

	AGENDA ITEM NO.
Report Cover Sheet	
Name of Meeting:	Executive Committee
Date of Meeting:	11 February 2008
Report Title:	West Midlands Biodiversity Pledge
Summary of report:	The West Midlands Biodiversity Pledge reinforces the duty of the council under the Natural Environment and Rural Communities Act to conserve biodiversity
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Business Unit:	Neighbourhood Services
Would the recommended decision be contrary to the policy framework:	No
Would the recommended decision be contrary to the budgetary framework:	No
Wards of the District directly affected by this decision:	District wide
Key Decision?	No
Included within the Forward Plan?	No
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006	No
Date and name of meeting when issue was last considered and relevant minute number:	
Background Papers:	The West Midlands Biodiversity Pledge. DEFRA guidance "Guidance for Public Authorities on Implementing the Biodiversity Duty"

Consultation Undertaken		
Below is a table of the Council's regular consultees. However not all have to be consulted on every matter and if there was no obligation to consult with a specific consultee they will be marked as n/a.		
Consultees	Yes/ No	Who
Other Committees	n/a	
Ward Councillors	n/a	
Portfolio Holders	Yes	Cllr Michael Kinson; Cllr Chris White
Other Councillors	n/a	
Warwick District Council recognised Trades Unions	n/a	
Other Warwick District Council Service Areas	Yes	Tony Ward, Planning Policy
Project partners	n/a	
Parish/Town Council	n/a	
Highways Authority	n/a	
Residents	n/a	
Citizens Panel	n/a	
Other consultees	n/a	
Officer Approval		
With regard to officer approval all reports must be approved by the report author's relevant director, Finance Services and Legal Services.		
Officer Approval	Date	Name
Relevant Director(s)	18 Jan 2008	Mary Hawkins
Chief Executive	18 Jan 2008	Chris Elliot
CMT	17 Jan 2008	
Section 151 Officer	18 Jan 2008	Mary Hawkins
Legal	21 Jan 2008	John Gregory
Finance	21 Jan 2008	Marcus Miskinis
Final Decision?	Yes	
Suggested next steps (if not final decision please set out below)		

1 **RECOMMENDATION(S)**

- 1.1.1 That members note that the Natural Environment and Rural Communities Act places a duty on all public authorities to have regard to the conservation of biodiversity in the exercise of their functions.
- 1.1.2 That members endorse and sign up to the West Midlands Biodiversity Pledge.

2 **REASON(S) FOR THE RECOMMENDATION(S)**

2.1 **Natural Environment and Rural Communities Act**

- 2.1.1 Section 40(1) of the Natural Environment and Rural Communities Act 2006 states that

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.

- 2.1.2 The duty came into effect on 1st October 2006. Guidance has been issued by the Department for Environment, Food and Rural Affairs on how local authorities should implement this duty. The guidance is available at <http://www.defra.gov.uk/wildlife-countryside/pdfs/biodiversity/pa-guid-english.pdf>

- 2.1.3 This guidance sets out the key role that Local Authorities have in conserving biodiversity, through their role in:

- Developing and influencing local policies and strategies
- Planning and development control
- Owning and managing their estates
- Procurement
- Education, awareness raising and advisory functions.

- 2.1.4 The guidance further indicates DEFRA's intention to review progress in implementing the duty in 2009. Indicators that may be used in this review include looking at whether an authority has:

- Examined opportunities to integrate biodiversity considerations into all relevant service areas and functions, and taken steps to implement the opportunities identified.
- Managed its own sites in a way that is sensitive to biodiversity.
- Made efforts to raise awareness of all staff and managers with regard to biodiversity issues.
- Demonstrated a commitment and contribution to Biodiversity Action Plans, where appropriate.
- Demonstrated progress against key biodiversity indicators and targets, for BAP listed priority habitats and species and LBAP listed species and habitats, where appropriate.

- 2.1.5 The duty is wide ranging. In its broadest sense it means that every officer and member must consider the impact of their actions on biodiversity. The concept of the Duty is to ensure that authorities embed consideration of biodiversity in their plans and strategies and ensure that it is considered in every decision. Key actions that might help ensure this include:

- Ensuring that members and officers are aware of the duty.

- Ensure that report recommendations, Service Area Plans and other documents relate to the duty and comment on biodiversity impact
- Ensure that advice on biodiversity impact is available to officers and members when needed

2.1.6 Warwick District Council already does a considerable amount to meet with the requirements of the duty. This includes

- Consideration of biodiversity is embedded in the Local Plan particularly through policy DAP 3.
- Support for sub regional initiatives including the Habitat Biodiversity Audit (HBA) and Sites of Importance to Nature Conservation programme. The HBA will form an important evidence base in considering future actions on biodiversity.
- Management of nine Local Nature Reserves, together with environmentally sensitive management of areas of many parks.
- An Environmental Procurement Policy that addresses issues such as the biodiversity impact of procuring timber, plant growing media etc.

2.2 **West Midlands Biodiversity Pledge**

2.2.1 The West Midlands Biodiversity Partnership is an umbrella organisation working to promote biodiversity conservation throughout the West Midlands. Its twenty or so member organisation come from the private, voluntary and public sectors and include the West Midlands Regional Assembly, West Midlands Local Government Association, the Wildlife Trusts, Natural England, the Forestry Commission, the Environment Agency, the Country Landowners Association, the National Farmers Union and Severn Trent Water.

2.2.2 The WMP are promoting the West Midlands Biodiversity Pledge as a means of raising awareness of the biodiversity duty amongst local authorities. The pledge incorporates the key areas that local authorities should seek to address in ensuring their compliance with the duty.

2.2.3 The West Midlands Local Government Association have endorsed the West Midlands Biodiversity Pledge and will be jointly promoting it with the West Midlands Biodiversity Partnership.

3 **ALTERNATIVE OPTION(S) CONSIDERED**

3.1.1 Failing to implement the duty imposed by the section 40 of the Natural Environment and Rural Communities Act (2006) would be unlawful.

4 **BUDGETARY FRAMEWORK**

4.1.1 DEFRA's Regulatory Impact Assessment for the Natural Environment and Rural Communities Act states:

There should be no significant net financial cost to public bodies and statutory undertakers as a result of extending the duty. Many local authorities, for example, already carry out the requirements of the duty to a large extent, demonstrating that it will not be onerous. The duty will clarify existing requirements and encourage a culture change so that biodiversity becomes a natural part of policy and decision-making.

4.1.2 Implementation of the duty imposed by section 40 of the Natural Environment and Rural Communities Act (2006), and thereby of the commitments within the West

Midlands Biodiversity Pledge, principally requires a cultural shift rather than any specific action. It is therefore anticipated that it can be carried out within existing budgets.

5 POLICY FRAMEWORK

- 5.1.1 The recommendations are consistent with Corporate Strategy objectives to provide a cleaner and greener environment, specifically the target to regulate and influence land use to achieve sustainable development.
- 5.1.2 The recommendations are consistent with the objectives of the draft Corporate Strategy 2007–2011, particularly
 - CS4: Provide high standards of environmental services across the district delivering a sustainable and quality environment
- 5.1.3 The recommendations are consistent with the draft corporate values, particularly that of being environmentally sensitive.