



# Ryedale District Council

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**REPORT TO:** POLICY & RESOURCES COMMITTEE

**DATE:** 6<sup>th</sup> December 2007

**REPORTING OFFICER:** SUSAN BRAGG  
COUNTRYSIDE OFFICER

**SUBJECT:** THE NATURAL ENVIRONMENT AND RURAL  
COMMUNITIES ACT 2006

**WARDS AFFECTED:** ALL WARDS

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## 1.0 PURPOSE OF REPORT

- 1.1 To outline the duty for local authorities that is included within the Natural Environment and Rural Communities Act (NERC) 2006 and to set out the implications for Ryedale District Council (RDC). To seek endorsement of current and planned activities at Ryedale DC in response to the NERC Act, including coordination and monitoring of the Council's policy and delivery response via a multi-disciplinary Officer team.

## 2.0 RECOMMENDATIONS

That Members:

1. Note the new biodiversity Duty for Local Authorities that is introduced through the NERC Act (2006);
2. Endorse the current and planned activities identified in this report (other than those with budgetary implications), including the ongoing coordination and maintenance of an appropriate District Council response through a multi-disciplinary Officer team.

## 3.0 REASONS SUPPORTING DECISION

- 3.1 All local authorities are now required to implement the biodiversity duty set out in the NERC Act 2006. Section 40 of the Act states "*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*". This duty applies to all public authorities
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including local authorities. It replaces and extends Section 74 of the Countryside and Rights of Way Act 2000, which placed a duty on government only.

## **4.0 BACKGROUND**

- 4.1 Biodiversity is the full variety of life on earth, including all species of plants and animals and the natural systems that support them. It is a core component of sustainable development, underpinning economic development and prosperity, community well-being, and local quality of life. It has an important role to play in developing locally distinctive and sustainable communities. We rely on biodiversity for delivery of key services such as food production, provision of clean air and water and flood management, as well as for our enjoyment and well-being.
- 4.2 Increasing concern about the state of the world's biodiversity has led to international efforts to conserve it. The Earth Summit in Rio in 1992 developed the United Nations Convention on Biological Diversity signed by 150 countries including the UK, who have committed themselves to making efforts to conserve and sustain the variety of life on earth.
- 4.3 The UK's commitment to the conservation of biodiversity is delivered through the UK Biodiversity Action Plan which is made up of a series of plans to target action for particular, vulnerable habitats and species. The Ryedale Biodiversity Action Plan allows for the local implementation of these actions in the Ryedale area. It was launched in February 2007 and is currently being implemented.

## **5.0 REPORT**

- 5.1 The NERC Act recognises that public authorities have a key role to play in conserving biodiversity through their work in: developing and implementing external and internal policies and strategies; administering the planning system; managing land and buildings; developing infrastructure; engaging with business and the public; promoting the local area; making decisions about procurement; and implementing economic, environmental and social programmes. It is stressed that biodiversity conservation should not be viewed solely as an environmental issue, but a core component of sustainable development, which underpins economic development and prosperity and offers a range of quality of life benefits across a range of local authority service areas.
- 5.2 Guidance has been produced by Defra (Guidance for Local Authorities on Implementing the Biodiversity Duty May 2007 – see Executive Summary at Annex B) to assist local authorities in fulfilling this new duty.
- 5.3 The new biodiversity duty essentially requires local authorities to take their impact on biodiversity into account in all decision-making. It also

requires local authorities to not only protect biodiversity but also restore and enhance biodiversity.

5.4 With regard to Ryedale DC activities, the NERC Act is of particular relevance to:

- Local Policies and Strategies.
- Management of Local Authority controlled land and buildings.
- Planning, infrastructure and development.
- Community engagement involving education, advice and awareness.

5.5 This Council has already begun to meet its duty in regard to this Act through the formation of a multi-disciplinary team of Officers. This team has met once and identified a range of current District Council activities that contribute to the meeting of the biodiversity duty. The Officer group has also identified a range of planned activities that would ensure that RDC meets its duty under this Act (see attached Annex C). In almost all cases, the planned duties do not have revenue implications and can be undertaken through existing budgets through a variation of current approach. Provided that Members endorse the suggested approach, the officer group will lead the implementation and coordination of the current and planned activities. Annex C also identifies a number of potential actions 'to considered further'. Analysis of these potential actions will be undertaken by the Officer Group alongside a review of the planned measures that have revenue implications. Members will then be advised further.

## **6. OPTION APPRAISAL**

6.1 The suggested approach is based upon current Ryedale DC activities, together with a range of activities that would allow the Council to fulfill the new biodiversity Duty. Without the necessary response, the Council will fail to fulfill the legal Duty placed upon it via the NERC Act 2006.

## **7. FINANCIAL IMPLICATIONS**

7.1 This Duty need not be a financial burden. There are many ways that RDC can meet its obligations without incurring significant costs, including:

- Look for opportunities for cost saving using less intensive land management options on council owned land.
- Link biodiversity to other agendas.
- Make the most of external funding and existing resources.
- Secure benefits to biodiversity by doing things differently rather than implementing significant additional projects.
- Harness the energy of volunteers and local communities.
- Work in partnership.

7.2 Only two of the planned activities set out at Annex C have budgetary implications and the recommendation of this Report is that Members only endorse the current and planned activities that do not require an increase in budgets. Those measures that require a change in budgets will be considered separately through budget setting activities.

## **8 RISK ASSESSMENT**

8.1 It is anticipated that Ryedale District Council and other local authorities will be assessed in terms of how they are meeting the biodiversity duty by 2009 at the latest. In particular it is likely that Ryedale District Council will be required to demonstrate how it is:

- Identifying and taking opportunities to integrate biodiversity considerations into all relevant service areas and functions, and ensuring that biodiversity is protected and enhanced in line with current statutory obligations;
- Raising awareness of staff and managers with regard to biodiversity issues;
- Demonstrating a commitment and contribution to Biodiversity Action Plans;
- Demonstrating progress against key biodiversity indicators and targets.

8.2 The activities set out at Annex C allow the Council to reasonably demonstrate that it is fulfilling the biodiversity duty and thereby removes the risk of legal challenge in this regard. The Council will also be able to easily show that measures to implement the new duty are embedded across the Authority.

## **9 CONCLUSION**

9.1 On the basis of the issues outlined in the report the recommendation is considered appropriate.

### **Background Papers:**

*Biodiversity: The UK Steering Group Report. Vol 1: Meeting the Rio Challenge. Vol 2: Action Plans.* (1995). HMSO, London

*Countryside and Rights of Way Act (2000).* TSO

*Guidance for Local Authorities on Implementing the Biodiversity Duty.* (2007). Defra PB12584.

*Stern Review: The Economics of Climate Change.* (2006)

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Policy Context	Impact Assessment	Impact +ve -ve Neutral
Community Plan Themes <i>(Identify any/all that apply)</i>	Landscape and Environment	+ve
Corporate Objectives/Priorities <i>(Identify any/all that apply)</i>	To have a clean and sustainable built and natural environment.	+ve
Service Priorities		+ve
Financial	Only measures that do not have budgetary implications are recommended in this Report.	Neutral/-ve
Procurement Policies		+ve
Asset Management Policies		+ve
LA21 & Environment Charter		+ve
Community Safety		Neutral
Equalities		Neutral
E-Government		Neutral
Risk Assessment	Reduces risk to biodiversity, and is based upon community involvement and securing of external funding sources	+ve
Estimated Timescale for achievement	Ongoing although current advice is that a review of local authorities with regard to their Duty under this Act will be undertaken in 2009.	

**ACTIONS TO ENSURE THAT RDC MEETS ITS BIODIVERSITY DUTY UNDER THE NERC ACT 2006.**

**1. Forward Planning**

Underway

- Contribute towards the development of a good evidence base through a Service Level Agreement with the North and East Yorkshire Ecological Data Centre.

Planned

- Identify potential threats to biodiversity and mitigate through the selection of broad locations for growth in the core strategy development plan document.
- Produce Protected Species, Habitats and Development Supplementary Planning Document.
- Developers to carry out ecological surveys on prime development areas as part of development brief production.
- Phase 1 habitat data to be mapped onto GIS system.
- Undertake scoping surveys for key prime development areas – *revenue cost implication therefore subject to further budgetary consideration.*

**2. Development Control**

Underway

- Develop a good evidence base through a Service Level Agreement with the North and East Yorkshire Ecological Data Centre.
- Adopt the latest advice and guidance and deliver the key principles of PPS9 through the production of biodiversity planning advice information for applicants.

To consider further

- Develop ways to monitor planning conditions and mitigation measures – *revenue cost implication therefore subject to further budgetary consideration.*

**3. Performance and Procurement**

Planned

- Incorporate biodiversity into the procurement strategy.

To consider further

- Include in monitoring framework and annual monitoring reports.

**4. Cultural Services**

Underway

- Protect biodiversity on RDC managed sites by completing management plans for each site.

- Increase access to biodiversity by reviewing the Wild About Ryedale Events Programme.

Planned

- Increase access to information by developing an environmental play strategy and activities.

## **5. Countryside Services**

Underway

- Implementation of the Ryedale Biodiversity Action Plan.
- Improve management of SINC sites.
- Ensure the provision of ecological advice to the District Council.
- Consider the development of a regular Biodiversity Fair.
- Provide advice on the management of important trees and hedges.
- Consider ways of working more closely with the Environment Forum.

Planned

- Promote the countryside service grant scheme (and include the REACT Fund).
- Produce a householder biodiversity leaflet.

## **6. Asset Management Property**

To consider further

- Review building design, maintenance and management.
- Develop green areas.
- Adopt of a certification scheme.

## **7. Environmental Health**

Underway

- Take account of biodiversity species when undertaking pest control measures.
- Hold regular meetings of the Environment Forum.

Planned

- Provide information on bumblebees to those who contact the pest control service.

## **8. Commercial Services**

Underway

- Undertake fortnightly collection of recycling.
- Support the non use of peat on RDC sites
- Minimise the use of chemical control on RDC sites.

Planned

- Enhance the management of closed churchyards.

**9. ICT**

Underway

- Enhance the access to biodiversity information on the RDC web site.

Planned

- Increased provision of information on the web site and improved links to other sites.

**10. CORPORATE**

Underway

- Set up an Officer's Biodiversity Working Group.

Planned

- Advise Members of their duties under this Act
- Advise Officers of their duties under this Act.

To consider further

- Include biodiversity in Corporate Strategies.
- Include a biodiversity strap line in all Committee Reports.