

Decision Report / Adroddiad ar Benderfyniad

Subject / Pwnc:

Proposals for taking forward the role of the biodiversity champions within Local Government.

Summary of decision / Crynodeb o'r penderfyniad:

Jane Davidson, Minister for Environment, Sustainability and Housing has agreed to establishing Councillor-level biodiversity champions and agreed to address four workshops to be held with Champions.

Date of decision / Dyddiad y penderfyniad:

6 February 2007.

Statement of information / Datganiad gwybodaeth:

Wales Biodiversity Partnership

At a Wales level the Wales Biodiversity Partnership (WBP) provides guidance and support in preparing Local Biodiversity Action Plans.

Within Wales responsibility for implementation of the UK Biodiversity Action Plan rests with many different players, with the overall steer and co-ordination provided by the WBP. This group brings together all sectors in a partnership supported by the work of people, groups and organisations locally and nationally.

The main objective of the Partnership is to enable and deliver biodiversity action on the ground.

1. The Steering Group works with the Wider Partnership to co-ordinate Wales-level biodiversity actions associated with the Environment Strategy and the UK BAP and to provide a leadership role and decision making on priorities for action on biodiversity in Wales
2. The overarching role of the Wales Biodiversity Partnership is to promote action to maintain, enhance and monitor biodiversity in Wales and to advise the Welsh Assembly Government on issues affecting biodiversity in Wales.

Natural Environment and Rural Communities Act 2006 (Nerc) Biodiversity Duty

Section 40(1) of the Natural Environment and Rural Communities Act 2006 ("the NERC Act") places a new duty on every public authority, in exercising its

functions, to *“have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity”*.

The duty affects all public authorities. Local authorities are a key target group, but the duty also affects a wide range of public bodies including fire, and police, health and transport authorities etc.

Section 40 of the NERC Act came into force on October 1 2006. It replaces and extends a similar pre-existing duty on Ministers and Government, which was set out in S74 of the Countryside and Rights of Way (CROW) Act 2000.

Welsh Assembly Government Officials have worked with a wide range of partners, including the Countryside Council for Wales, Defra, Natural England, the Local Government Association, Wildlife and Countryside Link and others on developing guidance to support public authorities in complying with this duty.

Two sets of guidance have been produced in May 2007:

- generic guidance aimed at all public authorities
- specific guidance aimed at the needs and requirements of local authorities.

In addition:

- Welsh Assembly Government circulated a ‘leadership brief’ to all staff and prepared guidance for Heads of Divisions in July 2007. Additional advice is available from the Nature Conservation and Biodiversity Policy Branch on request and public sector bodies, on request.
- During 2006, a Welsh Assembly Government officer contacted each local authority to explain the duty and identify a ‘biodiversity champion’. Meetings were held with the majority of local authorities and actions agreed.
- Bullet point ‘biodiversity checklists’ were developed by the WBP Steering Group approved by the Minister for Environment, Sustainability and Housing in July 2007. They are also endorsed by the Partnership Against Wildlife Crime in Wales.

Habitats Directive and Wild Birds Directive

Compliance with the following European directives is required as a minimum requirement: the Habitats Directive – Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora and the Wild Birds Directive - Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds.

Local Authority Ecologists

In Wales, most local authorities and national parks employ one or more ecological specialists to provide advice to planning, highways and other

departments. This role directly supports the making of appropriate decisions, reducing the risk of legal challenge and unnecessary damage to the environment.

Local Biodiversity Action Plan (LBAP)

In Wales, each local authority or national park has its own Local Biodiversity Action Plan. This sets out the local actions necessary to conserve and enhance rare or threatened species and habitats. Individuals and representatives of statutory and non-statutory organisations take responsibility for these actions and act together as the Local Biodiversity Action Plan Partnership, which is central to achieving the 2010 target.

The role of co-ordinating the partnership is crucial and is undertaken by the Local Biodiversity Action Plan (LBAP) officer or biodiversity officer, based within your authority. This is one of the primary mechanisms for the implementation of the UK BAP.

In order to be compliant with the biodiversity duty it is advisable that each local authority supports a minimum of one **Biodiversity Officer** to co-ordinate the partnership, drive action plan delivery and facilitate communication within the conservation community and other sectors and at least one **Ecologist** to provide expert advice to local authority planning and development control work, transport and highways and any other consents activity. Most local authorities will require more than this minimum to provide for local needs.

Where possible the development of a biodiversity team is recommended to cover different aspects of biodiversity work such as planning and policy work, awareness, site management and administration.

It is expected, by the Welsh Assembly Government and WBP, that each local authority and public sector body will provide essential biodiversity and nature conservation services to ensure compliance with the requirements of the Conservation (Natural Habitats, &c) Regulations 1994 (as amended in 2007) and the biodiversity duty under the NERC Act 2006.

To achieve compliance, it is the responsibility of the authority concerned to provide sufficient resources. Guidelines are provided but it is perfectly legitimate to provide an equivalent service in an alternative format.

These requirements set out in the Conservation (Natural Habitats, &c) Regulations 1994, the Wildlife and Countryside Act 1981 and the NERC Act are statutory duties and non-compliance is not acceptable. Intervention by the Welsh Assembly Government, Countryside Council for Wales or the Welsh Police Forces can be expected where there is a risk of non-compliance.

Local Record Centres

Local Record Centres (LRCs) are part of a wider network of organisations working under the umbrella of the National Biodiversity Network (NBN). Together these organisations co-ordinate and provide the data needed to support the delivery of the UK Biodiversity Action Plan and compliance with the Habitats Regulations.

The establishment of Local Records Centres (LRC) has been very successful across Wales. The first of the four LRCs, the Biodiversity Information Service for Powys and the Brecon Beacons National Park (BIS) has been running successfully since November 2001. The second LRC in Wales is the South East Wales Biodiversity Records Centre (Sewbrec) which has been fully operational since August 2005. North Wales Environmental Information Service (Cofnod) has been fully operational since January 2007. West Wales Biodiversity Information Centre (WWBIC) has been fully operational since September 2007, which completes the coverage of Wales.

Links / Cysylltiadau:

[Wales Biodiversity Partnership](#)

<http://new.wales.gov.uk/topics/environmentcountryside/epq/Envstratforwales/?lang=en>

<http://www.biodiversitywales.org.uk/English/Library/default.aspx?pid=1>

<http://www.defra.gov.uk/rural/ruraldelivery/bill/default.htm>

<http://www.biodiversitywales.org.uk/English/Library/default.aspx?pid=13>

<http://www.biodiversitywales.org.uk/English/Library/default.aspx?pid=13>

<http://www.defra.gov.uk/wildlife-countryside/ewd/ewd09.htm>

[Local Biodiversity Action Plans](#)

[National Biodiversity Network](#)

<http://www.biodiversitywales.org.uk/English/GetInvolved/default.aspx?pid=7>