

Title: Ecological Emergency – Preparing a Biodiversity Action Plan
Lead Officer: Dave Barber, Director for Climate Change
Portfolio Holder: Councillor Alan Rhead
Wards of the District directly affected: All

Approvals required	Date	Name
Portfolio Holder		Cllr Rhead
Finance	13-1-23	Andrew Rollins
Legal Services		N/A
Chief Executive	13-1-23	Chris Elliott
Head of Service(s)	13-1-23	Phil Clarke
Section 151 Officer	13-1-23	Andrew Rollins
Monitoring Officer	13-1-23	Andrew Jones
Leadership Co-ordination Group	23-1-23	
Final decision by this Committee or rec to another Cttee / Council?	Yes	
Contrary to Policy / Budget framework?	No	
Does this report contain exempt info/Confidential? If so, which paragraph(s)?	No	
Does this report relate to a key decision (referred to in the Cabinet Forward Plan)?	Yes, Forward Plan item 1343 – scheduled for 9/2/23	
Accessibility Checked?	Yes/No	

Summary

At its meeting on 19th October the Council agreed a Notice Motion which declared an ecological emergency and required “a report setting out the process, resources and funding to develop a detailed Biodiversity Action Plan” to be brought to Cabinet in February 2023. This report sets out how the Biodiversity Action Programme will be developed.

Recommendation(s)

- (1) That Cabinet agree programme of work to support the process for developing a Biodiversity Action Programme (BAP) as set out in paragraph 1.5 noting that the costs for doing this will be met from the Climate Action Fund.
 - (2) That the scope of the BAP, as set out in paragraph 1.6 is agreed and that this forms the basis for working with the appointed consultants to agree the outputs of the consultants work
 - (3) That authority is delegated to the Programme Director for Climate Change, in consultation with the Portfolio Holder for Climate Change, to procure consultants to deliver the outputs set out in paragraph 1.6 and, further, that delegated authority is agreed, if necessary, to extend the contract with the successful tenderer up to a maximum total spend of £150,000, to enable ongoing use of their expertise should it be required, to carry out further specialist consultancy to support the delivery of the BAP.
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1 Reasons for Recommendations

1.1 The Notice of Motion agreed at Council on 19th October 2022 is as follows:

“This Council notes:

- The National Biodiversity Network 2019 State of Nature report, concluded that 1,188 of the 8,431 species assessed in Great Britain are threatened with extinction. The July 2022 statement of the Intergovernmental Science Policy Platform on Biodiversity and Ecosystem Services (IPBES) Sustainable Use Assessment provides compelling evidence that humans are overexploiting wild species and habitats and the government’s Chief Scientific Advisor made it clear that we need to change if we are to survive;
- Under the Environment Act of 2021 the Government aims to clean up the country’s air, restore natural habitats, increase biodiversity, reduce waste and make better use of our resources. The provisions of the act will “halt the decline in species by 2030 and require new developments to improve or create habitats for nature”;
- Warwickshire County Council Highways Department has developed a new policy which considers a sustainable County wide approach to verge maintenance and wildflower planting in order to increase biodiversity whilst still ensuring the over-riding importance of road safety is maintained;
- Warwick District Council declared a climate emergency in 2019 and has created an action plan to address the 3 stated ambitions: to become a net zero council, to reduce the carbon emissions of the district as a whole and to enable our environment and communities to adapt to the coming rise in global temperatures, including an ambitious tree planting programme;
- Warwickshire Wildlife Trust, which aims to bring wildlife back, and to help people act for nature, numerous charities and community groups, many gardeners, allotment holders and some local farmers are actively engaged in trying to improve biodiversity across the District.

Council therefore resolves to declare an Ecological Emergency and develop a new Biodiversity Action Plan to complement the Climate Action Plan and position the Council as the leading organisation to enhance biodiversity in the District. Following discussions with the Climate Change Programme Advisory Board, a report setting out the process, resources and funding to develop a detailed

Biodiversity Action Plan will be brought to Cabinet in February 2023. The Biodiversity Action Plan will deliver these aims:

1. To improve biodiversity in the green spaces managed by WDC and its contractors, taking full account of public safety and amenity requirements, including events;
2. To set out options for further reducing the amount of Glyphosate and other toxic chemicals that is used by WDC and its contractors, including at least one option to completely eliminate their use;
3. To ensure that the provisions of the Environment Act 2021 for Biodiversity Net Gain are fully implemented in all developments in the District and that Biodiversity Net Gain is maximised in all developments that WDC has a financial interest in;
4. To ensure that biodiversity runs through the new South Warwickshire Local Plan, for example, by creating green corridors;
5. Linking in with the Warwickshire Local Biodiversity Action Plan and emerging Nature Recovery Strategy, to work in partnership with other agencies including the County Council, the Environment Agency, Severn Trent and other relevant bodies to improve the biodiversity of areas supported by the natural water systems in the District including the development of natural flood management and drought resistant water courses and bodies of water;
6. To seek opportunities to invest the Carbon Offset Fund in projects that both sequester carbon and increase biodiversity;
7. To develop a public awareness and education plan for biodiversity in collaboration with WWT, charities and community groups, focussing on what individuals and groups can do in their own local areas"

- 1.2 This report responds specifically to the requirement of the Notice of Motion: "Following discussions with the Climate Change Programme Advisory Board, a report setting out the process, resources and funding to develop a detailed Biodiversity Action Plan will be brought to Cabinet in February 2023." The Climate Change PAB discussed the Notice of Motion at its meeting on 19th December 2022. Recognising the limited capacity and expertise within the Council to prepare a Biodiversity Action Plan, it will be necessary to procure external support. Therefore, the Climate Change PAB focused specifically on the brief for a consultant. The PAB considered two elements of the brief – the outputs (see paragraph 1.6 below) and the process (see paragraph 1.5 below). The proposals set out below reflect the PAB's discussion on this.
- 1.3 In preparing the BAP and more generally in responding the ecological emergency, it is important to keep in mind that we are not starting from scratch. The Council has a track record of actively supporting biodiversity within the District and there is a range of examples to demonstrate this including a long history of active involvement in the county-wide Biodiversity Habitat Audit; working proactively with WCC to be a national leader in biodiversity offsetting (and more latterly Biodiversity Net Gain) through the planning system; management of open spaces for the benefit of wildlife including for instance Oakley Wood, Newbold Comyn, Priory Park, Abbey Field and Parliament Piece; and the tree planting project.
- 1.4 Subject to this report being agreed, the procurement of consultants to carry out the work will commence. It is anticipated that the consultants will be in place by the time of the May elections so that engagement with the new administration on the BAP can commence promptly. The aim is to develop the BAP Strategy for

approval by December 2023 to align with the review of the Climate Change Action Programme.

1.5 Officer will work with the appointed consultants to put in place a programme of work to deliver this time. Subject to advice from the consultants, this may include:

- Stage 1: Background (May to June)
 - International and national context - including the COP15 ambition for the 30% protection by 2030 (“30 by 30”) and other national targets
 - Research and benchmarking
 - Links with relevant WDC strategies (including CCAP and SWLP)
 - Links with external strategies (including the Warwickshire Local Biodiversity Action Plan and emerging Nature Recovery Strategy)
 - Review of existing WDC projects and initiatives
- Stage 2: Engagement (June and July)
 - Internal service engagement and officer steering group
 - Member engagement – including PAB and new cabinet
 - Engagement with partners and stakeholders
- Stage 3: Draft Strategy Development (August and September)
 - Agree aims and objectives
 - Agree measures, baselines (and where relevant targets)
 - Clear cross reference and alignment with external strategies
 - Establish WDC “Areas of Influence” and opportunities for enhancement for each of these
 - Consider the District’s key habitats and species to enable the Action Plan to prioritise these
 - Identify overall costs and resources so that these can be included in future budget setting
 - Consultation with internal stakeholders, members and key partners
- Stage 4: Final Strategy Development (October to December)
 - Final Strategy Development (October and November)
 - Strategy Adoption (November or December)
- Stage 5: Ongoing Governance, Management and Delivery (November 2023 to March 2024)
 - Establish governance, management and high-level assessment of ongoing resource requirements
 - Establish Communications Strategy and ongoing stakeholder engagement
 - Establish Action Plan (including staff resources, timescales and costs)

1.6 The procurement brief will specify the outputs the consultants will be expected to deliver through the process set out in 1.4 above. Following discussions with the CCPAB, it is proposed that the following outputs are included:

- Set the overall Strategy and longer term timescales; aims and objectives (30 by 30?)
- Establish baseline data, measures and enhancement targets
- Ensure coordination and alignment with external strategies and partnerships and consider how the Council can work to influence other key stakeholders including:
 - Warwickshire, Coventry and Solihull Biodiversity Action Plan
 - Local Nature Recovery Strategy
 - WCC Highways (Street Trees and Verge Policies)
 - Delivery of new open spaces through development
 - Warwickshire Wildlife Trust (including a local "30 by 30" strategy)
 - Farmers and landowners
- Establish WDC's approach in relation to key Internal Areas of Influence and ensure that these are considered in a joined up way:
 - Green Spaces Strategy
 - Green spaces management and development, including rewilding opportunities
 - SWLP and Planning
 - Projects (incorporating biodiversity and urban greening into projects)
 - Assets – management of SUDs and other Council owned facilities
 - Housing – management of open spaces
 - Contract Management – particularly the grounds maintenance contracts
 - Climate Change Action Programme and Climate Adaptation
- Consider approach to specific Habitat Strategies: identify key the District's key habitats and develop cross cutting strategies for their protection, enhancement, restoration and/or creation.
- Link to WCC's Local Nature Recovery Strategy to ensure risks and threats to biodiversity are considered and to ensure resilience of the District's ecology and climate adaptation planning
- Set out the ongoing monitoring, reporting, governance and management arrangements for the BAP
- Establish a communications and stakeholder engagement strategy
- Develop and agree an action plan to achieve improvements in the measures and specifically to deliver biodiversity enhancements in relation to the Areas of Influence, habitat strategies and work with partners and communities. This should include timescales, responsibilities and costs.

1.7 It should be noted that although the development of the BAP will be led by the appointed consultants, there will need to be significant input from Council staff. An important element of this will be a lead officer to manage the contract with the consultants, holding the consultants to account for delivering the outputs within agreed timescales and to act as a first point of contact for the Council. However, beyond that, staff involved with each of the Areas of Influence will also need to provide information and advice to ensure the BAP is based on local knowledge and aligns with other organisational priorities and initiatives. Options

to incorporate this within the responsibilities of an existing post will be explored. However, given existing capacity constraints, it is proposed that £20,000 is set aside from the Climate Action Fund to provide funding for the lead officer role. The role is expected to involve up to 2 days per week and the funding will be available to either backfill a post in the case of a secondment, or to appoint to a new part time post.

- 1.8 Recommendation 3 seeks delegated authority to undertake the procurement exercise to appoint consultants to carry out the work set out in 1.4 and 1.5 above. It is expected that the cost of this will be up to £50,000. This will be funded from the 2023/24 Climate Action Fund. However, in addition to the work set out in 1.4 and 1.5 above, there may be a need for ongoing expert advice from the consultants as the Council establishes the resources and expertise required to manage and deliver the BAP on an ongoing basis. For this reason, recommendation 3 also seeks delegated authority to extend the contract up to a maximum value of £150,000. Funding for the additional areas of work will be determined at the time and according to the purpose of the work to be carried out.

2 Alternative Options

- 2.1 An alternative would be to decide not to proceed with the developing a Biodiversity Action Plan. However, such a decision would fail to comply with the requirements of the motion agreed by Council.
- 2.2 An alternative would be to prepare the BAP using in house resources. This could only be achieved with a significant re-prioritisation of work within key teams to free up the capacity and expertise required. This approach is not recommended because of the likely impact on existing services and priorities.
- 2.3 An alternative would be to prepare the BAP with a different scope and/or longer timescale. The scope set out in paragraph 1.5 is considered to be comprehensive and it would be possible for members to choose to narrow this scope to focus in on a smaller number of Areas of Influence or to develop plan without any key species plans. This has not been recommended as the PAB have considered the scope appropriate. The option of extending the preparation period is also an option and it is acknowledged that the timescales are tight. However, this option has not been recommended as this report has been prepared in response to the declaration of an emergency and officers have therefore sought to progress things as quickly as possible.

3 Legal Implications:

- 3.1 Aside from needing to comply with the Council's Code of Procurement Practice, there are no legal implications for this proposal.

4 Financial:

- 4.1 The cost of developing the BAP (including the Action Plan) is expected to be up to £50,000. This can be funded from the 2023/24 Climate Action Fund which is expected to be allocated a total of £500,000 in the 2023/24 budget. Once the BAP has been prepared, there is potential that the need for additional support and expertise. It is therefore proposed that the total contract value will be up to £150,000. If required, specific requests to draw down further funding will be made according to the purpose of the further work.
- 4.2 In addition, it is proposed that a further £20,000 from the 2023/24 Climate Action Fund is used to cover the additional staffing costs required to lead the

management of the contract on the Council's behalf. It should be noted that utilizing the Climate Action Fund for this purpose will inevitably have an opportunity cost in relation to how the Climate Acton Fund can be used. However, as the Climate Change Action Programme is to be reviewed in parallel, the potential to deliver shared benefits across the two programmes will be explored.

- 4.3 The overall cost of delivering the BAP will be set out within the report seeking agreement to adopt the BAP (currently scheduled for December 2023). This will feed into the budget setting process for 2024/25. At this stage these future costs are unknown and the BAP will therefore need to e developed in such a way as to allow for different levels of funding by contracting/extending delivery timescales or by expanding/limiting the scope of the Council's input. Either way, partnership work will be vital as delivering successful outcomes will require funding from partners or other external sources.

5 **Business Strategy**

- 5.1 Health, Homes, Communities: no implications
- 5.2 Green, Clean, Safe: The proposals set out in the report align with the Climate Emergency response set out in the 2019-2023 Business Strategy. However, the basis for this report in the Notice of Motion agreed by Council in October 2022.
- 5.3 Infrastructure, Enterprise, Employment: no implications
- 5.4 Effective Staff: no implications
- 5.5 Maintain or Improve Services: no implications
- 5.6 Firm Financial Footing over the Longer Term: no implications

6 **Environmental/Climate Change Implications:**

- 6.1 The proposal in this report seek to deliver tangible environmental improvement by enhancing habitats, improving connectivity for wildlife and focusing on the Council's areas of influence. Ince established it is anticipated that the BAP will provide the baseline for ongoing measurable improvements to the biodiversity of the District and will provide a clear response to the declaration of an ecological emergency.
- 6.2 The ecological emergency and climate emergency are closely related to one another. A healthy eco system will help absorb carbon and will be more adaptable to climate changes. Likewise, a more stable climate will provide a better basis for biodiversity and ecological improvements. The two programme therefore need to be closely link in the way they are developed and managed. For that reason, it is intended that the BAP is developed in parallel with the Climate Change Action Programme review scheduled for 2023.

7 **Analysis of the effects on Equality:**

- 7.1 There are no implications of this report on equality. However, the BAP will require an equality impact assessment to be undertaken and this assessment will be available for consideration at the time the BAP is put forward to Cabinet for adoption.

8 **Data Protection:**

- 8.1 There are no data protection issues within the proposal.

9 **Health and Wellbeing:**

- 9.1 As with the Equality Impact Assessment, further Health and Wellbeing assessments may be deemed necessary as the BAP is developed.

10 Risk Assessment

- 10.1 There is a risk that the timescales set out in paragraph 1.5 slip with consequences on the date for adopting the BAP and for feeding costs in to the 2024/25 budget. This risk will be mitigated by regular officer liaison meetings with the consultants and in particular by ensuring there is a lead person from the Council to manage the relationship.
- 10.2 The BAP, once adopted, cannot be funded in full due to financial constraints. This will be a political choice at the time the budgets for 2024/25 and beyond are set.
- 10.3 Linked to the risk at 5.2, there is a risk that there will be insufficient staff resource to deliver the BAP. The BAP will ensure the resource requirements for its delivery are clearly defined and as a result this can be considered in setting future budgets Staff resource to develop and deliver the BAP

11 Consultation

- 11.1 The process and the scope of the work to be undertaken by the consultants (as set out in paragraphs 1.4 and 1,5 have been considered by the Climate Change PAB. These paragraphs reflect the comments of the PAB.