

BRIEFING NOTE: BIODIVERSITY DUTY

1. Introduction

1.1 Section 40 of the Natural Environment and Rural Communities Act 2006 (NERC) places a duty upon public bodies. It 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”.

1.2 Government guidance (DEFRA) has been produced, separately, for local authorities and other public bodies to assist them fulfil this duty.

2. Definitions

2.1 Biodiversity – *“the variety of life on earth, including all species of plants and animals and the natural systems that support them”.*

2.2 Conserving biodiversity – *“includes restoring and enhancing species populations and habitats as well as protecting them”.*

3. The Importance of Biodiversity

3.1 In addition to being important in its own right, biodiversity underpins local quality of life, gives a sense of place and offers opportunities for tourism, economic development, health promotion, sustainable communities and social cohesion. We also have international responsibilities with national and local systems in place to protect and enhance it.

4. Local Authority Good Practice

4.1 Four areas of activity are specifically highlighted where local authorities can play an important role in conserving biodiversity include:

- Leading through integrating biodiversity with local policies and strategies – making this a corporate priority; improving delivery through local policies; including this within Community Strategies, Local Area Agreements and Housing Renewal; delivering through partnership working
- Managing local authority controlled land and buildings – managing designated sites, green infrastructure, road verges, and school grounds amongst others.
- Planning, infrastructure and development – supporting national planning policy; environmental and sustainability appraisals; including within forward planning and development control.
- Education, advice and awareness – within the education system; provision of advice to a range of interests; community engagement and awareness raising.

5. Implementing the Duty

5.1 The guidance proposes that to demonstrate it has fulfilled its *biodiversity duty* a local authority should show it has:

- Identified and taken opportunities to integrate biodiversity considerations into all relevant service areas and functions, and ensured that biodiversity is protected and enhanced in line with current statutory requirements;
- Raised awareness of staff, managers and elected members with regard to biodiversity issues;
- Demonstrated a commitment and contribution to key initiatives, in particular through performing a key role in relation to the Local Biodiversity Action Plan (LBAP), supporting the Local and/or Regional Record Centres, and playing the lead role in establishing a Local Site systems; and
- Demonstrated progress against biodiversity indicators and targets.

5.2 The need for additional expenditure in cases where local authorities are not meeting current statutory commitments cannot be discounted although there is thought to be scope for transferring costs through changing land management regimes. A range of potential external sources of money is highlighted, as is involving volunteers and local communities, and working in partnership with other organisations. Promoting cultural change through training and awareness and linking biodiversity measures with other programmes are also suggested to minimise the cost of fulfilling the *biodiversity duty*.

5.3 The guidance identifies the following key activities that Government indicates local authorities should be able to demonstrate:

- Providing leadership in the community – increasing the profile of biodiversity across the authority's functions.
- Examining opportunities to integrate biodiversity considerations into all relevant service areas and functions, taking steps to implement the opportunities identified.
- Managing local authority land holdings – a compliant local authority will manage its own sites in a way that is sensitive to biodiversity.
- Making efforts to raise awareness of all staff, managers and elected members with regard to biodiversity issues.
- Demonstrate a commitment and contribution to key local biodiversity initiatives, such as LBAPs and contributing to delivery outcomes, for BAP and LBAP listed priority species and habitats, where appropriate.
- Use of information and data and demonstrating progress against key biodiversity indicators, such as through Local Record Centres and Local Biodiversity Partnerships.
- Progress against any biodiversity indicator included in the local government performance framework.

5.4 A number of biodiversity indicators are suggested from a range of sources that could be used to measure performance and also used as the basis for drawing up local priority targets for Local Area Agreements.

6. Other Public Authorities

6.1 Biodiversity conservation is not simply an environmental issue but a core component of sustainable development. Not only does it cut across a range of local authority services but other public services also. There are opportunities to deliver biodiversity conservation through Local Strategic Partnerships, Sustainable Community Strategies and Local Area Agreements.