



Local Authority Services and Biodiversity

Your Statutory Obligations

Section 40: Natural Environment and Rural Communities Act 2006

“Every public body 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”



How can this leaflet help you?

This leaflet should act as a source of inspiration for how you can have clear regard for biodiversity in your work.

The centrefold illustration provides a 'bird's eye view' of where biodiversity conservation is relevant across a wide range of local authority services and functions.

Throughout the leaflet, practical examples show how a local authority can take effective action for

biodiversity conservation – drawing on different information sources and a vast amount of existing good practice. These examples are organised into four main sections, reflecting the themes presented in Defra's *Guidance for Local Authorities on Implementing the Biodiversity Duty* (2007).

This leaflet also emphasises that biodiversity is a truly cross-cutting issue and can contribute to the delivery of other local authority services and targets.



The Landmark Practice

The NERC duty

Local authorities in England and Wales have a key role to play in the conservation of biodiversity and this is now recognised and formalised within Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006, where:

“Every public body 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”

What does the duty mean for local authorities?

A local authority that is actively implementing the NERC duty will be able to show that:

- biodiversity conservation and enhancement is appropriately integrated throughout all departmental policies and activities
- all staff, managers and elected members understand how biodiversity issues relate to their own decisions and actions
- it provides sustained support to local biodiversity initiatives, such as Local Biodiversity Action Plans, Biological Records Centres and Local Site systems
- biodiversity, in particular species and habitats of principle importance, is properly protected and enhanced in line with statutory nature conservation obligations
- it has access to professional ecological expertise and up-to-date biodiversity information
- it reports on progress towards national and local biodiversity targets.

What is biodiversity?

Biodiversity is the variety of life on earth, and includes all species of plants and animals and the natural systems that support them. Biodiversity describes our natural wealth, which makes up the living landscape around us, sustains ecological systems and enhances our quality of life. It is an important component of the view from our window, the food we eat, the clothes we wear, the materials and medicines we use, and the functioning of natural systems and processes on which our lives depend. Given its enormous benefits, our responsibility to conserve biodiversity is unquestionable.



Paul Ginnelli, courtesy of Natural England

Biodiversity:

- is critical in our response to climate change adaptation and mitigation
- supports the ecosystem services that maintain air, soil and water quality and that reduce flooding and pollution
- provides opportunities for community engagement, volunteering and learning and can improve peoples' health and well-being
- signifies local character and distinctiveness, and offers opportunities to improve local areas through landscape-scale restoration and creation
- contributes to stronger local economies
- provides us with essential products and materials.

1 Local policies and strategies

Local authorities should consider and integrate biodiversity conservation throughout all their policies and strategies (for example waste, transport, education). Cross-departmental consultation, ecological expertise and the support of a wide range of partners will be crucial in achieving this. Of key importance is the Local Strategic Partnership. This covers all service areas and plays a significant role in the setting and implementation of the vision for the local area through the Sustainable Community Strategy and Local Area Agreement. Biodiversity is an essential component of these documents - informed by the Local Biodiversity Action Plan and the Local Site system partnerships.



www.wildlife.org.uk

Local Strategic Partnerships, Sustainable Community Strategies and Local Area Agreements

The Local Area Agreement in Wiltshire was the first to incorporate a specific environment block. It contains three areas: waste; biodiversity; and energy. Wiltshire Wildlife Trust has been actively engaged with the County Council and leads the environment block in collaboration with other organisations. This has drawn together all those involved in biodiversity work to agree their shared priorities and helped the County Council to enshrine them within its activities. These priorities include: using the planning process; Local Site system; community engagement processes; and the provision of high quality biological information to protect and enhance biodiversity.

A partnership including Dorset County Council, Dorset Area of Outstanding Natural Beauty and Dorset Wildlife Trust is working to deliver Local Area Agreement targets for grassland in Dorset. The Agreement aims to get Local Sites supporting unimproved grassland into good condition. Funding from the Agreement facilitates: survey work; site management statements; landowner liaison; and habitat enhancement work.

Local Biodiversity Action Plans and partnerships

In partnership with Derbyshire Wildlife Trust and other local organisations, Chesterfield Borough Council has written and adopted a "Greenprint for Biodiversity" which translates UK and Local Biodiversity Action Plan targets and actions to a district level. The Council has a cross-departmental steering group for the Greenprint and has implemented a number of projects including a hedgerow survey and training for pest control officers on water vole conservation.

Each District Council in Staffordshire has a Local Area Agreement target for Biodiversity Action Plan habitat creation. Staffordshire Wildlife Trust was engaged in the development of the Agreement and is now working with each local authority to meet the targets.

Neighbourhood renewal

By working in partnership with Preston City Council, Central Lancashire Primary Care Trust and neighbourhood organisations, The Wildlife Trust for Lancashire, Manchester and North Merseyside has secured Neighbourhood Renewal Funds in Preston to deliver a community health programme. The project encourages people to use open spaces for exercise and relaxation and also improve these sites for biodiversity through volunteering.



Clare Curfitt, Manchester Wildlife Trust

Integrating biodiversity into local authority activity

Local authorities have a duty to protect, manage and enhance **Sites of Special Scientific Interest (SSSIs)** under their ownership, and should be working towards Defra's Public Service Agreement target to bring them into favourable condition by 2010.

The grounds of many **cemeteries** can be sympathetically managed to also benefit a wide range of biodiversity.

Many council-owned **historic buildings** provide homes for important biodiversity, such as breeding birds and bats. All bats are legally protected against harm and disturbance.

Many linear **walking and cycling routes** (such as disused railway lines) also offer excellent opportunities for biodiversity conservation and enhancement.

In any potential sale of council property, **property services** must have regard for the implications on European Protected Species.

Building control must have regard for the presence of European Protected Species (e.g. bats) when considering Demolition Notices.

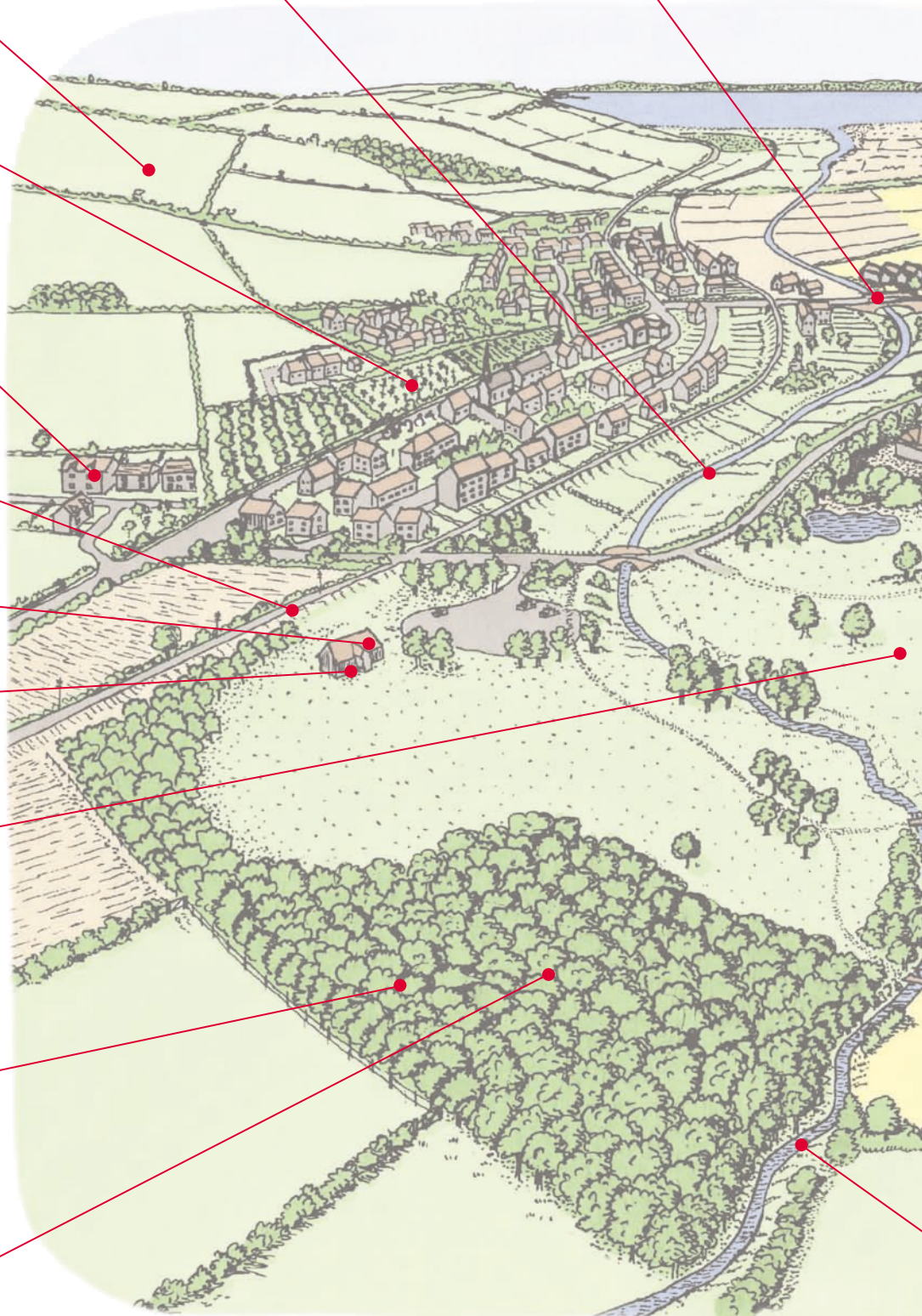
Parks and public open spaces offer excellent opportunities for biodiversity conservation and enhancement that can be easily enjoyed by local people. Management operations must also take account of protected species, such as great crested newts, in ponds.

Local authorities should provide leadership in establishing and maintaining partnerships to identify and manage **Local Wildlife/Geological Sites** – taking responsibility for their selection and protection, particularly within the planning process.

The authority has powers to formally declare and manage **Local Nature Reserves (LNRs)** for the benefit of both wildlife and people.

Under the Land Drainage Act 1994, the authority must have regard to biodiversity issues in all of its **land drainage functions**.

Bridges and structures often contain bats and breeding birds. Maintenance works to these must have regard for such species. The timing and/or method of works must take account of their presence.



Green Infrastructure is a term that describes the natural environment resource that supports people and wildlife. It comprises the network of protected sites, nature reserves, green spaces (including local parks, sports grounds, cemeteries, gardens, allotments, commons), linkages (including river and canal corridors and floodplains, roadside verges, hedges, railway embankments), ecologically functional landscapes and the wider countryside. Green Infrastructure can deliver essential ecological services to ensure we live within environmental limits; improve health and well-being through leisure and cultural experience; and help conserve biodiversity by creating and connecting important habitats. It should be incorporated and enhanced within land development, growth management and built infrastructure planning.

Beaches and shorelines are important for biodiversity and positive management of these areas can promote conservation and access. For sites with international designations, management operations must be assessed under Habitat Regulations.

Council-tenanted farms often include sites, habitats, features and species of particular biodiversity importance. These will benefit from targeted management – potentially helped by agri-environment grant payments.

Council-owned **common land** offers opportunities for biodiversity management and enhancement – potentially helped by agri-environment grant payments.

The margins of many **Civic Amenity Sites** (for instance in a disused quarry) may be managed to maximise their value for biodiversity.

Landscaping schemes associated with any council project offer opportunities to create new habitats and features of value for local wildlife.

Forward planning and development control play a vital part in shaping, protecting and enhancing the full range of biodiversity resources present in an authority's area.

Council buildings present opportunities for biodiversity enhancements – for instance installing bird and bat boxes, green roofs and walls and sympathetic management of grounds and open space.

The grounds of **residential care homes** can be landscaped and managed to maximise opportunities for a wide variety of biodiversity.

Highway verges can be managed to protect and enhance a wide variety of wildlife – including many rare and protected species.

Local authorities must have regard for the presence of breeding birds and European Protected Species (e.g. bats) when instructing **tree felling or surgery**.

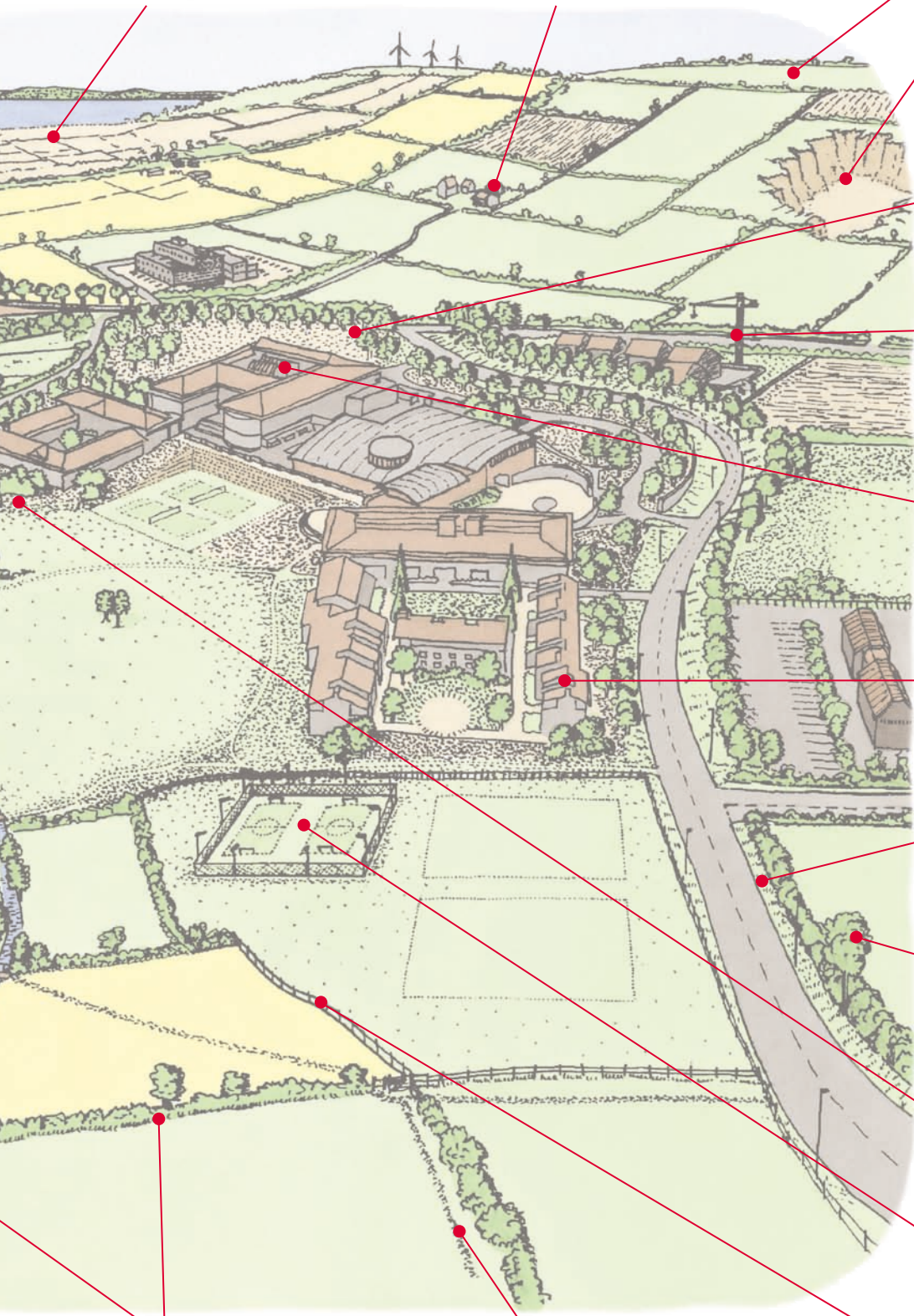
School grounds managed for conservation purposes also provide excellent opportunities for 'outdoor learning' and the study of nature.

Careful consideration needs to be given to the indirect effect of **light pollution** and its impact on nocturnal species such as bats.

Wherever possible, local authorities should undertake positive management and restoration of **Biodiversity Action Plan** habitats. Management of trees and hedgerows must have regard for the nesting season and breeding birds.

Management of **Public Rights of Way** offers an opportunity for people to access and enjoy nature in their local area. Maintenance works of footpaths and bridleways must be timed to avoid harming protected species.

Making decisions about **procurement** should have regard for the biodiversity implications. For instance, using wood products for fencing and gates from sustainable sources and using peat-free compost.



2 Education, advice and awareness

Through their role in the provision of formal and informal education, advice to different sectors and by encouraging and facilitating community engagement, local authorities provide an essential and effective route through which to inspire people and increase understanding of biodiversity conservation issues.

Education

Nature Reserve visitor centres provide ways to inform and increase understanding of the natural environment. Huntingdonshire District Council owns Little Paxton Nature Reserve. Site wardens employed by the District Council offer community-focused informal education on the reserve, while The Wildlife Trust for Bedfordshire, Cambridgeshire, Northamptonshire and Peterborough provides more formal, curriculum-based education.

Advice

Nottinghamshire Wildlife Trust has a Service Level agreement with Rushcliffe Borough Council to provide management advice, education and biodiversity work to support the Council. The Agreement covers a number of local authority responsibilities including landowner liaison, creating Local Nature Reserves and preparing management plans.

Community outreach and volunteering

Thanet District Council recruits volunteer wardens to monitor coastal wildlife and help resolve local conflicts such as disturbance from dog-walking to the wintering birds along Thanet's coastline. The volunteers, trained in survey techniques by Kent Wildlife Trust, record biodiversity to provide up-to-date information on the distribution of species and habitats.

Tees Valley Wildlife Trust, in partnership with Middlesbrough Council and the Environment Agency, is reviewing nine stream corridors. Despite being in an urban area, the streams have good water vole populations and provide greenspaces for recreation. The Trust and local community are working together to enhance biodiversity along the corridors.

3 Ownership and management of land and buildings

As significant land and property owners, local authorities play an important role in maintaining and enhancing biodiversity. The appropriate management of statutory and non-statutory sites, other non-designated land (such as parks and school grounds) and buildings, provides extensive habitat for wildlife and creates opportunities to enhance the area for biodiversity and local communities.

Buildings

Kent Wildlife Trust manages Romney Marsh Visitor Centre on behalf of Shepway District Council. The Visitor Centre has been constructed using sustainable building principles and includes straw-bale walls, a green roof and wood-fired central heating.

Formally designated sites

Surrey Wildlife Trust undertakes all the countryside management on Surrey County Council's estate, covering more than 3,500 hectares of publicly accessible land. Approximately 70 per cent of the land is designated as a Site of Special Scientific Interest and includes one National Nature Reserve.

Informal sites, parks and open spaces

Gwent Wildlife Trust works with Monmouthshire County Council to manage Monmouth Cemetery. Older parts of the four hectare site are left un-mown as hay meadow, providing significant financial savings for the local authority and benefits for wildlife, including swathes of ox-eye daisies across the site.



Gemma Bode, Gwent Wildlife Trust

In Brighton and Hove, a school grounds Biodiversity Action Plan has been produced. Sussex Wildlife Trust works with schools to implement the plan. Proposed projects include developing wildlife trails, green roofs for schools with tarmac playgrounds and planting orchards with Sussex varieties of apples. The work also links with Government initiatives such as 'Healthy Schools' and 'Learning Outside the Classroom'.

4 Planning, infrastructure and development

Planning is the spatial tool that integrates social, economic and environmental considerations. Forward planning and development control provide opportunities to: maintain and enhance biodiversity; improve quality of life; and adapt to climate change. National planning legislation and policies provide guidance to ensure that biodiversity protection and enhancement is taken into account in local and regional plans and decisions. These processes must be underpinned by high quality biodiversity information.

Gathering an evidence base

Somerset Environmental Records Centre provides biodiversity information to all Somerset local authorities through Service Level Agreements. Working in partnership, the Records Centre has built a rigorous evidence base on habitats and species through survey and monitoring programmes. The information is used for forward planning, land management, advisory work and sustainability appraisal.

Essex Wildlife Trust has a Service Level Agreement with Basildon District Council to provide annual mapping and assessment of Biodiversity Action Plan habitat and technical support at planning appeals that affect Local Wildlife Sites. The Trust has also produced an ecological network map consisting of key sites, core areas, threatened areas, enhancement areas and corridors to promote connectivity. The map is being implemented by the Council through a number of strategies and also provides a more coherent framework for habitat enhancement projects.



Biodiversity enhancement

Funded and hosted by Mansfield District Council, Nottinghamshire Wildlife Trust employed a project officer to develop a Green Infrastructure strategy to underpin the Council's Local Development Framework. As a result, a new council post was created for a Sustainability Officer to take the work forward. Nottinghamshire Wildlife Trust continues to provide advice through the steering group.





The Landmark Practice

The NERC duty and your Wildlife Trust

The Wildlife Trusts have considerable experience of working in partnership with local authorities, offering advice, expertise and delivery of practical projects. All of this support can be targeted at different levels according to local circumstances and the capacity of individual Trusts, and can be both strategic or project based.

By drawing on our experience, we can, in a variety of ways, help your authority respond to its obligations under the NERC biodiversity duty. We may be able to assist you in exploring new opportunities for biodiversity conservation and enhancement, and we will be happy to offer suggestions to avoid or minimise adverse effects on biodiversity.

In addition, we can act as a 'good neighbour' and advise in potentially sensitive situations if we believe council policies or actions are not in accordance with requirements under the duty. For further information: www.wildlifetrusts.org

Other sources of information

Association of Local Government Ecologists (ALGE) (2004) Increasing the Momentum: A Vision Statement for Biodiversity in Local Government www.alge.org.uk

Defra (2006) Guidance for Local Authorities on Implementing the Biodiversity Duty www.defra.gov.uk

Local Government Association (LGA) Greening Communities Campaign www.lga.gov.uk

The Wildlife Trusts' Biodiversity Benchmark

Why not commit your authority to work towards the Benchmark?

The Biodiversity Benchmark is a systematic management process that recognises continual biodiversity improvement. It enables any organisation which owns or manages land to assess its impact on the natural world, improve its environmental contribution and demonstrate its commitment to biodiversity. The Benchmark can help public authorities fulfil their NERC duty by clarifying existing biodiversity and environmental commitments and by helping to integrate biodiversity with policy and decision making.

The Biodiversity Benchmark process:

- helps identify relevant legislation and creates a framework to ensure compliance
- contributes to local partnerships by providing up-to-date ecological information and helping to deliver Local Biodiversity Action Plans
- develops targets to improve biodiversity performance and demonstrates a lead to the community and constituents
- is compatible with specification standards like ISO 14001 and EMAS which define the requirements for organisations' environmental management systems.

Local authorities can choose which category of Biodiversity Benchmark is most suitable for their needs – *single site, multiple site or whole organisation*; for more information contact your local Wildlife Trust or Wildlife Trust Consultancy or visit www.biodiversitybenchmark.org



FOR LAND
MANAGEMENT

The Wildlife Trusts

There are 47 local Wildlife Trusts across the whole of the UK, the Isle of Man and Alderney. We are working for an environment rich in wildlife for everyone. With 725,000 members, we are the largest UK voluntary organisation dedicated to conserving the full range of the UK's habitats and species.

Written by Mike Oxford, Katherine Hawkins, Rachel Hackett and John Everitt

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The Wildlife Trusts
The Kiln, Waterside
Mather Road
Newark
Nottinghamshire
NG24 1WT

Tel: 01636 677711
Fax: 01636 670001

www.wildlifetrusts.org

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