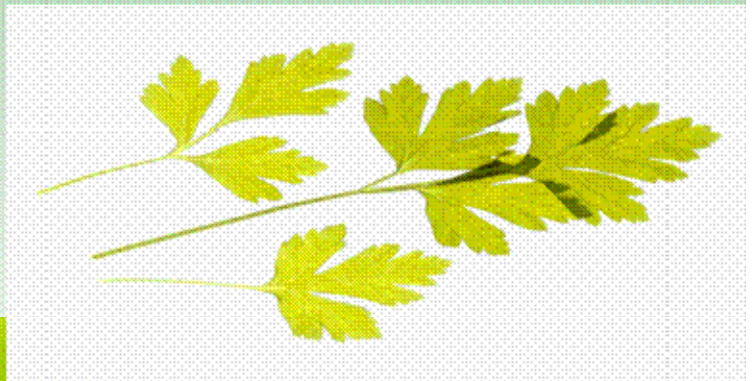




# The Biodiversity Duty - A Policy Statement



## **1. Introduction**

- 1.1 The Council has a duty under Natural Environment and Rural Communities Act 2006 to have regard to the conservation of biodiversity in exercising its functions. This policy statement sets out how the Council intends to fulfil this duty.
- 1.2 Biodiversity is the variety of life on earth, and includes all species of plants and animals, and the natural systems that support them. It is a core component of sustainable development, underpinning economic development and prosperity and has an important role to play in developing locally distinctive and sustainable communities.
- 1.3 The conservation of biodiversity is a vital part of our response to climate change and in the delivery of key functions within the ecosystem such as food, flood management, pollution and the provision of clean air and water.

## **2. How does the Biodiversity Duty Impact on Rossendale Borough Council**

- 2.1 The Duty to have regard to the conservation of biodiversity impacts on a number of the roles which the Council fulfils.
  - As a regulator in terms of considering the maintenance and enhancement of biodiversity when developing the spatial planning framework and also in considering individual planning applications. However, less obviously, the way in which the Council carries out its contaminated land responsibilities may be affected by biodiversity considerations.
  - As an owner and manager of land and property in terms of for example designing maintenance regimes which encourage a variety of species to flourish.
  - As a community leader, for example, in working within the LSP to ensure that all partners fully consider the impact of their actions on the biodiversity of the Borough.
  - As a purchaser of goods and services, where for example, decisions to purchase particular types of wood products or plants could have a negative effect on biodiversity.
- 2.2 Thus it can be seen that many of the decisions which the Council takes in the routine course of running the business have the potential to impact either positively or negatively on biodiversity both locally, and particularly in the case of procurement on a wider stage.

## **3. The Rossendale Borough Council Policy Response**

- 3.1 The Biodiversity Duty as framed does not require specific action of the Council, simply that the impact of any decision on biodiversity should be taken into account and weighed in the decision making process. However, in doing this it is important for decision makers to understand the weight that should be attached to these considerations. Therefore, the Council's policy response can be summarised as follows.

*In taking any key decisions (as defined in its constitution) the Council will consider the impact of that decision on biodiversity and will only take a decision that has a negative impact where the other economic social and environmental impacts on the wellbeing of the Borough outweigh the negative impacts on biodiversity.*

*There will be a positive presumption, subject to available resources, in favour of the promotion of biodiversity in the way in which the Council manages its retained land holdings.*

3.2 This provides a framework linked to existing statute and the Council's duty to promote the economic, social and environmental wellbeing of the area, which councillors and officers can use to make decisions. The way in which the Council exercises its responsibilities in relation to the Biodiversity duty also needs to reflect its overall policy stance on environmental issues set out in the Environment Strategy approved in March 2007.

#### **4. Rossendale Borough Council's Practical Response**

4.1 As well as responding to the Biodiversity Duty in a policy sense the Council also needs to respond in a practical sense. The key responses contained in ongoing work programmes are outlined below. These responses will need to reflect where appropriate sub-regional, regional, national, and international action plans as far as practical. Action will also need to be reflected in other Council plans such as the Climate Change Action Plan which will have to be produced in due course::

##### 4.1.1 The Council acting as a regulator

###### Spatial Planning

Through the Local Development Framework the Council will act to protect and improve the biodiversity of the borough through specific policies supported, where appropriate through Supplementary Planning Documents.

###### Environmental Health

The Council will, in exercising its powers in relation to the remediation of contaminated land, seek, to promote biodiversity in the development of remediation plans, including the encouragement of the creation of wild life habitats during remediation processes..

##### 4.1.2 The Council as owner and manager of land and property

###### Property Management

The Council will make pockets of non-developable land available as allotments, or Pocket Parks where there is a viable and sustainable demand within the community.

The Council will require external bodies (such as Utility Companies) to carry out ecological surveys and provide undertakings in relation to habitat restoration prior to granting them access to carry out work on Council land.

### Open Spaces

There will be a positive presumption in favour of promoting biodiversity in the way open spaces are managed and within this:

The Council will consider on a case by case basis ways of diversifying the planting of new and existing amenity open spaces so as to protect wildlife corridors and create habitats for a wider variety of species.

Take specific account of biodiversity in each Park Development Plan.

In managing woodlands the Council's approach will aim to promote the widest range of habitats possible, while balancing the needs for safe recreational access.

#### 4.1.3 The Council acting as Community Leader

##### Partnership

The Council will, alongside the preparation of the Local Development Framework, formally consider the costs and benefits of signing up to the Lancashire Biodiversity Action Plan

The Council will seek to secure the specific commitment of all partners within the Local Strategic Partnership to the biodiversity aims articulated in the Council's Environmental Strategy.

##### Education

Where appropriate safeguards in terms of health and safety are in place the Council will grant free access to its countryside assets for national curriculum linked activities aimed at increasing understanding of biodiversity amongst young people.

##### Administration

A biodiversity impact statement will be included in every report recommending a key decision

#### 4.1.4 The Council acting as purchaser

##### Corporate Procurement

The Council will continue to procure, green energy, products constructed of wood from sustainable forests and plants grown using peat free materials.

##### Partnership Activity

The Council will seek to influence its partners and suppliers to procure in ways which do not negatively impact on biodiversity.

## **5. Monitoring**

5.1 The impact of this policy statement will be monitored through the process used to monitor the effectiveness of the Council's Environment Strategy.