn up. There are also eight protected animal species found within Redditch. These also have an Action Plan each.
 - f) Redditch Borough Council's Planning Department has been active in protecting important sites for wildlife, as developments have occurred. Redditch Borough Council's Local Plan number three, has a number of policies in place to protect biodiversity. These are included in the section “Better Environment, Natural Environment”. Policy B (NE) 1 is about protecting and enhancing biodiversity and the geological interest of the Borough. Policy B (NE) 1a is concerned with the protection of trees, woodland and hedgerows. Policy B (NE) 3 is about the protection of wildlife corridors. Policy B (NE) 10a is concerned with Sites of National Wildlife Importance. Policy B (NE) 10b looks at Sites of Regional or Local Wildlife Importance.
 - g) The Landscape and Countryside Section is an active partner in the Worcestershire Biodiversity Partnership and continue to partake in this forum, sending an officer to all the relevant meetings.
 - h) Redditch Borough Council has been working hard to manage and protect the 9 Special Wildlife Sites that occur on open space land which they manage.
 - i) Redditch Borough Council has secured Local Nature Reserve status (LNR) for five woodland sites and one meadow site which it manages.

- j) Redditch Borough Council land drainage engineers have recently re-installed a 75 metre stretch of streambed at Batchley which was previously culverted. By doing this to a stretch of Batchley Brook on Salters Lane, means that there has been a large biodiversity gain in terms of water plants and animals.

5.6 By signing up to the pledge, Redditch Borough Council would in effect be making a public demonstration of this commitment to a biodiversity duty under the 2006 The Department of Environment, Food and Rural Affairs Act (NERC).

6. Other Implications

Asset Management - None.

Community Safety - This will add to the Council's objective of a Cleaner, Greener and Safer environment, in that good management of green spaces improves people's perceptions of the areas.

Human Resources - None

Social Exclusion - The enhancement of bio-diversity is for the benefit of all residents of Redditch as well as visitors.

7. Lessons Learnt

7.1 Redditch Borough Council has been a leader in protecting, managing and promoting biodiversity. It has a track record regarding Supporting a Biodiversity Action Plan, declaring six sites as Local Nature Reserves, managing wild flower meadows under "Countryside Stewardship Schemes" and woodlands under "Woodland Grant Schemes". The signing of the West Midlands Biodiversity Pledge adds to this track record and will also help us to manage biodiversity in line with Government Policy.

7.2 It is known that The Department of Environment, Food and Rural Affairs (DEFRA) intend to review progress on implementing this duty in 2009. Indicators that may be used in this review match closely issues raised in the Biodiversity Pledge. It is likely that as part of the review, the Council will be asked to demonstrate key activities including the following:

- a) Increasing the profile of biodiversity across the Authority's functions.
- b) That add in the opportunity to integrate biodiversity considerations into all relevant service areas has been examined and steps taken to implement the opportunities identified.
- c) That Local Authority land holdings are managed in a way that is sensitive to biodiversity.
- d) A commitment and contribution to key local biodiversity initiatives such as the local Biodiversity Action Plan Partnership.
- e) Progress against any biodiversity indicator included in the Local Government performance framework.

8. **Background Papers**

- a) Evidence for local authorities on the implementation of the Natural Environment and Rural Communities Act (2006) (NERC) produced by The Department of Food, Farming and Rural Affairs, can be found at the following link:

<http://www.defra.gov.uk/wildlife-countryside/pfd/biodiversity/la-guid-english.pdf>

- b) Definitions for the National Indicators set out under the New Performance Framework for Local Authorities and Local Authority Partnerships can be found at:

<http://www.communities.gov.uk/publications/localgovernment/-finalnationalindicators>

9. **Consultation**

10. **Author of Report**

The author of this report is Peter Gondris (Green space Development and Biodiversity Officer), who can be contacted on extension 3022 (e-mail: peter.gondris@redditchbc.gov.uk) for more information.

11. Appendices

Appendix 1 – The West Midlands Biodiversity Pledge.

Appendix 2 - Biodiversity Duty – Guidance for Local Authorities
4th June 2007 – Gemma Roberts.

Appendix 3 - Local Authority Services and biodiversity - Your
Strategy Obligations. The Wildlife Trust Statutory.

Appendix 4 - Local Authorities who have agreed to sign.