

<b>CABINET</b>	AGENDA ITEM No. 5.1
14 <sup>TH</sup> DECEMBER 2009	PUBLIC REPORT

Cabinet Member(s) responsible:	Cllr Lee, Cabinet Member for Environment Capital and Culture	
Contact Officer(s):	Paul Phillipson Executive Director of Operations	Tel. 453455

**CITY COUNCIL'S BIODIVERSITY STRATEGY: UPDATE OF STRATEGY TO TAKE ACCOUNT OF LEGISLATIVE CHANGES**

RECOMMENDATIONS	
<b>FROM : ENVIRONMENT CAPITAL SCRUTINY COMMITTEE</b>	<b>Deadline date : 24<sup>th</sup> Feb 2010</b>
That the Cabinet is recommended to:	
<ul style="list-style-type: none"> <li>(i) endorse the Biodiversity Strategy prior to its consideration by Council as part of the major policy framework; and</li> <li>(ii) consider the requirement for additional resources during the development of the Council Budget for 2010/11 alongside other budget pressures.</li> </ul>	

**1. ORIGIN OF REPORT**

1.1 This report is submitted to Cabinet following the Environment Capital Scrutiny Committee Meeting of the 17<sup>th</sup> of September 2009.

**2. PURPOSE AND REASON FOR REPORT**

2.1 The purpose of this report is to present the City Councils updated Biodiversity Strategy for the Cabinet to consider and if considered appropriate to refer it to Full Council for consideration as part of the major policy framework.

2.2 This report is for Cabinet to consider under its Terms of Reference No. 3.2.9 To commission reviews by and determine any changes of policy proposed by the Scrutiny Committees and Commissions making recommendations to Council about proposed changes to the Council's major policy and budget framework.

**3. TIMESCALE**

Is this a Major Policy Item/Statutory Plan?	<b>Yes</b>	If Yes, date for relevant Cabinet Meeting	14 <sup>th</sup> December 2009
Date for relevant Council meeting	24 <sup>th</sup> February 2010	Date for submission to Government Dept <i>(please specify which Government Dept)</i>	N/A

**4. Peterborough City Councils Biodiversity Strategy**

4.1 The existing City Council Biodiversity Strategy was endorsed by Cabinet in October 2004. The Vision Statement which forms part of the Strategy was subsequently considered and

adopted by full Council at its November 2004 meeting where the following decision was made to:

“Adopt the Biodiversity vision statement as a guidance and reference document to officers and the executive when making decisions on biodiversity ensuring that the vision, objectives and targets are used in a flexible manner, within existing resources and subject to planning considerations”.

- 4.2 This report and updated Strategy has been produced by a working group of Officers and Councillors and is submitted to Cabinet following consideration by the Environment Capital Scrutiny Committee. This working group of Officers and Councillors was convened following a report to the then Environment and Community Safety Scrutiny Panel in January 2008 with respect to the new biodiversity duty brought in by S40 of the Natural Environment and Rural Communities Act 2006:

“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”

- 4.3 This report to the Scrutiny Panel concluded that the 2004 Strategy and the wording of its adoption by Council did not adequately reflect the requirements of the new Biodiversity Duty. The Scrutiny Panel endorsed the intent to update the Strategy to take into account the new biodiversity duty.
- 4.4 The working group of Officers and Councillors has produced an updated Biodiversity Strategy. The key issues within the updated strategy include changes to land management practices, the ability of the Council to maintain existing resourcing and in some instances make other resources available. In many cases additional resources can be used to access additional external funding for restoration and habitat creation works, however routine management would have to be met by the Council’s own resources.

#### **Vision Statement**

- 4.5 The working group has developed an updated vision of what the Council’s approach to Biodiversity should be. This can be found in full at Appendix A.

#### **Specific Actions to Achieve the Vision and Approach to Biodiversity**

- 4.6 It is intended that opportunities will be exploited as they arise, however some specific actions and possible methods of delivery have been identified under the headings used in the vision statement. This replaces the key actions component of the original strategy and can be found in full at Appendix B.

#### **Summary of Biodiversity Action Plan targets.**

- 4.7 The summary of local Biodiversity Action Plan Targets remains unchanged from the 2004 strategy and for completeness is included at Appendix C.

#### **Detailed actions and Resource Implications**

- 4.8 Appendix D of the strategy draws out detailed actions and associated resource implications required to achieve the Vision Statement and comply with the Biodiversity Duty. Incorporation of biodiversity into many of the Council’s functions and services can be achieved within existing resources, providing that these are maintained. This is supported by the experience of the implementation of the 2004 Strategy. However in updating the strategy the need for limited additional resourcing has been identified in some areas in order to comply with the Biodiversity Duty. The financial implications associated with this are considered by section 9 of this report below.

## **Policy with respect to works during the bird nesting season.**

4.9 This guideline has been produced to give a clear and reasonable approach with respect to what works could reasonably be undertaken during the bird nesting season, while taking into account competing legal, conservation, horticultural, visibility and good practice requirements. Suggested guidance notes for different types of operations, for issue to contractors, are included at the end of the appendix. These notes are underpinned by the detailed consideration and rationale in the preceding text. Some training is envisaged to be offered to ground maintenance personnel if this is adopted as practice. The full policy and guidance notes can be found in full at Appendix E.

## **5. CONSULTATION**

5.1 Consultation has been undertaken with the Officers, Groups and organisations which were consulted with respect to the original Biodiversity Strategy along with additional relevant organisations that have become known in the Peterborough area in the intervening time. These have included:

- British Trust for Conservation Volunteering (BTCV)
- Buglife
- Consultation has also been undertaken with the Councils Finance as well as Legal and Democratic Services.
- Council Officers within the update working group and Biodiversity Officer Working Group. This includes, Bereavement, Recreation, City and Education Services, tree and woodland team, Natural Environment Team. Landscape Architect, Transportation.
- Councillor representatives within the Working Group
- Forestry Commission
- Froglife
- Natural England
- Parish Councils
- PECT
- Peterborough Bird Club
- Peterborough Conservation Volunteers
- Peterborough Friends of the Earth
- Planning Policy team
- RSPB
- The Landyke Trust
- The Wildlife Trust
- Woodland Trust
- Greater Peterborough Partnership
- Opportunity Peterborough

5.2 Cllr Sandford as a member of the working group updating the strategy has indicated agreement with all the recommendations in the report with the exception of the following.

5.2.1 Appendix B, point 21 (pesticides). Cllr Sandford has indicated that this should go further to require a commitment to reducing usage of herbicide progressively over time, and felt that a commitment to review usage is not useful if it does not state any intention to do anything as a result. Cllr Sandford has indicated that previously there was a commitment to reduce herbicide usage in the Council's Environmental Strategy and for example organisations signing up to Forest Stewardship Council certification on sustainable tree/woodland management are required to make such a commitment.

5.2.2 Appendix E (nesting birds policy) in its entirety. Concern was expressed with respect to the length and complexity of this document as well as a concern that it would weaken current policy/practice. The current policy/practice implemented by City Services was understood by Cllr Sandford to be to avoid works on trees, shrubs and hedges during the bird nesting season unless there are clear health and safety concerns. It was felt by Cllr Sandford that

this was a simple, straightforward and easily understood policy which complies with best conservation practice.

- 5.3 A table showing the results of the external consultation process and how this shaped the content of the strategy can be found at Appendix F.

## **6. ANTICIPATED OUTCOMES**

That Council adopts the Biodiversity Strategy as Part of the Major Policy Framework.

## **7. REASONS FOR RECOMMENDATIONS**

To update the City Councils Biodiversity Strategy to take account of the Biodiversity Duty introduced by the Natural Environment and Rural Communities Act S40 and Department for the Environment Food and Rural Affairs Guidance with respect to this Duty.

## **8. ALTERNATIVE OPTIONS CONSIDERED**

To retain the City Councils 2004 Biodiversity Strategy, this was rejected as it does not adequately reflect legislative requirements that have come into force since its adoption by the City Council in 2004.

## **9. IMPLICATIONS**

- 9.1 The updating of the Strategy has identified that in addition to maintaining resourcing in existing areas that some additional resources would be required in order to comply with the legal duty the City Council has with respect to Biodiversity. These are outlined in detail in appendix D and will be absorbed within the budgets of the Directorates identified.

The additional resource implications have been much reduced by the success of the existing 2004 biodiversity Strategy and the maintenance of existing resources in support of it. In some areas additional resource requirements can also be offset by seeking external funding for restoration of degraded habitats, this is particularly the case for a significant proportion of the one off costs where these constitute capital works. The net cost of management of the Boardwalks LNR may also be less than outlined in Appendix D as this would be offset by the management costs currently incurred by Peterborough City Services.

- 9.2 This report has implications throughout the authority area where the Council is a Landowner or Manager.

- 9.3 The updated Strategy is directly linked to the Sustainable Community Strategy (SCS) and LAA via National Indicator 197 County Wildlife Sites and associated targets. It is more generally linked to the SCS and National Indicators via the Cleaner Greener sections of these documents.

## **10. BACKGROUND DOCUMENTS**

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985)

- Natural Environment and Rural Communities Act 2006 (Section 40).
- Guidance for Local Authorities on Implementing the Biodiversity Duty, Defra, May 2007.
- Peterborough City Council Approach to Biodiversity submitted to the Environment Policy Overview Committee on 2 August 2004.
- Peterborough Sustainable Community Strategy (including Rural Vision Strategy and Environment Capital manifesto).