



Llywodraeth Cymru
Welsh Government

The Environment (Wales) Act – Part 1- Interim Guidance

Sustainable Management of Natural Resources

The sustainable management of natural resources is supported by nine principles that help to ensure that decision-making is based on a collaborative and integrated approach. This will ensure that decisions are based on a better understanding of how ecosystems and natural resources work, including the benefits derived from ecosystems.

Part 1 of the Act also provides an iterative framework to deliver the sustainable management of natural resources. The framework includes the State of Natural Resources Report (SoNaRR) produced by Natural Resources Wales (NRW). This report will contain NRW's assessment of the state of natural resources in relation to Wales and it will provide the evidence base for the National Natural Resources Policy (NNRP). The NNRP will set out the Welsh Government's priorities in relation to the management of natural resources. The Welsh Ministers will be required to carry out the appropriate actions to implement the NNRP in addition to encouraging others to do so. NRW will be required to prepare and implement area statements, which help to implement the NNRP. Area statements will set out the key priorities and risks that need to be carefully managed and mitigated and the key opportunities for the sustainable management of natural resources at a more local level.

These documents will provide vital evidence for public bodies on the priorities, risks and opportunities in relation to our natural resources and can help to inform decisions.

Section 6: Biodiversity and resilience of ecosystems duty

Section 6 of the Act places a duty on public authorities to 'seek to maintain and enhance biodiversity' so far as it is consistent with the proper exercise of those functions. In so doing, public authorities must also seek to 'promote the resilience of ecosystems'. The duty replaces the section 40 duty in the Natural Environment and Rural Communities Act 2006 (NERC Act 2006), in relation to Wales, and applies to those authorities that fell within the previous duty.

To assist in complying with this duty, public authorities must have regard to relevant evidence provided in the State of Natural Resources Report and any relevant area statement for an area in which the authority exercises functions, as well as having regard to the list of living organisms and habitats published under section 7 of the Act (which replaces the section 42 list provided in the NERC Act 2006).

Forward Planning and Reporting

Public authorities must prepare and publish a plan on how they intend to comply with the biodiversity and resilience of ecosystems duty.

Whilst the Act does not specify when a public authority must prepare and publish its first plan setting out what it proposes to do to comply with the duty, the intent is that this shall be within the first year of the Act coming into force. (FAQs)

In addition, public authorities will be responsible for reporting on the outcomes of how the duty has been met. The first report is due in 2019 and then subsequently every three years. It is not intended that this be onerous. The bodies that fall under the Well-being of Future Generations (Wales) Act 2015 can include their forward plan in their statement about their well-being objectives and the report on compliance can be within their report on how they are meeting their well-being objectives. For these bodies this will also ensure that the requirement is joined-up and embedded within the Well-being of Future Generations (Wales) Act 2015.

The duty to forward plan will ensure that biodiversity is considered at the decision-making level, and the new reporting duty will make public authorities more responsible for showing how their actions have helped to enhance the natural resources and ecosystems.

Guidance

As part of these responsibilities, public authorities must take into consideration any guidance issued by the Welsh Ministers, related to complying with the new duty. Guidance was provided on the NERC Act biodiversity duty, which can be found here <http://www.biodiversitywales.org.uk/Environment-Wales-Bill>

Draft guidance in relation to the Section 6 duty will be available later in 2016, and final guidance in early 2017.

Good practice

In promoting the resilience of ecosystems, public authorities must take into consideration the key characteristics of a resilient ecosystem. These characteristics, which include condition, diversity, extent, connectivity and adaptability, will assist public authorities in identifying any actions that may need to be taken.

Carrying out the requirements under the new biodiversity duty will help to:

- contribute to our physical and mental health and wellbeing;
- play an important role in tackling climate change;
- regulate local climate, for example, temperature, shade, shelter;
- intercept and help break down air, water and soil pollution;
- reduce flood peaks; and
- offer opportunities for community engagement and volunteering.

Examples:

Some examples of what authorities are doing currently and what they can do to maintain and enhance biodiversity in their area include:

General (buildings only):

Current guidance on the existing section 40 biodiversity duty provides information on general internal policies and procedures including:

- *Reducing the need to travel and reducing car use will help to reduce climate change impacts and cut pollution and noise;*
- *Reducing, followed by re-using and recycling waste will help to reduce pollution from waste transport and landfill, which have adverse impacts on biodiversity and climate change; and*
- *Raise awareness of staff and managers with regard to biodiversity issues.*

Management of public land:

Management of public authority sites is important both in directly providing habitats for wildlife, and in avoiding environmental impacts and problems that impact on wildlife and wider ecosystems. Some bodies manage large areas of land, while many more manage land on a small scale, including gardens, buildings and public spaces. Authorities may manage land directly or through incentives or tenancy agreements (e.g. National Parks).

While some public authorities such as Local Authorities have developed Local Biodiversity Action Plans (LBAPs) to deliver specific actions for priority habitats and species, through their planning and management activities there are a range of more general actions that can be taken which will make a difference, especially if applied at scale.

Some examples

- *Save money by cutting grass less often (2 cuts a year generally, but cutting only once a year in some areas, to provide a more varied structure, encourage native wild flowers, and pollinators, and providing better habitat for wildlife across otherwise unsuitable areas;*
- *Manage your land to create wildlife corridors using hedges, trees and native wild plants to connect different areas to help wildlife move and disperse - thinking about how areas for wild plants and animals could be better connected;*
- *Allowing some weedy areas and dead wood areas to provide food for birds and animals;*
- *Provision of nesting sites, bat boxes and bee hotels;*
- *Plant native tree and native plant species, and sow native wildflower seeds to create wildflower areas, to encourage pollinators;*
- *Fully integrate biodiversity as part of a site or facility's Environmental*

- Management System, including for specific sites and facilities;*
- *Creating a pond;*
 - *Engage your staff in biodiversity projects as part of team building exercises.*

Section 7: Biodiversity Lists and duty to take steps to maintain and enhance biodiversity

This section replaces the duty in section 42 of the NERC Act 2006. The Welsh Ministers will publish, review and revise lists of living organisms and types of habitat in Wales, which they consider are of key significance to sustain and improve biodiversity in relation to Wales.

In producing the list or taking any measures to improve the listed organisms and habitats, the Welsh Ministers must apply the principles of sustainable management of natural resources. They must therefore consider any appropriate evidence, for example as provided in the State of Natural Resources Report, and also engage with any relevant stakeholders. For example, this could include relevant public authorities.

Certain public authorities will also be required to consider the section 7 list, in complying with the new biodiversity duty under section 6 of the Act. The list is important for a number of reasons, namely, the list can assist public bodies to identify potential issues that they may wish to address in meeting their well-being objectives, in addition to contributing to the well-being goal 'a resilient Wales' (Goal 2).

An interim Section 7 list can be found here

<http://www.biodiversitywales.org.uk/Environment-Wales-Bill>

This list is exactly the same as the previous list under Section 42 of the NERC Act, but is under review in consultation with NRW.

The Nature Recovery Plan for Wales

The Nature Recovery Plan for Wales sets out our commitment to reversing the loss of biodiversity by 2020, and identifies the objectives and actions to achieve that ambition.

It will put in place a new Nature Recovery Framework which will link in closely with the framework for the sustainable management of natural resources by providing an evidence base in relation to biodiversity action and identifying what is needed where, across Wales, and translating that into local action on the ground.

The Nature Recovery Plan can be found via the following link:

<http://gov.wales/topics/environmentcountryside/consmanagement/conservationbiodiversity/?lang=en>

