



RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

CLIMATE CHANGE CABINET SUB-COMMITTEE

6TH DECEMBER 2022

**S.6 BIODIVERSITY DUTY: THREE YEAR REPORT TO WELSH GOVERNMENT
2020 TO 2022**

**REPORT OF THE DIRECTOR OF PROSPERITY AND DEVELOPMENT, IN
DISCUSSIONS WITH THE CABINET MEMBER FOR CLIMATE CHANGE &
CORPORATE SERVICES**

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Appendices - Appendix A: S.6 Biodiversity Duty Action Plan 2019/20 to 2022/23

1. PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to provide the Sub-Committees with an update on the progress in developing and implementing the Council's S.6 Biodiversity Duty Action Plan; and to seek approval to submit the Action Plan to Welsh Government and to publicise it on the Council's website as required by the Environment (Wales) Act 2016.

2. RECOMMENDATIONS

It is recommended that:

- 2.1 Members consider the information contained within this report and the progress made to integrate consideration of biodiversity into all Council services, since the last formal report in 2019.
- 2.1 Members endorse the report and Appendix A for submission to Welsh Government and for inclusion on the Council's website.

3. REASON FOR RECOMMENDATIONS

- 3.1 The Environment (Wales) Act 2016 (S.6) created a new Duty which states that public bodies, including Local Authorities
"...must seek to maintain and enhance biodiversity in the exercise of their functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions".

The Act also establishes a 3 yearly reporting schedule, the second report is due in December 2022.

4. BACKGROUND

- 4.1 When the new Duty was introduced by the Environment Act an initial report for Members was prepared in 2017 and procedures were established within the Council to identify existing biodiversity activity, raise awareness of the Duty, identify new initiatives and develop a reporting mechanism.
- 4.2 The first report (2017-19) was considered by members in Autumn 2019 <https://rctcbc.moderngov.co.uk/documents/s18207/Report.pdf?LLL=0> and subsequently submitted to Welsh Government. The second report for the period 2020-22 is now due.
- 4.3 Welsh Government produced guidance with regard to the Duty in 2019, ([Section 6 Biodiversity and Resilience of Ecosystems Duty: reporting guidance](#)) which encouraged public bodies to develop procedures to suit local circumstances but wherever possible align and integrate these with existing corporate arrangements. The RCT procedure, described below, was well established before the guidance was issued and satisfies the general requirements.
- 4.4 The Council's performance management system has been utilised to embed the routine consideration of biodiversity across the Authority. Each year since 2017 (except during COVID), a 'Biodiversity Duty' question has been included in the Service Self Evaluation (SSE) undertaken by each Council service which informs their subsequent Service Delivery Plans. This encourages managers to think about their impacts on biodiversity, report on progress and identify opportunities. The SSE and Delivery Plans are signed off by the relevant Cabinet members. The next round of SSE is currently underway to inform the delivery plans for 23/24.
- 4.5 Welsh Government undertook an evaluation of the first round of Duty submissions from public bodies and the process used in RCT featured in a good practice presentation by Welsh Government to Local Government Environmental Directors in November 2021.

5. The proposed Report to Welsh Government: the Duty Action Plan 2019/20 to 2022/23

- 5.1 The reporting mechanism established for the previous round has been continued for the current three-year period. This is based on an Action Plan spreadsheet, appended to this report (Appendix A). The Action Plan themes reflect the main areas of Council activity, namely:
- public engagement,
 - planning,
 - estate management,
 - water management,

- education,
- advice to the public,
- corporate planning, and
- working with neighbours and statutory bodies.

- 5.2 Individual actions under these headings are classified as ‘on-going’ or ‘project’ (with start and finish dates) and a summary of progress is given for the financial years 19/20, 20/21, 21/22 and 22/23 (to Sept). The use of financial years follows normal Council reporting, but this means there are four reports to cover the 3-year period given in the legislation. Other columns provide information about the officers involved and any general comments.
- 5.3 A new column (NRAP objectives) has been added to the spreadsheet for the current reporting round. It is recommended in the Welsh Government guidance, that public bodies should show how their actions contribute to the objectives of the Wales Nature Recovery Action Plan (NRAP). These are
- Objective 1: Engage and support participation and understanding to embed biodiversity throughout decision making at all levels.
 - Objective 2: Safeguard species and habitats of principal importance and improve their management,
 - Objective 3: Increase the resilience of our natural environment by restoring degraded habitats and habitat creation,
 - Objective 4: Tackle key pressures on species and habitats,
 - Objective 5: Improve our evidence, understanding and monitoring,
 - Objective 6: Put in place a framework of governance and support for delivery.
- 5.4 The Action Plan shows the diversity of biodiversity activity across the Authority and the steady progress in addressing biodiversity issues at both a strategic level and in practical applications. Progress has been made across all the themes, and cross departmental working is beginning to make a real difference to the work of the Council as a whole. Some of the successes and issues highlighted by the updating of the Action Plan are given below.
- 5.5 The long-standing integration of biodiversity into the planning system has been a major success, from initial enquiries and ‘pre-app’ through to long term management via S106 agreements. Several of the Council managed sites now feature as part of the Living Landscape project and will provide ‘nature reserves’ on the doorstep for local residents and businesses for years to come. However, due to Covid disruption and capacity across the sector there are some planning agreements where the developer is failing to provide required information or in some cases has failed to provide the approved mitigation.
- 5.6 With regard to Estate management, the establishment of the Nature’s Assets Climate change officer group has broadened the appreciation of the Council’s land holdings for biodiversity, as well as carbon storage, tree cover, water retention and community engagement. In addition, there is a growing demand for community uses of Council owned land, and internal procedures have been set up to evaluate these.

- 5.7 With regard to Water management, since the last review the consideration of biodiversity in Council ordinary watercourse consent procedures has become routine and is making a difference for wildlife and people. The new legal requirement for Sustainable Urban Drainage (SUDS) for a wide range of developments (not all of which require planning consent) is a new pressure. Managing the biodiversity impacts of SUDS is not straight forward, as the preferred 'natural solutions' can be very damaging to biodiversity. SUDs is a separate regulatory process and depending on the approach of the developer it can be challenging to integrate this with the planning requirements. Discussions are in hand to address these kinds of issues through early engagement and joint working and to ensure that there is no conflict between what has been secured for ecological mitigation and what is necessary to meet SUDs/SAB requirements.
- 5.8 In addition to monitoring progress, the Service Self Evaluation identifies 'potential areas for improvement', which may be subject to further discussion and added to the action plan. Examples below, identified in the 2021 round of SSE, demonstrate how the declaration of the Nature Emergency is putting increased pressure on the resources available within the council to deliver the necessary activity.
- 5.9 Encouragingly, several departments have identified the need for service specific training to develop their understanding of biodiversity in RCT and the scope for further engagement. This is very welcome but does put pressure on current resources. Access to existing on-line materials is being investigated but this is not necessarily the most appropriate vehicle compared to in person, service specific discussions.
- 5.10 Engagement of schools and young people is another area where the aspirations are growing. The Education and Inclusion SSE included the following in their potential areas for improvement:
- 'Future work is planned with the Council's ecologist to roll out working with all school councils and eco committees'
- Other proposals include a young people's Environment and Sustainability Forum, and school biodiversity champions.
- 5.11 Whilst there is clear evidence that the consideration of biodiversity issues is now embedded in Council decision making across all services this does mean that further consideration is needed to ensure the current resources within the Council and in particular the Countryside team are sufficient to meet the demands placed upon them. In addition, further focus on biodiversity has been announced by Welsh Government with the 'Deep Dive' launched in October (see below) emphasising a range of activity and requirements including the tripling of peatland restoration schemes but without clarity at this stage of how this activity will be funded.

- 5.12 The increasing demand on our Countryside team has been recognised over recent years and a Graduate and Apprentice have been brought on board. However, there is a need that with the continued increase in demand we are clear around exactly where our priorities are set and that we work across service areas to ensure that our resources are directed to those priorities.

6. Future development

- 6.1 Members may be aware that Welsh Government declared a Nature Emergency in summer 2021. Julie James MS, Minister for Climate Change, has recently completed a [Biodiversity 'deep dive' with recommendations](#) for a step change in Wales action on reversing biodiversity decline in line with the up-coming UN Conference of the Parties on Biodiversity ([COP15](#)). These include a priority to 'Embed Nature Recovery in policy and strategy in public bodies in Wales', supported by actions to strengthen the delivery of the S.6 Duty across all Government portfolios and public bodies.
- 6.2 As a result of the Deep Dive, Welsh Government has recently identified additional spending over the next three years for biodiversity, but this does not cover the S.6 Duty, which public bodies are expected to adopt as part of their normal service delivery.
- 6.3 The [Duty Guidance](#) from Welsh Government encourages the integration of the work into the Corporate Plan. The current Plan does address biodiversity, however this is an area members may wish to consider further when the RCT Corporate Plan is developed for the period beyond 2024. There may be synergies with the new performance and governance functions for local authorities under [part six of the Local Government and Elections \(Wales\) Act 2021](#).

7. EQUALITY AND DIVERSITY IMPLICATIONS/ SOCIO-ECONOMIC DUTY

- 7.1 There are no equality or diversity implications as a result of the recommendations set out in the report. Members may wish to note that some of the specific actions, set out in Appendix A, (such as 4.3 Park Lane School SUDS) may create positive opportunities for particular groups.

8. CONSULTATION/INVOLVEMENT

- 8.1 As described in 4.4 above, a collaborative approach has been developed across the Authority to progress the Duty. The RCT Local Nature Partnership was consulted at an early stage to advise on the suitability of the action themes.

8.2

9. WELSH LANGUAGE IMPLICATIONS

- 9.1 There are no direct implications as a result of this report, however, the Welsh Language Impact Assessment of any scheme that will be implemented as a result of the Action Plan will be considered in the development of those projects.

10. FINANCIAL IMPLICATION(S)

- 10.1 There are no financial implications associated with this report. However, financial implications may arise in association with the actions the Council undertakes to comply with the Duty and these will be considered as and when necessary.

11. LEGAL IMPLICATIONS OR LEGISLATION CONSIDERED

- 11.1 The Council has a statutory duty to prepare a plan of action regarding the Biodiversity Duty and to report to Welsh Government, as set out in S.6 of the Environment (Wales) Act 2016.

12. LINKS TO THE CORPORATE AND NATIONAL PRIORITIES AND THE WELL-BEING OF FUTURE GENERATIONS ACT.

- 12.1 This report contributes to a wide range of the Council's priorities as set out in the Council's Corporate Plan for 2020 to 2024. Specifically, it contributes to investing in our greenspaces and to delivering natural carbon storage solutions such as those provided by trees, peat bogs, marshy grassland and other natural habitats across the County Borough to enhance air quality and reduce the impact of greenhouse gasses.
- 12.2 The Duty Action Plan reflects the five ways of working in the Wellbeing of Future Generations Act. Biodiversity work must be based on long-term considerations and is focused on preventative and precautionary action. It seeks to integrate biodiversity and ecosystem resilience into projects to realise multiple benefits for local residents and wildlife.
- 12.3 Biodiversity work contributes specifically to the Resilience and Global Responsibility goals of the Act, but in the longer term it could have implications for all the goals

13. STRATEGIC OR RELEVANT TO ELECTORAL WARDS

- 13.1 The Biodiversity Duty is of strategic importance across the whole of RCT.

14. CONCLUSION

- 14.1 The Council is required to report progress in the discharge of its Biodiversity Duty to Welsh Government every three years. This report and the action plan presented at Appendix A show the actions undertaken over the last 3 years.

Other Information:-

Relevant Scrutiny Committee: *Climate Change, Frontline Services and Prosperity*

Contact Officer: *Elizabeth Dean, Environment Planner*

LOCAL GOVERNMENT ACT 1972

AS AMENDED BY

THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

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Background Papers

None.