



South East England  
Biodiversity Forum

# Biodiversity and your duty of care:

## A guide for Local Authority Elected Members

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*Biodiversity is the  
variety of life on earth,  
and includes all plants  
and animals and the  
natural systems that  
support them*

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# The Biodiversity Duty

Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 places a duty on Local Authorities to consider biodiversity in the full range of their activities. It is a legal requirement that:

“Every public body **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**”.

## This leaflet will illustrate:

- Opportunities for how your Local Authority can fulfil its Biodiversity Duty
- How these actions can reinforce other objectives, such as improving sustainable communities through better social cohesion, community engagement, health, education and quality of life.

## A Local Authority that is actively implementing its Biodiversity Duty will be able to show that:

- Biodiversity conservation and enhancement is appropriately integrated throughout all departmental policies and activities
- All staff, managers and elected members understand how biodiversity issues relate to their own decisions and actions
- Biodiversity is properly protected and enhanced in line with statutory nature conservation obligations
- It has access to professional ecological expertise
- It provides sustained support to local biodiversity initiatives, such as its Local Biodiversity Action Plan
- It supports the Local Environmental Record Centre and uses the up-to-date biodiversity information provided
- It reports on progress towards national and local biodiversity targets
- It performs well against National Indicator 197.

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*Sustainable development needs to be pursued in an integrated way through:*

- *a sustainable, innovative and productive economy that delivers high levels of employment; and*
- *a just society that promotes social inclusion, sustainable communities and personal well-being.*

*This needs to be done in a way that protects and enhances the physical and natural environment and uses resources and energy as efficiently as possible.* ”

*Audit Commission, Comprehensive Area Assessment Guidance for Inspectorate Staff, September 2009*



# Four areas where Local Authority activities are key to conserving biodiversity:

## 1. Strategies and Policies

It is essential that Local Authorities have a commitment to conserving biodiversity in the following strategic policies to enable them to take action through all their services and functions:

- Corporate strategies
- Sustainable community strategies
- Local area agreements
- Climate change adaptation
- Green Infrastructure (see below)
- Transport plans
- Asset management plans
- Environmental management systems
- Procurement
- Waste management
- Mineral extraction
- Land drainage and engineering works.

### Green Infrastructure

Green Infrastructure is a connected network of green spaces that has a number of functions:

- Habitats for wildlife
- Sense of place and appreciation of landscape
- Access, recreation and leisure opportunities
- Flood attenuation and water resource management
- Healthy communities.

Incorporating Green Infrastructure into development plans will help deliver many of the social, economic and environmental benefits required for sustainable communities. For more information, see the South East Green Infrastructure Framework<sup>1</sup>.

<sup>1</sup>South East Green Infrastructure Framework  
<http://www.gos.gov.uk/497648/docs/171301/SEGIFramework.finaljul09.pdf>

## 2. Management of Land and Buildings

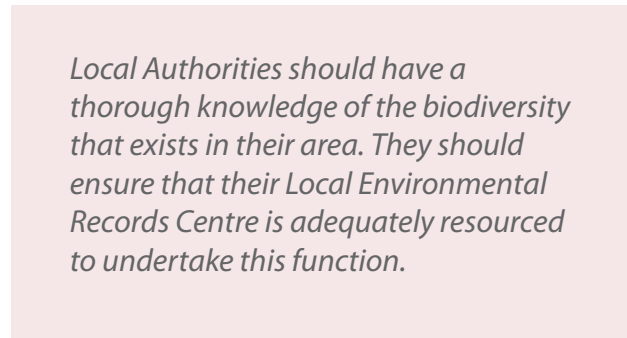
Local Authorities have a direct impact on biodiversity through the management of their own estate. Good management of the following areas can provide improved habitats for wildlife and benefits to local communities:

- Housing estates
- Grounds of care units, museums, offices, leisure centres and schools
- Building, highways and infrastructure maintenance (see below)
- Designated sites
- Woodland, waterside and coastal areas
- Country Parks, green spaces, sports pitches and cemeteries
- Rights of way
- Farmed estate
- Waste sites.

### Building, Highways and Infrastructure Maintenance

Care should be taken in maintenance of existing buildings and infrastructure to ensure that biodiversity is not adversely affected. For example, the presence of bats should be checked and, where necessary, mitigation put in place before roofs are replaced on schools, brickwork on bridges is repointed or structures with potential to house bats are demolished.

*Local Authorities should have a thorough knowledge of the biodiversity that exists in their area. They should ensure that their Local Environmental Records Centre is adequately resourced to undertake this function.*



## 3. Planning and Development

Delivering biodiversity benefits is a key factor in achieving sustainable development. There are a range of policies and procedures that provide opportunities to maintain and enhance biodiversity, such as:

- Local Development Frameworks (LDFs) (see below)
- Planning guidance
- Development plans and briefs
- Regeneration of particular areas
- Development control
- Building control.

### Local Development Frameworks

When drawing up LDFs, Local Authorities should outline strategic objectives and policies for biodiversity. Opportunities for biodiversity enhancement should be identified. The South East England Biodiversity Forum (SEEBF) has already mapped several strategic areas of opportunity which can be readily incorporated into LDFs. For more information, see SEEBF's Biodiversity Opportunity Areas map<sup>2</sup>.

<sup>2</sup> South East Biodiversity Strategy  
<http://strategy.sebiodiversity.org.uk>

## 4. Community Engagement

Local Authorities have an opportunity to inspire people. They can increase people's understanding of the natural world and use biodiversity as a tool to promote education, health and community engagement through:

- Recreation and access
- Health services (see below)
- Social care
- Schools, libraries and museums
- Information centres and services
- Promoting the local area for business and tourism
- Guided walks and events.

### Health Services

Access to nature improves health and wellbeing. Research shows that experience of nature can help recovery from illness, alleviate stress and mental health problems, and improve community cohesion. Protecting and restoring the natural environment has clear benefits to public health and wellbeing.

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*Objective research is confirming what many people intuitively know: contact with “nature” is good for us, and enhances our quality of life as a whole.*

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*DEFRA, Working with the Grain of Nature  
- A Biodiversity Strategy for England, 2002*

## Further information:

DEFRA – Guidance for Local Authorities on Implementing the Biodiversity Duty:

<http://www.defra.gov.uk/environment/quality/biodiversity/documents/la-guid-english.pdf>

The South East Biodiversity Strategy website:

<http://strategy.sebiodiversity.org.uk>

Local Government Association -

Greening Communities Campaign (Biodiversity):

<http://www.lga.gov.uk/lga/aio/22396>



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Pond dipping, Natural England