

Biodiversity legislation

Section 40 of the Natural Environment and Rural Communities Act 2006 requires all public bodies to have regard to biodiversity conservation when carrying out their functions. This is sometimes referred to as the “biodiversity duty” and will help embed consideration of biodiversity into the decision making of all relevant sectors.

Defra, the UK Government department tasked with issues such as the environment, rural development, the countryside, wildlife, animal welfare and sustainable development, has *published guidance* to local authorities and other public bodies on implementing the duty.

Section 41 of the Natural Environment and Rural Communities Act 2006 requires the Secretary of State to publish a *list of habitats and species* which are of principal importance for the conservation of biodiversity in England. The list has been drawn up in consultation with Natural England.

Planning Policy Statement 9 (PPS 9)

Working with the grain of nature: a biodiversity strategy for England sets out the Government’s vision for conserving and enhancing biological diversity in England, together with a programme of work to achieve it. It includes the broad aim that planning, construction, development and regeneration should have minimal impacts on biodiversity and enhance it wherever possible.

In moving towards this vision, the Government’s objectives for planning as stated in PPS 9 are:

- to promote sustainable development by ensuring that biological and geological diversity are conserved and enhanced as an integral part of social, environmental and economic development, so that policies and decisions about the development and use of land integrate biodiversity and geological diversity with other considerations.
- to conserve, enhance and restore the diversity of England’s wildlife and geology by sustaining, and where possible improving, the quality and extent of natural habitat and geological and geomorphological sites; the natural physical processes on which they depend; and the populations of naturally occurring species which they support.

- to contribute to rural renewal and urban renaissance by:
 - enhancing biodiversity in green spaces and among developments so that they are used by wildlife and valued by people, recognising that healthy functional ecosystems can contribute to a better quality of life and to people’s sense of well-being; and
 - ensuring that developments take account of the role and value of biodiversity in supporting economic diversification and contributing to a high quality environment.

The planning system has a significant part to play in meeting the Government’s international commitments and domestic policies for habitats, species and ecosystems.

PPS 9 states that planning decisions should:

- be based upon up-to-date information about the environmental characteristics of their areas, including the relevant biodiversity and geological resources of the area.
- assess the potential to sustain and enhance those resources.
- aim to maintain and enhance, restore or add to biodiversity and geological conservation interests, ensuring that appropriate weight is attached to designated sites of international, national and local importance; protected species; and to biodiversity and geological interests within the wider environment.
- take a strategic approach to the conservation, enhancement and restoration of biodiversity and geology, and recognise the contributions that sites, areas and features, both individually and in combination, make to conserving these resources.

Local government performance framework

NI 197 – Improved Local Biodiversity – proportion of Local Sites where positive conservation management has been or is being implemented, aims to measure the performance of local authorities for biodiversity by assessing implementation of active management of Local Sites.

Local Sites in Warwickshire are Sites of Importance for Nature Conservation (SINCs) and are regarded as being of county importance. A SINCs Panel designates these against approved criteria. The panel comprises of Natural England, Warwickshire County Council Ecologist, Warwickshire Wildlife Trust, an independent ecological consultant and a local Local Authority representative (optional). The ownership of this data for Warwickshire is the Wildlife Sites Partnership (WSP), being all Local Authorities, Natural England, Environment Agency and Warwickshire Wildlife Trust.

The parameters for measurement are:

- All sites that meet the selection criteria should be selected as *Local Sites*.
- The assessment will cover all Local Sites in the local authority area and not just those controlled by the local authority.

Active management is summarised as:

- site management plan
- management schemes – agri-environment or conservation management agreement or scheme
- relevant Biodiversity Action Plan (including habitat action plan, species action plan or local biodiversity action plan). Where a site is designated primarily for its geological features, the recommended management activity may be defined within a Geodiversity action plan
- management guidance and advice (source: HM Govt March 08)

The indicator will be a simple percentage calculated as follows:

$$NI197(\%) = X/Y \times 100$$

Where: X = number of sites in the Local Authority area where positive conservation management has been or is being implemented during the last five years.

Y = total number of sites in the Local Authority area at the time of reporting.

Good performance is indicated by an increase in the percentage of sites under positive conservation management year on year.

Solihull Perspective

Warwickshire is in the process of surveying its SINCs, from allocated potential SINCs (pSINCs) identified through the *Habitat Biodiversity Audit*¹ and *Warwickshire Biological Record Centre*².

There are circa 119 pSINCs and circa 96 SINCs in Solihull. There is no mechanism for monitoring the above management criteria. However, datasets that may be used to assess this would be (ownership/custodian in brackets):

- Habitat Biodiversity Audit (HBA Partnership)
- Wildlife Sites Project (WSP Partnership)
- Warwickshire Biological Record Centre (WCC)
- Warwickshire Wildlife Trust Nature Reserves (Warwickshire Wildlife Trust)
- Local Nature Reserves (Natural England) debatable see guidance
- Local Authorities landholdings (Local Authorities)
- Agri-Environment Scheme data (Natural England / Defra)
- Woodland Grant Schemes (Forestry Commission)

Number of designated SINCs (Y)	96
Number under Agri-Environment & Woodland Grant Schemes (WGS)	6
Non-Agri-Environment/WGS sites estimated under management	23
Total estimated sites under management (X)	29
NI197 = X/Yx100 29/96x100 = 30%	

NI 197 targets:

- Baseline = 30% (29 / 96 x 100)
- 2008/09 = 33% (32 / 96 x 100) 3 more managed and est. 6 sites selected (102 SINCs)
- 2009/10 = 37% (35 / 96 x 100) 3 more managed and est. 6 sites selected (108 SINCs)
- 2010/11 = 40% (38 / 96 x 100) 3 more managed and est. 6 sites selected (114 SINCs)

¹HBA has European recognition of Best Practice for monitoring Biodiversity, will need adapting to record management practices.

²WBRC: The Local Record Centre for Warwickshire, Coventry and Solihull managed by WCC containing over 2million species and habitat records (established in 1974)