

**APPENDIX 3: Comparison between the Draft Biodiversity Strategy and DEFRA Guidance to Local Authorities on s40 Duty**

<b>Biodiversity Strategy Objective</b>	<b>Biodiversity Strategy – Proposed Actions</b>	<b>DEFRA Guidance (The relevant section where guidance can be found is referred to)</b>
Objective 1 – To support co-ordination of the Local Biodiversity Action Plan (LBAP).	Action 1.1 – Play a leading role promoting the LBAP.	Section 2.8 – Local authorities have a key role to play in the selection, protection and management of local sites for nature conservation through the Biodiversity action Plan process
	Action 1.2 – Encourage others to participate in a local biodiversity partnership, seeking opportunities to progress actions.	Section 2.8 – LBAPs are delivered through partnership working. They secure resources from partners and external funders to implement the plans.
	Action 1.3 - Play an active role in implementing plans for priority habitats and species.	Section 2.8 – As the representatives of local communities, local authorities have a key role to play in the selection, protection and management of local sites for nature conservation through the Biodiversity action Plan process.
	Action 1.4 – Assist with monitoring the delivery of BAP targets.	Section 2.8 - LBAPs are delivered through partnership working. ....they monitor and record the work undertaken
Objective 2 – To promote an understanding and support for biodiversity by local communities.	Action 2.1 – Be involved in producing and delivering a BAP Communication plan to involve all sectors of the local community in the BAP process.	Section 2.8 – LBAP Partnerships raise awareness and educate all parts of their communities through a variety of media.... have access to a wealth of information and local expertise.

	Action 2.2 – Provide opportunities for people to be involved in learning and studying the natural environment.	Section 5.4 – Integrating biodiversity into specific projects and activities offers opportunities to provide informal education opportunities for people of all ages to learn about their natural environment.
	Action 2.3 – Develop new and innovative biodiversity projects to involve older people, disadvantaged groups and isolated communities in nature conservation.	Section 1.4 – (Conserving biodiversity) helps to enhance our physical and mental health, by encouraging outdoor recreation, exercise and relaxation.
	Action 2.4 – Encourage the voluntary sector to provide opportunities for people to volunteer for practical conservation tasks on council owned/managed sites.	Section 6.1 – Much can be achieved for biodiversity through volunteers and local communities.
	Action 2.5 – Provide access to greenspace and wildlife sites, including seeking to meet standards for access where appropriate.	Section 4.5.2 – Natural England has developed a model and guidance to provide a benchmark for the provision of access to greenspace.
	Action 2.6 - Advise the public on the protection of birds and other animals and plants under the Wildlife and Countryside Act 1981(as amended)	Section 5.3 – Local authorities can promote biodiversity through the provision of advice to the public.
	Action 2.7 – Encourage the inclusion of biodiversity in Parish Plans, to include safeguarding habitats and enhancement/creation projects.	No specific reference (The biodiversity duty also applies to Parish and Town Councils and it would therefore be beneficial to promote such an approach to them.)
	Action 2.8 – Investigate incorporating biodiversity into school education.	Section 5.2 – Encouraging the inclusion of biodiversity in education is a positive step that local authorities can take.
	Action 2.9 – Encourage schools to become more involved in using their grounds for nature conservation.	Section 3.8 – Projects in school grounds offer opportunities to introduce children to the natural environment and to biodiversity in a practical way.

	Action 2.10 – Support sustainable tourism and marketing based on an attractive, wildlife rich countryside.	No specific reference (This action has however been recognised as beneficial to the economy of the County.)
Objective 3 – To guide sustainable development through planning policy and development control	Action 3.1 – Maintain a suite of planning policies for biodiversity in the development plan, accompanied by relevant Supplementary Planning Guidance/Documents.	Section 4.5.2 – Strategic objectives and policies should be developed for biodiversity, including objectives for enhancement.
	Action 3.2 – Ensure awareness of biodiversity conservation through the Local Development Framework	Section 4.5.2 – Strong and effective planning policies for biodiversity in LDFs and LDPs will enable biodiversity conservation to be given full and proper weight in development control decisions.
	Action 3.3 – Provide consistent and expert advice to Development Control so that full regard is taken of the protection of species and habitats.	Section 4.6 – Key elements (for development control) are screening development proposals for potential effects on biodiversity and seeking planning conditions and obligations to achieve biodiversity conservation.
	Action 3.4 Ensure all planning decisions are informed by adequate information, through the submission of quality ecological surveys and assessments.	Section 4.6 - Guidance is being developed for planners and ecologists to specify what information should be submitted with a planning application in order for it to be valid.
	Action 3.5 – Obtain information on the biodiversity interest of sites prior to allocation of land for development.	Section 4.5.1 – A comprehensive study of baseline conditions and trends ..... enables the development of well informed spatial planning policies setting the overall framework for development proposals.
	Action 3.6 – Incorporate biodiversity at an early stage into site development briefs.	Section 4.5.2 – Supplementary Planning Documents and Guidance have a role in delivering biodiversity enhancement opportunities as apart of a development brief.

	Action 3.7 - Encourage provision and take up of biodiversity training opportunities	Section 6.2 – In some cases it may be necessary to provide specialist training in incorporating biodiversity considerations in particular activities or service areas, e.g. planning or grounds maintenance.
	Action 3.8 – Continue to monitor performance in relation to the development plan through the Annual Monitoring Report	Section 4.5.4 – Local planning authorities are required to monitor the effectiveness of Local Development Documents and Development Plans, reporting through Annual Monitoring Reports.
	Action 3.9 – Assess the possibility of adopting PAS2010 Code of Practice – Biodiversity conservation standards for planning in the UK.	No specific reference. (This is a specification prepared by the British Standards Institute, and are recommendations and model procedures that planning authorities are recommended to adopt as a code of practice.)
	Action 3.10 - Seek protection of important hedgerows through the Hedgerow Regulations	No specific reference (This is a statutory duty under the Environment Act 1995).
Objective 4 – To apply a best practice approach when managing Council land	Action 4.1 - Provide ecological advice to develop and implement good practice, in particular to contribute towards meeting BAP targets.	Section 6.2 – Many local authorities have in-house expertise to advise staff on how they can have regard to biodiversity in their activities and functions.
	Action 4.2 - Take action to comply with legislative requirements in relation to managing our own statutory nature conservation sites.	Section 3.3 – Duties fall under the Habitats Directive and section 28G of the wildlife and Countryside Act as amended by the Countryside and Rights of Way Act.
	Action 4.3 – Manage Council owned SSSIs to recover and maintain their favourable condition.	Section 3.3 – The Secretary of State expects all public bodies will take full account of their responsibilities whenever their actions may affect SSSIs.

Action 4.4 – Seek to influence initiatives for Council owned non-statutory nature conservation sites to conserve and enhance their biodiversity interest.	Section 3.3 – Local sites are selected by local partnerships for their substantive nature conservation value. There are over 35,000 Local sites in England, many of which are owned or controlled by local authorities.
Action 4.5 – Maintain and increase awareness of Council departments in relation to designated sites through alert data.	Section 3.3 – Effective protection and management of designated sites requires all parts of the council to be aware of their location and extent.
Action 4.6 – Undertake surveys and audits of the biodiversity value of council land and premises.	Section 3.2 – A first step to maintaining and enhancing the biodiversity value of a local authority’s estate is to assess the potential of the resource..... undertaking surveys.....
Action 4.7 – Seek to increase the take up by Council smallholdings of national agri-environment schemes	Section 3.7 – Local authorities have a key role to play in encouraging tenants to enhance the management of land for biodiversity through their tenancy agreements.
Action 4.8 – Initiate a project to identify new road verges of biodiversity importance and change cutting regimes where this will not compromise safety.	Section 3.6 – If managed with regard to biodiversity (road verges) can provide an important resource and act as corridors linking other habitats.
Action 4.9 - Survey and produce brief management plans for key public spaces having biodiversity value.	Section 3.5 – Local authorities own and manage a variety of green areas, which, if managed sympathetically, can provide important habitats for wildlife as well as offering opportunities for people to get close to nature.
Action 4.10 – Harness and promote the uptake of existing funding schemes to best manage council land for biodiversity.	Section 6.1 – A variety of external funding sources may help local authorities to meet biodiversity commitments.
Action 4.11 – Map Council land managed for biodiversity on a GIS layer	Section 3.3 – Effective protection and management of designated sites requires all parts of the council to be aware of their location and extent.

	Action 4.12 – Encourage new planting and landscaping schemes on Council land to include native tree species and shrubs appropriate to the local area and benefit wildlife	Section 3.2 – Local authorities plant large numbers of trees and plants on their land, and by using native species can maximise the benefits for biodiversity.
	Action 4.13 – Provide biodiversity training to grounds maintenance personnel and contractors	Section 6.2 – It is important that training in relevant functions has regard to biodiversity issues, for example to staff and contractors involved in grounds maintenance, highways and buildings maintenance.
	Action 4.14 – Ensure biodiversity is systematically accounted for in decision-making and operations to meet the environmental management system ISO 14001.	Section 2.3 – Environmental management systems can help local authorities systematically deliver outcomes at a strategic level on resource efficiency ..... demonstrating it is serious about its environmental obligations.
Objective 5 – To collect and maintain data and ensure its effective use.	Action 5.1 – Play a leading role in the development of the Herefordshire Biological Record Centre	Section 4.5.1 – Local and/or regional record Centres can provide a vital role in enabling local authorities to obtain good quality baseline information on habitats and species.
	Action 5.2 – Maintain site alert maps on the Council's GIS system for use by the Planning service and other departments	Section 3.3 – Effective protection and management of designated sites requires all parts of the council to be aware of their location and extent.
	Action 5.3 – Seek to improve knowledge of the location and extent of BAP priority habitats and species	No specific reference. (This is however part of the process for preparing, monitoring and reviewing LBAPs)
	Action 5.4 – Undertake and promote relevant surveys of priority habitats and species in Herefordshire	No specific reference. (This is however part of the process for preparing, monitoring and reviewing LBAPs)
Objective 6 – To secure the protection, management and enhancement of sites of biodiversity interest through	Action 6.1 – Provide information and advice to land managers and owners on wildlife legislation covering sites and species.	Section 5.3 – There are a number of ways in which local authorities can provide biodiversity advice to local businesses, organisations and landowners and managers.

assisting other land managers and owners.	Action 6.2 – Disseminate relevant advice produced by other organisations.	Section 5.3 – as above
	Action 6.3 – Adopt the Government’s latest guidance on local wildlife sites – “Local sites: Guidance on their identification, selection and management (2006)”, setting up a partnership to administer the system.	Section 4.5.3 – It is important for local authorities to play the leading role in establishing systems to conserve and enhance Local Sites.
	Action 6.4 – Take an active part in the Herefordshire and Worcestershire Grasslands Forum.	Section 2.8 – LBAPs are delivered through partnership working. They secure resources from partners and external funders to implement the plans.
	Action 6.5 – Promote Council grant aid for local conservation projects.	No specific reference. (This is however part of the process for preparing, monitoring and reviewing LBAPs, and an activity that this Council has undertaken with partners for many years.)
	Action 6.6 – Review existing management agreements under s39 of the wildlife and Countryside Act 1981 when they come up for renewal.	No specific reference. (The power for local authorities to enter into management agreements with the owners of key nature conservation sites is provided by s39 of the Wildlife and Countryside Act 1981)
	Action 6.7 – Participate in area based and landscape scale projects.	No specific reference. (This is an evolving approach to biodiversity conservation and is expected to form the basis for policies and actions within the review of the Regional Spatial Strategy.)