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Cabinet 14th September 2011

JOINT REPORT OF:

Director of Regeneration, Leisure & Culture

Director - Environment

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Part: 1	Item: 11
Subject: Enfield Biodiversity Action Plan	
Wards: All	
KD No. 3176	
Cabinet Member consulted: Cllrs Goddard, Cllr Bond	

1. EXECUTIVE SUMMARY

- 1.1 The London Borough of Enfield has a wealth of biodiversity in its parks and open spaces, its urban areas and its watercourses. It contains important populations of nationally and internationally scarce plant and animal species and has a number of important habitats including important grassland habitats, more than three hundred hectares of woodland, and one hundred kilometres of watercourses.
- 1.2 Biodiversity is a core component of sustainable communities and will play a vital role in mitigating the impacts of climate change. Under the Natural Environment and Rural Communities Act 2006 (The NERC Act), local authorities have a duty to have regard to the conservation of biodiversity in exercising their functions.
- 1.3 The council has produced a draft document 'Nature for People, A Biodiversity Action Plan (BAP) for Enfield' which was put out for public consultation for 12 weeks, ending on the 22nd October 2010.
- 1.4 Following consultation The Biodiversity Action Plan is brought to Cabinet for adoption by the council.
- 1.5 It is proposed that the implementation of the BAP be led and coordinated by a biodiversity officer and that a post be created and piloted for two years, within the council structure and funded corporately.

2. RECOMMENDATIONS

- 2.1 That Cabinet approve the funding and creation of the Biodiversity Officer post initially for two years.
- 2.2 That subject to 2.1 the Cabinet approve the council adopt of the Biodiversity Action Plan

3. BACKGROUND

- 3.1 Enfield has an abundance of biodiversity in its parks and open spaces, urban areas and watercourses. It contains important populations of nationally and internationally scarce plant and animal species and has a number of important habitats including important grassland habitats, more than three hundred hectares of woodland, and one hundred kilometres of watercourses; the greatest length of any London borough.
- 3.2 Biodiversity plays an important role in developing locally distinctive and sustainable communities. Its conservation and enhancement will play a vital role in mitigating the effects of climate change and is a major component of sustainable development.
- 3.3 Under the Natural Environment and Rural Communities Act 2006, local authorities have a duty to have regard to the conservation of biodiversity when exercising their functions, this includes when managing their estates and assessing planning applications. In addition the council also has responsibility to ensure that development decisions comply with protected species and other biodiversity legislation.
- 3.4 PPS9 states that planning policies and decisions should 'aim to maintain, and enhance, restore or add to biodiversity and geological conservation interests' and The Mayor's Biodiversity Strategy Connecting with London's Nature (July 2002) provides a clear indication that London local authorities should develop biodiversity action plans in partnership with key stakeholders.
- 3.5 Enfield's parks and open spaces will benefit in terms of biodiversity and could potentially reduce management costs through biodiverse management techniques. Grants are available from a number of sources for managing important habitats in an environmentally friendly manner, however these do not provide for officer time.
- 3.6 The Parks service has applied for Higher Level Stewardship agri-environment agreement with Natural England. Should this be agreed this would involve managing grasslands and hedgerows in country parks in a traditional manner enhancing these important habitats for wildlife in line with the biodiversity action plan (BAP). If successful this would

result in an income in the region of approx £11K per annum over 10 years. There is also a capital element of approx £36k available for the purchase of equipment for this purpose.

- 3.7 Most other boroughs, particularly the larger greener boroughs, have and implement a BAP. The Council, despite being one of London's greenest boroughs, has not implemented a BAP and has no internal ecological expertise at present to do this.
- 3.8 The post identified would need to have minimum qualifications to ensure that the Council's aspirations for sustainable development can be achieved without relying on additional external expertise. The Council would require a suitably qualified ecologist, defined as holding a relevant degree, 3 years experience and covered by a professional code of conduct subject to peer review by one of the following bodies - Association of Wildlife Trust Consultancies, Chartered Institute of Water and Environmental Management, Institute of Ecology and Environmental Management or Institute of Environmental Management Assessment.

4. THE ENFIELD BIODIVERSITY ACTION PLAN

- 4.1 Recognising the importance of biodiversity, the council, in partnership with others has produced 'Nature for People, A Biodiversity Action Plan for Enfield'. The document was consulted on for 12 weeks between July and October 2010.
- 4.2 The Enfield Biodiversity Action Plan is a framework that describes the borough's biodiversity. The document raises the profile of biodiversity ensuring that not only is it properly valued and that actions or inactions do not harm it, but also that actions wherever possible seek to conserve and enhance it.
- 4.3 The document describes a number of cross cutting themes and related objectives, many of which are currently being implemented. Through these objectives, the council will ensure that there is a coordinated approach to the conservation and enhancement of biodiversity in Enfield and that the council remains compliant with biodiversity legislation.

5. CONSULTATION

- 5.1 The consultation on the document ran for 12 weeks from the 29th July 2010 until 22nd October 2010. A copy of the draft BAP was sent to all councillors and MPs, friends of parks groups and secondary schools. An email or letter detailing the consultation was sent to more than 800 people across the borough and a consultation form was put on the website.
- 5.2 Presentations were given at six friends of parks groups meetings, the Cockfosters, Grange and Highlands Area Forum and the Green Belt Forum. An information tent was taken to five council events, including

the Town Show. The draft document was made available in all of Enfield's public libraries and posters were displayed on Park Notice boards and in public buildings

- 5.3 There was a large amount of public support for the document, with nearly all respondents supporting the aims and objectives of the BAP. There were some changes in relation to the structure of the document and these and other comments have been incorporated in the revised copy which is available in hard copy in the Members room.

6. IMPLEMENTATION

- 6.1 Implementing the BAP is a council-wide responsibility. However, the majority of delivery objectives fall within the service areas of Parks, Development Control and Planning Policy. By implementing the BAP the Council will ensure positive biodiversity outcomes and ensure that the council remains compliant with its legislative duties under the NERC Act 2006.
- 6.2 Delivery would need to be carried out by a dedicated biodiversity officer, as this is a specialist area of work, with the costs funded corporately.
- 6.3 Implementation would also enable the council to access funds for biodiversity enhancements that might otherwise not be available, for example through agri-environment and woodland grant schemes, and by ensuring that monies from developer contributions are obtained and spent.

Parks

- 6.4 Although Enfield has a wealth of parks that host a number of important species and habitats, these have not been managed to their full potential for wildlife in the past and their biodiversity value has declined. If this continues the cost of reversing the decline will significantly increase.
- 6.5 The BAP has a number of objectives that relate to parks, which include implementing ecological management plans which is a specialised area of work, and these will be used to direct the work of volunteers and community groups within parks to bring about wider benefit.
- 6.6 The Parks service has applied for Higher Level Stewardship agri-environment agreement with Natural England. This agreement involves managing grasslands and hedgerows in country parks in a traditional manner which would enhance species diversity and value for wildlife. The agreement has delivered savings in the parks service. There is also a capital element available for the purchase of equipment for this purpose.
- 6.7 The Parks service is also investigating the feasibility of managing its woodlands in a more sustainable manner. This would have a number of environmental, economic and social benefits, and could attract woodland

grants from the Forestry Commission. A Higher Level Stewardship application has been sent to Natural England and draft woodland management plans have been produced for Forty Hall, Whitewebbs, Hilly Fields under the Forestry Commission England Woodland Grant Scheme. Delivery of these projects is currently under discussion by the parks service.

- 6.8 Within urban parks, there are numerous opportunities to enhance biodiversity, by for example creating wildflower areas, planting trees and digging ponds. There are a number of small- medium sized grants available for these types of works. Such grants are ideally suited to implementation by 'Friends of Parks' and other community groups. In house expertise would increase the opportunities for identifying and securing such funding.

Development control

- 6.9 Planning Policy Statement 9 states that planning policies and decisions should '*aim to maintain, and enhance, restore or add to biodiversity and geological conservation interests*', and the BAP emphasises this requirement. This should lead to an increase in the quality of new development across the borough.
- 6.10 The council has a number of statutory duties in relation to biodiversity, and this is particularly relevant in relation to protected species. In order to remain compliant with this legislation, planning applications need to be screened for their need for an ecological assessment. Any reports then need to be assessed to ensure that they have been undertaken to an appropriate standard and that any impact upon important or protected species is fully considered and mitigated.
- 6.11 If Planning Applications are not properly assessed for their ecological impact, there is a risk that applications could be found to be invalid leaving the council open to legal challenges, and a risk that protected species will be harmed potentially leading to prosecutions. The council is currently paying an external consultant to undertake these works at a cost of £15K per annum.

Planning policy

- 6.12 Policy CS36 of the Enfield Core Strategy sets out proposed LDF policy for biodiversity. The Development Management DPD will set out more detailed policies for the protection of biodiversity and the Enfield Design Guide SPD will provide guidance on the opportunities to enhance biodiversity.
- 6.13 These policy documents will reference the BAP and new development will be expected to contribute to its aims and objectives. A draft Section 106 DPD has been prepared to ensure that developers contribute to off-site biodiversity enhancements where appropriate.

6.14 Planning Policy is also responsible for overseeing the designation of Local Wildlife Sites. These will need to be reviewed regularly. A survey of these sites was undertaken by the GLA in 2006 and the council is currently reviewing the GLA's recommendations. If these sites are to be adequately protected the council needs to set up a system for surveying, designating and de-designating these sites in line with government guidance on the matter.

Regeneration

6.15 The council will need to ensure that any redevelopment and master plans consider biodiversity from the outset. This is particularly important in Place Shaping areas if high quality sustainable development is to be achieved. Ensuring that master plans have well planned green infrastructure will also enable the council to seek monies from developers to contribute towards their implementation.

7. ALTERNATIVE OPTIONS CONSIDERED

7.1 The alternative option is not to implement the BAP. This would result in fewer internal and external resources (e.g. grants, developer contributions etc.) for biodiversity conservation, reduced biodiversity outcomes and it would be difficult for the Council to demonstrate its commitment to the NERC Act and the biodiversity duty and protected species legislation.

7.2 Other options for delivery will be explored over the course of the trial period of two years. These include sharing resources with the Lee Valley Regional Park, neighbouring boroughs and securing external grant funding to reduce the overall cost to the council.

8. REASONS FOR RECOMMENDATIONS

8.1 Enfield is one of London's greenest boroughs and contains nationally important habitats. Despite this, and in contrast to many similar boroughs, it has not implemented a BAP. Enfield has no in-house ecological expertise and the conservation of biodiversity has not been prioritised. This has led to the deterioration of valuable habitats, development which does not always comply with either wildlife legislation or planning policy, and a fragmented and piecemeal approach to biodiversity conservation and enhancement.

8.2 The adoption of the BAP and the recommendations in this report will ensure that there is a holistic and coordinated approach to biodiversity conservation which can then support the service areas. This is likely to have significant positive effects for people and wildlife and will facilitate access to external resources to manage implement these changes.

9. DELIVERY

- 9.1 This report proposes that a Biodiversity Officer is appointed and piloted for two years to progress the delivery of the BAP. The officer will explore options for bringing additional funding into the council for delivery, as well as potentially sharing resources with other bodies. Quarterly reviews of progress will be provided to the Cabinet Members.
- 9.2 In the first two years, this report proposes that the costs be funded corporately and then reviewed dependant on the progress and income that could potentially be secured. The post would sit within the Environment department.

10. COMMENTS OF THE DIRECTOR OF FINANCE, RESOURCES AND CUSTOMER SERVICES AND OTHER DEPARTMENTS

10.1 Financial Implications

10.1.1 Estimated annual cost of implementing the BAP:

Cost of a Biodiversity Officer at scale PO2	£44,142
Annual subscription to London Ecological Records Centre	£2,000
Annual cost of rolling surveys of Local Wildlife Sites	<u>£2,000</u>
Total cost	£48,142

- 10.1.2 The cost of the two years pilot period is approximately £96,300 and will be funded from corporate reserve. Before the end of the pilot period there will be a review on the outcome of the BAP and its future funding.

10.2 Legal Implications

- 10.2.1 Under the Natural Environment and Rural Communities Act 2006 all public authorities have a duty to have regard to the conservation of biodiversity in exercising their functions. This is known as the 'biodiversity duty'. The Duty affects all public authorities and aims to raise the profile and visibility of biodiversity, to clarify existing commitments with regard to biodiversity, and to make it a natural and integral part of policy and decision making.
- 10.2.2 Guidance issued by the Department for Environment Food and Rural affairs indicates that the Council may demonstrate that the duty has been fulfilled by being able to show that it has: identified and taken opportunities to integrate biodiversity considerations into all relevant service areas and functions; raised awareness of staff, managers and elected members with regard to biodiversity issues; implemented a Local Biodiversity Action Plan.
- 10.2.3 The guidance indicates that fulfilling the statutory obligation for the protection and enhancement of biodiversity within the forward planning and development control processes of the Council and recognises that

in some cases, there may be a need for additional expenditures, in cases where local authorities are not meeting current statutory commitments.

10.2.4 The recommendations contained within this report are in accordance with the Council's duties under the Natural Environment and Rural Communities Act.

10.3 Property Implications (*Background information only*)

Not applicable.

11. KEY RISKS

11.1 Failure to produce and implement a BAP will impede actions to conserve and enhance biodiversity. It will reduce the Borough's ability to adapt to climate change and will increase the risk that The Council fails to comply with biodiversity legislation.

11.2 That the projected incomes are not secured and the delivery of the BAP puts pressure on the front line service delivery.

12. COMMUNITY IMPLICATIONS

12.1 The consultation on the draft BAP show that there was a large amount of public support for the document and action plan.

12.2 A local Biodiversity Partnership has been established to guide the BAP process. This includes internal partners, public and private organisations, charity and voluntary groups, and interested individuals. The partnership is open to all and new partners are both welcomed and encouraged.

12.3 Ecological management plans for parks and open spaces will ensure that the work of friends, community and volunteer groups are directed and outcome-focused.

12.4 An Equalities Impact Assessment of the BAP has been undertaken

13. IMPACT ON COUNCIL PRIORITIES

13.1 Fairness for All

Biodiversity is a key component of sustainable communities. The BAP will identify ways in which biodiversity can be integrated into plans and policies. It should lead to an increase in access to nature by all members of the community, including those from deprived areas.

13.2 Growth and Sustainability

The BAP will help protect and enhance biodiversity across the Borough, particularly within new developments.

13.3 Strong Communities

The Action Plan includes a range of proposals that will have a positive community impact and there will be a number of ways that communities can become involved in the BAP.

14. PERFORMANCE MANAGEMENT IMPLICATIONS

14.1 National Indicator 197 (Improved Local Biodiversity – proportion of Local Sites where positive conservation management is being achieved) has been used as an indicator to assess the effectiveness of a local authority's commitment to biodiversity conservation and it likely to remain.

14.2 The Biodiversity Partnership aims to have an annual meeting and produce a report to publicise the progress over the year.

Background Papers

PEOPLE FOR NATURE – A BIODIVERSITY ACTION PLAN FOR ENFIELD