



REGENERATION AND ENVIRONMENT SCRUTINY COMMITTEE – 28TH MARCH 2017

SUBJECT: CAERPHILLY BIODIVERSITY DUTY PLAN

REPORT BY: CORPORATE DIRECTOR COMMUNITIES

1. PURPOSE OF REPORT

- 1.1 To inform members of the new Biodiversity Duty set out in the Environment Act 2016 and to present a plan setting out how the Council proposes to fulfil its duty. The views of Members are sought on the contents of the plan, and the proposed actions to deliver the duty.

2. SUMMARY

- 2.1 Caerphilly County Borough Council has a legal duty to maintain and enhance biodiversity and in so doing promote the resilience of ecosystems under the Environment (Wales) Act 2016. This plan demonstrates how we will fulfil that duty and will act as a driver for ensuring that all service areas consider biodiversity and actively enhance biodiversity when carrying out their day to day activities.
- 2.2 Caerphilly County Borough has a wealth of biodiversity that characterises the landscape of the valleys and hill tops, and provides the backdrop to the towns and villages within the county borough.
- 2.3 Over the last year, the Welsh Government has introduced a number of new legislative requirements for public bodies and local authorities to comply with, which will change the way we plan and deliver services, putting sustainable development principles at the heart of all public bodies. The Biodiversity Duty Plan not only delivers our statutory duties with regards to biodiversity but also explains how, through meeting the Biodiversity Duty, we are delivering well-being objectives and ways of working through sustainable development.
- 2.4 The plan can be revised at any time but must be formally reported to Welsh Government by the end of 2019 and thereafter every three years.

3. LINKS TO STRATEGY

- 3.1 The Environment (Wales) Act 2016 places a duty on the council to maintain and enhance biodiversity and in doing so promote the resilience of ecosystems. The Caerphilly Biodiversity Duty Plan sets out how the Council can fulfil this duty.
- 3.2 The Well-being of Future Generations Act (Wales) Act became law in April 2015. The goals set out within the Act are to improve social, economic, environmental and cultural well-being of Wales. The Biodiversity Duty Plan provides objectives to ensure that the health and resilience of the county's biodiversity is maintained and enhanced in all areas of council operations.

3.3 The Biodiversity Duty plan has close links with the following Well-being Goals:

- *A resilient Wales**
- *A healthier Wales**
- *A Wales of cohesive communities**
- *A globally responsible Wales**

4. THE REPORT

4.1 In 2010 a report was presented to the Council's Sustainable Development Advisory Panel that informed the Panel of a new Biodiversity Duty for Local authorities under the Natural Environment and Rural Communities Act 2006. Significant progress has been made since that time within service areas of the Council towards considering biodiversity, but biodiversity throughout Wales has continued to decline.

4.2 The Environment (Wales) Act 2016 includes additional duties on local authorities to seek to maintain and enhance biodiversity in the exercise of its functions and promote the resilience of ecosystems. The intention of this duty is to ensure biodiversity becomes an integral part of decision making in public authorities. The duty came into force in May 2016.

4.3 Unlike the previous provision, the new duty requires formal demonstration of compliance. The authority is therefore required by the Act to prepare and publish a plan setting out how it intends to comply with the duty. While the Act does not set a timescale for this, guidance from officers within Welsh Government encourage its production in 2017. The Act requires public bodies to publish a report by the end of 2019 on what it has done to comply with the duty, this is then required to be reported every 3 years.

4.4 Following an initial questionnaire sent out to all service areas a draft Biodiversity Duty Plan has been prepared setting out a programme for delivering the Biodiversity Duty set out in the Act.

4.5 Key Features of the Caerphilly County Borough Council's draft Biodiversity Duty Plan include:

- The first 12 months of this plan will largely consist of auditing our current practices and biodiversity resource. The initial questionnaire has already been circulated to all service areas to inform the preparation of this plan and is set out in Appendix E of the draft Biodiversity Duty Plan. This will form the basis of further discussions with service areas to refine and develop future actions for delivery.
- At the end of 2017 this plan will be revised to take forward actions to maintain and enhance biodiversity following the outcome of the audit and discussions with service areas. The findings of the State of Natural Resources Report and NRW Area Statements (if available) will be taken into account as part of this process.
- All proposed actions will be reported in 2019 as required by the Act.
- Where there are fundamental changes to terminology, or advancements in our understanding of ecosystems, this plan may be updated to reflect those changes.
- Whilst this is a local authority wide plan, the council's ecologist will coordinate the plan and be responsible for the reporting on it.

4.6 The plan sets out broadly under 5 main headings what the authority intends to do to meet its Biodiversity Duty and identifies the next steps needed to deliver the duty including:

- Developing actions with measurable targets for delivery for each service area.
- Use business plans to embed the considerations of biodiversity and ecosystems into policies, plans, programmes, projects and day to day activities.
- Use the Green Infrastructure approach as a means of delivering multiple benefits.
- Reporting implementation of the Biodiversity Duty plan as required by Welsh Government.
- Ensure Biodiversity duty links to and supports the delivery of the Well-being of Future Generations Act.

4.7 **NEXT STEPS:** The draft Biodiversity Duty Plan will be refined following the finalisation of the Public Service Board Wellbeing Objectives, to ensure alignment and synergy. Once finalised, the Plan will be presented to Welsh Government and monitored thereafter.

5. WELL-BEING OF FUTURE GENERATIONS

5.1 This report contributes to the Well Being Goals as set out in Section 3 of the report.

5.2 The Act not only identifies goals but advocates five ways of working to ensure that the objectives and sustainability are met and this report has been prepared with that in mind.

5.3 The Caerphilly Biodiversity Duty Plan and the actions within it are closely linked to four of the Well-being Goals:-

1. A Resilient Wales

A healthy and robust biodiversity resource is at the heart of providing a resilient Wales, and actions to maintain and restore biodiversity are critical to ensuring this resource is available for future generations.

2. A Healthier Wales

The intrinsic value of a varied and biodiverse environment is known to provide significant benefits to the local communities and individuals to their mental health and well-being. Actions within the plan will ensure that local communities can continue to access this often undervalued resource.

3. A Wales of Cohesive Communities

Increasing the biodiversity in and around the places people live and work will provide an attractive environment in which to live and opportunities for local communities to engage in voluntary conservation activities.

4. A Globally Responsible Wales

Caerphilly supports several habitats and species that are rare or declining in other parts of Wales, the UK and in Europe. The actions undertaken by the council set out in the plan will ensure that these habitats and species are safeguarded and contribute to Global biodiversity.

5.4 The plan also meets the 5 ways of working, as set out within the sustainable development principle.

Long Term	<ul style="list-style-type: none"> • Through this plan the identification of areas for long term management and changes to policy will allow the safeguarding of long-term needs of the people of Caerphilly County Borough • The Development Control process and management of parks and country parks allows us to ensure long term management of sites and through mechanisms for enhancement • This plan is the starting point for identifying changes to the way we manage our land , buildings and resources which will have a long term effect.
Integration	<ul style="list-style-type: none"> • Caerphilly are currently in the process of setting well-being objectives which are not available at the time of writing of this plan. However it is envisaged that this plan will form a key part of the delivery of our objectives for the “resilience” well-being goal. When the objectives are finalised, this plan will be revised to ensure that it reflects the agreed objectives.

Involvement	<ul style="list-style-type: none"> • Through supporting the Caerphilly Biodiversity Partnership, this plan allows engagement with residents of Caerphilly County Borough, in making decisions on the nature conservation priorities of the county • Many of the actions in this plan require close collaborative working within the County Council and with the Council's partners.
Collaboration	<ul style="list-style-type: none"> • By assessing the policies and working practices of different service areas we will identify ways of working together • We will continue to work with NRW and other partners to deliver actions on the ground, and when NRW Area Statements are produced will adjust our actions to assist them in meeting their Area Statement goals. • Continued support of the Caerphilly Biodiversity Partnership, and Regional Biodiversity Partnerships will allow the Council to work in collaboration with a wide range of partners, particularly non-government organisations and community groups.
Prevention	<ul style="list-style-type: none"> • Early collaboration between service areas will help identify potential issues and allow them to be addressed at an early stage. • Using State of Natural Resources Report and Area Statements (when available) to guide this plan will identify issues within Caerphilly County Borough Council and address them appropriately.

6. EQUALITIES IMPLICATIONS

- 6.1 An Equalities Impact Assessment has not been undertaken on this report. However, Biodiversity and Equalities interact on many levels and work undertaken in one area often supports the other. The maintenance and enhancement of biodiversity is of benefit to all the residents of Caerphilly county borough, regardless of their individual circumstances or backgrounds. There is no impact with regard to the Welsh Language Act.

7. FINANCIAL IMPLICATIONS

- 7.1 The extent of actions that can be undertaken by service areas has been identified in the initial questionnaire as a barrier to the extent of implementation. The majority of actions require small changes to ways of working that can have large gains for biodiversity, without any financial implications. Larger projects would need to seek funding from external environmental funding sources.

8. PERSONNEL IMPLICATIONS

- 8.1 The council's ecologist will oversee the delivery of the biodiversity duty with the support of the Countryside Services, as part of their existing remit. There will therefore be no personnel implications.

9. CONSULTATIONS

- 9.1 Minor amendments have been made to the report and Plan to reflect the comments of the consultees which spans across all service areas of the Council.

10. RECOMMENDATIONS

- 10.1 That Scrutiny committee endorses the contents of the draft Biodiversity Duty Plan and the proposed actions within it to deliver the new Duty.

11. REASONS FOR THE RECOMMENDATIONS

- 11.1 To ensure that Caerphilly Council meets its legal obligations under Section 6(1) of the Environment (Wales) Act 2016.

12. STATUTORY POWER

- 12.1 Environment (Wales) Act 2016.

Author: Alison Jones, Principal Ecologist, Countryside and Landscape Services
Jonesa2@caerphilly.gov.uk

Consultees: Cllr Ken James, Cabinet Member for Regeneration, Planning & Sustainable Development
Christina HARRY, Corporate Director Communities
Tim Stephens, Development Control Manager
Philip Griffiths, Acting Countryside and Landscape Services Manager

Appendices:

Appendix 1 Draft Caerphilly Biodiversity Duty Plan March 2017

Appendices to the Plan above:

Appendix A The Environment (Wales) Act 2016 Duties

Appendix B Well-being of Future Generations (Wales) Act 2015 Goals

Appendix C Well-being of Future Generations (Wales) Act 2015 5 Ways of Working

Appendix D The Nature Recovery Plan for Wales Objectives

Appendix E Biodiversity Duty Questionnaire Summary of Council Service responses Nov 2016