

## Report of the Cabinet Members for Future Generations

### Natural Environment Scrutiny Inquiry 24 April 2018

#### Swansea Council's Management of the Natural Environment and an overview of the Biodiversity of Swansea

<b>Purpose</b>	The report outlines the role of the Planning and City Regeneration Service and the Nature Conservation Team in managing the Natural Environment and Biodiversity within the County
<b>Content</b>	The report sets out <ul style="list-style-type: none"><li>• An overview of the Biodiversity of Swansea</li><li>• Recent legislative and organisational changes</li><li>• Key activities and initiatives</li><li>• Challenges, opportunities and risks</li></ul>
<b>Councillors are being asked to</b>	Consider the proposals in the report and agree a plan for the inquiry.
<b>Lead Councillor</b>	Councillor Peter Jones (Convener)
<b>Lead Cabinet Member / Officer(s)</b>	<ul style="list-style-type: none"><li>• Councillor Mary Sherwood/Councillor June Burtonshaw (Future Generations)</li><li>• Martin Nicholls, Director Place</li></ul>
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#### 1.0 General Description

The City and County of Swansea's natural environment is of outstanding quality and beauty. The diversity of landscapes, habitats and species it supports make it one of the most attractive and ecologically rich counties in the UK.

These unique natural assets bring significant benefits to, and are intrinsically linked to the health, well-being and prosperity of the local community. The future resilience and environmental sustainability of Swansea is dependent on the essential ecosystem services that our natural environment and biodiversity provide.

Further information on Swansea's Biodiversity resource is provided in Appendix 2.

The local authority has both a moral and a legal responsibility for, and a leading role to play in ensuring that this valuable and fragile resource is maintained, enhanced and sustainably managed now and into the future.

1.1 All Council departments and service areas have a duty to maintain and enhance the natural environment and biodiversity within the County in order to meet the Council's duties under the Well-being of Future Generations Act and the Environment (Wales) Act. Some have a greater role to play than others and the ability to have a greater impact, for example, Education, Estates, Parks, Highways and Housing.

1.2 However, the specific Service tasked with leading and providing advice on this work is Planning & City Regeneration. This is a highly multidisciplinary Service, with a breadth of complementary professional and operational service areas that join up to support Swansea's urban and rural economies and to protect and enhance the natural and built environment. The work of the Service is both strategic and operational and has a high profile, with strong links to the Council's corporate priorities.

1.3 There are five Sections within the Service:

**(i) Development, Conservation and Design:** comprises forty FTEs and delivers the Council's statutory responsibilities in the regulation of development and use of land through the processing of in excess of 2000 planning and related applications and the investigation of approximately 500 enforcement cases per annum.

**(ii) Development and Physical Regeneration:** comprises 14 FTEs who provide the Council's developer interface for major and complex property development schemes. This includes the delivery of high profile City Centre development and regeneration projects such as Swansea Central, Kingsway, and Civic Centre Site masterplan; leading on the preparation of Swansea's City Deal bid; preparation of the Swansea Central Area Regeneration Framework; and delivering the Vibrant and Viable Places Programme. Responsibilities include delivery of a number of other regeneration projects including Swansea Vale, Felindre and Hafod Copperworks.

**(iii) City Centre Management:** comprises 7.5 FTEs and provides strategic leadership in terms of Swansea Market, Swansea Mobility Hire, on-street activities, the City Centre Ranger Service, and the City Centre's vibrant evening and night-time economy.

**(iv) Economic Development and European Funding:** responsible for the Council's European and other grant funding arrangements, setting the Council's strategic framework for

economic regeneration and contributing to the activities of Swansea Bay City Region (including the City Deal).

**(v) Strategic Planning and Natural Environment (SP&NE):** comprises 28 FTEs that seek to deliver a quality and resilient built and natural environment that supports well-being, prosperity and quality of life by providing a robust strategic planning and policy framework that maintains, enhances and promotes the built and natural environment for all, undertakes practical management and integrates sustainable development principles.

- 1.4 There are 5 teams within the SP&NE section, each of which plays a lead role in the delivery of a number of corporate priorities, initiatives, plans and strategies that relate either to the Natural Environment or Biodiversity. Current key priorities and statutory responsibilities are: adoption of the Swansea Local Development Plan; embedding and delivering Biodiversity duties and developing a Corporate Biodiversity Plan; implementing the Gower Area of Outstanding Natural Beauty (AONB) Management Plan; and reviewing the Rights of Way Improvement Plan (ROWIP).

**(i) Strategic Planning:** a team of eight officers responsible for the preparation, monitoring and review of the Council's statutory Local Development Plan (LDP), which upon adoption will be the blueprint for future development across the City and County until 2025. The LDP also sets out the Council's policies for the protection of natural heritage and recognises how maintenance of the high quality, beauty and ecological diversity of the County's natural heritage is fundamental to the economic, environmental and social well-being of the area. These policies have been developed following eight years of extensive public consultation and in collaboration with key stakeholders such as Welsh Government and Natural Resources Wales (NRW). The policies have recently been independently examined by the Planning Inspectorate at LDP Hearing Sessions. An extract from the LDP setting out the County's Environmental Capital and Constraints is attached as Appendix 1 whilst policies on Habitats and Species (ER8) and Ecological Networks and Features of Importance for Biodiversity (ER9) are reproduced as Appendix 3. It is anticipated the LDP Inspector's Report will be published late 2018 and the current deposit draft plan may be viewed here: [www.swansea.gov.uk/ldpdeposit](http://www.swansea.gov.uk/ldpdeposit). The team also produces Supplementary Planning Guidance (SPG) to inform decision making in key development areas, such as Fabian Way Corridor, as well as current priorities such as planning for HMOs.

**(ii) Countryside Access:** a team of six officers who carry out the Council's statutory duties in relation to over 400 miles of Public Rights of Way (RoW) and 32 square miles of Access Land including the Gower Coast Path. The RoW network makes a

significant contribution to the local economy through activity tourism and generates considerable health and well-being benefits for the public. The team manages the condition of the RoW network, identifies where improvements are needed, deals with the legalities of footpath orders and diversions and delivers improvement schemes on the ground. The team has wide contact with local landowners and farmers as well as various activity/walking groups including the Ramblers.

**(iii) Gower AONB:** a team of two officers responsible for the conservation and enhancement of the Gower AONB. The team is responsible for the preparation, monitoring and review of the statutory AONB Management Plan, working with those who live, work and manage the land in Gower, as well as those charged with conserving and enhancing the landscape and wildlife of the area. The team also manage the Gower Landscape Partnership (GLP) – a £1.8m Heritage Lottery Funded Programme and the Sustainable Development fund on Gower – a Welsh Government grant funded scheme that enables community projects to embed sustainable development.

**(iv) Landscape:** an income earning team of three officers who provide a landscape architecture and arboricultural advice service. The team provide an independent service for landscape services to support other departments and organisations. The team are currently providing the design service for the delivery of the Welsh Housing Quality Standard (WHQS) external and general environment programme for all Council housing/tenants within the County. Other work includes statutory duties in relation to existing and new Tree Preservation Orders (TPOs), Tree Works Applications, Hedgerow Removal Notices and Conservation Area Notifications, including the review of over 500 historic TPOs. The work of the team was subject of a Scrutiny Working Group Review in 2016 which identified a number of transformational improvements that have been introduced or are in the process of being introduced.

**(v) Nature Conservation:** the team with lead responsibility for protecting, enhancing and raising awareness of the areas of ecological and landscape importance within the County for the benefit of people and wildlife. The team covers both the terrestrial and marine environment and works at both a strategic and operational level. It provides specialist ecological information, advice and practical support to a wide range of internal and external 'customers'. The team comprises ten officers (only two full time), including a Team Leader; an Environment Officer; a Sustainable Policy Officer (0.8, transferred to the team 01.04.18); two Ecologists (0.6) and (0.5 temporary contract for 6 months - a shared post with Carmarthen CC); a Marine Biologist/Ecologist

(0.2 permanent, 0.2 temporary 12 month contract, and 0.6 temporary 6 month contract); a Countryside Connections Project Officer (0.8 temporary 6 month contract); a Nature Reserve Warden (0.5), a Volunteer Coordinator (0.2 temporary contract) and two Coed Cymru Officers (each 0.25, shared posts with NPTBC). The team covers a range of natural resource management functions including providing and maintaining information on Swansea's natural environment; ecological planning; formulating policy such as the forthcoming Green Infrastructure Strategy, Local Biodiversity Action Plan, Corporate Biodiversity Plan and inputting into the LDP and other corporate plans and strategies; commenting on Welsh Government Consultations; practical site management and enhancement; providing advice on control of Invasive Non-Native Species (INNS); environmental awareness raising; supporting and delivering outdoor learning for Swansea schools and other groups; partnership working; and supporting volunteer and community engagement. The team regularly consult with the public regarding their views on biodiversity. The rest of this report focuses in more detail on the work of the Nature Conservation Team.

1.5 Welsh Government guidance recommends that Local Authorities must have sufficient ecological expertise to meet their Biodiversity duties under the Natural Environment and Rural Communities (NERC) Act 2006 - ideally at least a Planning Ecologist and a Biodiversity Officer. This requirement is further strengthened since the Environment (Wales) Act enhanced Biodiversity Duty came into force in April 2016.

1.6 The 2017 Planning and City Regeneration Commissioning Review resolved that the Nature Conservation, Countryside Access and Gower AONB teams should be merged as part of a restructured Natural Environment/Resource Management Team. The rationale for this was the potential to increase grant income opportunities and develop service improvements through the more efficient and flexible use of resources. As part of this merger a number of transformational changes were identified. These are set out in more detail in Section 9.0 below.

The Section and Nature Conservation Team Unit Plans for 17/18 are attached as Appendices 4 and 5.

1.7 The Nature Conservation team provides specialist ecological advice to Planning and other Council staff to ensure compliance with biodiversity legislation. For example, advising on planning applications, planning policy formulation, land management and on large infrastructure projects such as the Swansea Bay Tidal Lagoon. Central to this is the provision of good ecological data and maintaining a sound understanding of the County's biodiversity resource. Work is currently underway to review the Local

Biodiversity Action Plan (LBAP) and prepare a Green Infrastructure Strategy for Swansea. The Team have also provided ecological advice in the preparation of the LDP and have been actively involved in the preparation of the Swansea Well Being Plan, in particular the 'Working with Nature Objective'. Biodiversity advice and training has been provided to staff and councillors including seminars on the Environment (Wales) Act 2016, which introduced additional statutory duties and responsibilities for the Council in relation to Biodiversity, including the need to prepare a Corporate Biodiversity Action Plan. A set of ecological ward profiles and ecosystem services and green infrastructure mapping is in the process of being prepared in support of this Plan.

1.8 The Nature Conservation Team plays a lead role in the management of Council owned land which is of ecological value. This includes Special Areas of Conservation (SACs) e.g. Bishop's Wood, Sites of Special Scientific Interest (SSSI's) e.g. Black Pill, six Local Nature Reserves (LNRs), such as Cadle Heath, and a number of Sites of Importance for Nature Conservation (SINCs), such as Swansea Vale Nature Reserve, Kilvey Community Woodland, Garth Farm and Swansea Bay Wildlife Corridor. This includes the preparation and implementation of site specific management plans.

1.9 The team are currently seeking to develop, promote and implement an ecosystem services approach to natural resource management at a local level. For example, the Coed Cymru Officers are working with the Council's Highways and Drainage sections to help prevent flooding through strategically located new tree planting to reduce run-off and build resilience to climate change by improving ecological connectivity. In recent years the team has also taken on commercial contracts for both external and internal clients. In 2017 the team delivered a wetlands habitat creation and enhancement project at the RSPCA's Llys Nini Animal Centre, Penllergare – a contract worth over £80k. The team have also helped plan, coordinate and deliver a natural sand dune trials system to tackle the problem of windblown sand from Swansea Beach onto the foreshore promenade and Oystermouth Rd.

1.10 The team supports and facilitates community engagement and volunteering, encouraging local people to get involved in looking after their wildlife sites, for example, joining one of the Nature Reserves' Friends Groups. It has recently appointed a temporary volunteer co-ordinator to support and expand this work. The team

also plays a lead role in supporting the work of a number of strategic partnerships, such as the Swansea Biodiversity Partnership, the Swansea Environmental Forum, Forest School SNPT , GLAMBAG and the Carmarthen Bay and Estuaries EMS Relevant Authorities Group

- 1.11 Raising awareness and understanding of the natural environment and providing opportunities for people to have contact with and enjoy the wildlife on their doorstep is also a key area of the Team's work. The Team co-ordinates the preparation of a range of interpretive materials e.g. interpretation panels and leaflets, and the annual Environmental Events programme. It runs regular events and activities at local Nature Reserves and other wildlife sites, with feedback for sought from those who attend. The Team also provides support for outdoor learning and has worked closely with schools and the Education Department to organise and deliver INSET training, field study visits and learning opportunities in the natural environment. A number of innovative projects working with schools to improve pupil attainment and well being through outdoor learning have been delivered. The Team is responsible for managing the Bishop's Wood Countryside Centre at Caswell which provides an excellent base for such activities. The Team is also seeking to actively encourage and support schools to make regular use of local wildlife sites and their school grounds for outdoor learning and well being .

## **2.0 Why We Do This**

- 2.1 As well as meeting our statutory requirements, the work of the Nature Conservation Team has wide ranging benefits for the people of Swansea by way of helping to promote and maximise the positive contribution that the County's unique natural environment can provide in terms of learning, health/wellbeing and prosperity. The team's work also contributes to the development and delivery of a wide range of key Council strategies, priorities and strategic initiatives including the Corporate Plan, Healthy Cities Initiative and the AONB Management Plan
- 2.2 It is a legal requirement, overseen by Welsh Government, that each Council in Wales provides essential Biodiversity and Nature Conservation services to ensure compliance with and enforcement of the relevant Biodiversity legislation. This requirement has been strengthened through recent legislative changes which the team has had responsibility for embedding into the Council's ways of working, particularly under the Well-being of Future Generations Act and the Environment (Wales) Act. Further information on Part 1 of the Environment (Wales) Act is provided in Appendix 1.

2.3 Other legal duties include those relating to the Habitat Regulations 2010, the Wildlife and Countryside Act 1981 (as amended), the Water Framework Directive 2003, the Countryside and Rights of Way (CROW) Act 2000, the NERC Act 2006 and the Planning Act.

2.4 The Council has a statutory duty to protect and enhance biodiversity on its own estate. The Nature Conservation team are responsible for a number of sites and are able to provide advice to other Council Departments/Services on the appropriate management of their land e.g. estates, housing, highways education. Management Statements are being prepared for all Council owned land of ecological importance.

2.5 The work of the team helps to prevent the risk of criminal conviction and potential significant financial penalties for the Council due to non-compliance with biodiversity legislation, as well as claims due to lack of site maintenance.

2.6 The team's links to the Council's objectives are set out in Appendix 6

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### **3.0 Management and Support**

3.1 The service and team structure is set out in Appendix 7

### **4.0 Stakeholders**

4.1 Over the last twenty years, the team has developed a strong track record of collaborative working arrangements with other agencies to deliver benefits for Biodiversity. This has partly been achieved through multi-agency partnerships such as the Swansea Environmental Forum (SEF), Swansea Environmental Education Forum (SEEF) , the Swansea Biodiversity Partnership, CBEEMS , Coed Cymru GLAMBAG and the Wales Biodiversity Partnership, and partly through working with individual organisations such as Natural Resources Wales, Swansea Environment Centre, RSPB, Forest School SNPT, the Wildlife Trusts of South and West Wales, and Bug Life, etc. There are many examples of successful schemes which have been delivered through such partnership working, for example the Cyd Coed Community Woodland Project, the Gower Commons Initiative, Sustainable Swansea and the SEF Community Greenspace initiative. In addition the team has engaged with, co-ordinated and supported thousands of volunteers who give their time freely to help manage and improve the local

environment. This 'in kind' help represents significant cost savings for the Council, and can often provide crucial match funding for grant bids.

- 4.2 A list of key external and internal stakeholders is set out in Appendix8

**5. Finance**

- 5.1 The current circa £150k annual cost of the Nature Conservation team to the Council is less than half of its operating costs. Grant aid and income earned from commercial activities offsets salary costs of £220k.

Nature Conservation Costs 16/17:

Description	Sum
Gross Expenditure	£319,833
Income	£171,800
Net Expenditure	£148,033

Nature Conservation Budget 17/18

Description	Sum
Gross Expenditure	£335,936
Income	£185,636
Net Expenditure	£150,300

**6.0 Current Performance and Trends**

- 6.1 There are no specific PI's for the Nature Conservation Team or in relation to the Natural Environment. In previous years the Team was responsible for delivering against Council Outcome Agreement and Sustainable development PI's, as well as those identified in the Swansea Environment Strategy. Many of the outputs are tied to delivering agreed grant outcomes and targets. In addition the Team provides information for Education Local Authority Estyn inspections with regard to delivery of Education for Sustainable Development and Global Citizenship (ESDGC) outputs.

**7.0 Future Challenges & Opportunities**

- 7.1 There are many challenges and opportunities for the Nature Conservation Team going forward. Some of these are outlined below:

### **a) Adoption of a Corporate Green Infrastructure Strategy by March 2019**

Green Infrastructure is seen as the catalyst for improving well-being of future generations. Existing and emerging policies seek to increase provision of and accessibility to open space, whilst landscape design schemes seek to Green the City. Green Infrastructure also has considerable ecological benefits, including improving wildlife connectivity, preventing habitat loss, improving air quality, providing carbon sinks and Sustainable Urban Drainage Schemes (SUDs) which all contributes to the sustainability of the wider economy.

Council policy seeks to prevent the loss of accessible greenspace and play space in the interests of promoting health and well-being. Green space provision must be an integral element of new schemes, particularly within the City Centre. Green Infrastructure also helps mitigate against climate change and supporting biodiversity/ecosystems.

Making better use of Green Infrastructure can lead to significantly reduced costs for the Council whilst promoting the health and well-being of residents, visitors and workers. Better management and enhancement of sites for biodiversity also contributes to other well-being objectives.

A Green Infrastructure strategy is being prepared in collaboration with NRW. The Council is also working jointly with internal and external partners, for instance, together with NPTBC and Bridgend Councils the Council has just been awarded grant funding by WG for pilot Green Infrastructure mapping projects over the next year.

### **b) Preparation and Adoption of a Corporate Biodiversity Plan**

This is a requirement of the Environment Wales Act 2016. It needs to identify actions to show how biodiversity is being integrated and taken into account across all local authority service areas. The Act also requires the Local Authority to report to Welsh Government on what the Local Authority has done to comply with the new Duty every three years, with the first report due at the end of 2019. To inform this plan, a questionnaire was sent to all Heads of Service in 2017 asking them to identify existing and future actions and any support needed.

### **c) Ecosystem approach to Natural Resource Management**

The Service already values and seeks to manage ecosystem services for the long term in its various long-term plans and strategies. However ecosystem resilience will only be improved when its benefits are more fully understood and embraced across

the Council.

Policies in the LDP and emerging Corporate Biodiversity Action Plan seek to prevent the loss of ecologically important habitats and species (including individual trees in urban settings ) that provide the means of mitigating the effects of climate change at the local level.

Sustainable management of natural resources can significantly reduce costs for the Council whilst promoting the health and well-being of residents, visitors and workers alike. Better management of natural resources will also contribute to other well-being goals. The Council owns a significant area of ecologically important land including SSSI's, LNR's and SINCs. Current resources to ensure the appropriate management of these sites is limited and heavily dependent on grant income.

#### **d) Delivery of outdoor learning activities and events programme**

Activities and events undertaken by the Team relate to the well-being goals and activities of other services, such as the Council's Tackling Poverty Strategy and Action Plan, by:

- promoting greater awareness and appreciation of the natural environment and the benefit it provides for improving health and well-being, as well as developing transferable skills and knowledge.
- ensuring more people (including other departments and services) are enabled to better appreciate their natural environment and biodiversity and take action to protect it

#### **e) Maintaining Resource Capacity**

A key challenge is securing ongoing funding to maintain the staff capacity and expertise needed to meet the requirements of the legislation and the ever increasing demand for specialist ecological advice and information. This includes resources to undertake the sustainable management and enhancement of the Council's biodiversity assets. There are also opportunities for income generation through charging for ecological services.

**f)** The need to provide training to raise awareness of biodiversity and the legislative requirements across the whole authority,

**g)** The need to monitor change and maintain an ecological evidence base.

## **8. Risks**

8.1 Whilst there are currently no corporate natural environment risks identified on the Council's Corporate Risk Register, tree loss, especially within urban areas is an emerging risk. There are also risks associated with corporate objectives as set out in Appendix 5 (not least the lack of a corporate objective relating to the Natural Environment).

There are, however, a number of existing and potential risks relating to the Council's management of the natural environment and its ability to fully meet its biodiversity and ecosystem resilience duties under the Environment Wales Act and the Wellbeing of Future Generations Act .These include:

- Insufficient resource capacity (staff and funding) to meet legislative requirements and manage the Council's biodiversity estate
- Lack of awareness, understanding and communication
- Land disposal and pressure for development
- lack of integration with corporate priorities/policy
- Balancing competing/conflicting priorities
- Risk of loss of expertise and continuity due to temporary staffing/loss of grant aid etc.
- BREXIT (potentially)
- Climate Change
- Invasive non-native species

8.2 Failure to comply with statutory duties may lead to intervention by the Welsh Government, NRW or the Police. This could potentially result in criminal conviction, Judicial Review or European Infraction. Where there is non-compliance, the financial and political implications would also be significant. Ensuring compliance also helps to avoid potential negative publicity , loss of reputation and possible reduced access to grant funding.

8.3 Lack of maintenance, enhancement and promotion of the built and natural environment would impact on quality of life. Ecosystem function and resilience would be reduced resulting in a loss of vital ecosystem services, e.g. flood alleviation, improving air quality, pollination, food production and carbon sequestration. There would be a reduction of accessible natural greenspace – limiting access opportunities and impacting on health and well-being, loss of Biodiversity, trees and general degradation of the landscape

## 9.0 **Assessment**

9.1 The emphasis on local government reform and regional

collaboration will impact on the Service moving forwards, although there is not enough clarity at this stage to determine the full effect this will have. However, the current shared Planning Ecologist and Coed Cymru Officer arrangements with Carmarthenshire CC and Neath Port Talbot CC respectively have provided the opportunity to work more flexibly and share skills and experience.

- 9.2 The Service has recently gone through a Commissioning Review which identified transformation of the Nature Conservation Service in-house as the preferred option at this stage, and the agreed actions arising are in the process of being implemented. This will ensure that the Service operates as efficiently and effectively as possible, and is fit for purpose to respond to forthcoming reforms. Furthermore, it will strengthen the Service's ability to meet its statutory duties in the areas of biodiversity and nature conservation.
- 9.3 It is apparent that the reduction in resources elsewhere in the Council is affecting the Service's ability to deliver its priorities. In addition, difficulties in recruiting to specialist posts within the service remains a problem, as does the retention of existing skilled staff who are only on temporary, rolling, grant dependent contracts.
- 9.4 The service has an excellent track record of securing significant levels of external funding and will depend on continued success in securing funding.
- 9.5 Agreed transformational changes for the Nature Conservation Team are:
- Expand the team to include an additional part-time Ecologist/Biodiversity officer to meet enhanced Biodiversity Duty requirements – This has been achieved temporarily and an additional temporary part-time (0.5) member of staff has been in post since September 2017. Their contract runs until September 2018 with provision for extension until March 2019 subject to confirmation of grant funding.
  - Appoint a part time Volunteer Coordinator to develop, organise, supervise and support volunteer engagement in practical nature conservation work – This has been achieved temporarily with a part-time temporary (0.2) member of staff in post since Sept 2017. Grant funding has been applied for to extend this post until Nov 2019 on a temporary full-time basis.
  - Explore opportunities for income generation from outdoor learning/wellbeing initiatives - introduce charging for conservation services, such as Bishops Wood Centre/Roundhouse, walks and events, school grounds initiatives, grazing licences, establishment of a tree nursery,

growing and selling biomass crops – This is being investigated and a business case is to be prepared as a medium term option with no specific income stream identified, nevertheless £1k has been taken from 18/19 budget onwards on basis of assumed income. Walks and Environmental events are already planned for 18/19 including Seashore Safaris. The Bishops Wood Roundhouse is currently unusable following an arson attack which damaged the roof. The Countryside Connections Project officer has been running outdoor learning, health, and well-being weekend events at the Council's Activity Centres at no charge.

- Catch up with backlog of ecology work (following 3-month gap in ecology service after retirement of Council's ecologist in 2017) and introduce process efficiencies. Ongoing through current permanent and grant funded posts and contracted out work. To improve access to good ecological data the Team has signed up to access SEWBREC records from Dec 2017 to March 2018. Continuation of SEWBREC services requires up to £9k annual commitment – grant funding sought for 18/19.
- Stop the provision of free Invasive Non-Native Species advice to private landowners, mortgagees, etc. through provision of additional information on website – Not achieved. Parks provide a knotweed removal service which is charged for, but general queries and issues with Knotweed on Council owned land continue to be referred to the NC team to deal with at no charge.
- Use of Council NEAT team to assist with habitat/site management, including access improvements, scrub control, etc. – due to come into effect 2018/19. Welsh Government Single Revenue Grant has been used to support improvement of local environmental quality and resilience, for example, improving air quality, tackling noise, fly tipping, reducing flood risk, etc.
- Greater use of IT and social media for the purposes of promoting work, community engagement, professional news, funding c=sources and identifying local issues. This would need to be complemented by a document management system to replace the current paper-based filing/record system.

## **10.0 Legal Implications**

10.1 Retention of existing resources is required as a minimum to be able to comply with statutory/legal obligations for biodiversity and natural resource management. The Council must have a nominated Biodiversity Champion who is active in ensuring that Biodiversity is considered throughout the Council's work.

10.2 The Council should also maintain sufficient ecological experience and capacity to ensure the Environment Wales Act Biodiversity Duty and other legal obligations are complied with as detailed in clauses 2.2, 2.3 and 2.4 of this report.

## **11.0 Financial Implications**

- 11.1 The current circa £150k annual cost of the Nature Conservation team to the Council is less than half of its operating costs. Grant aid and income earned from commercial activities offsets salary costs of £220k. External funding is reducing year on year.
- 11.2 The team has a proven track record of being innovative and securing significant amounts of external funding. New ways of working, new ways of improving the service and new ways of generating additional income are continually explored. As a consequence, over the past ten years grant income has totalled in excess of £5 million. This has enabled additional temporary staff to be taken onto deliver specific projects/outputs. However, this is an inherent weakness in the service with over-reliance on external grants and other income and staff on temporary contracts offering no job security and difficulty in retaining in-house expertise.

### Background Papers:

- Options Appraisal for the Future Delivery of Services in the Scope of the Planning and City Regeneration Commissioning Review: Report to Cabinet 17<sup>th</sup> August 2017
- Environment Act (Wales) 2016

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## **Appendix 1. The Environment (Wales) Act 2016 - An overview of Part 1**

Part 1 of the Environment (Wales) Act 2016 provides a number of mechanisms to deliver the sustainable management of natural resources. These mechanisms include:

- **State of Natural Resources Report - SoNaRR** – the Environment Act places a duty on Natural Resources Wales (NRW) to produce a report which will contribute to the evidence base for policy on how natural resources are managed and sustainably used. The first report was published in September 2016, and will be updated every 5 years

- **National Natural Resources Policy - NRP** – the Environment Act places a duty on Welsh Ministers to prepare, publish and implement a National Natural Resources Policy, which sets out the Welsh Government’s general and specific policies in relation to the sustainable management of natural resources. The policy (published in August 2017) sets out three National Priorities which are:

- Delivering nature-based solutions,
- Increasing renewable energy and resource efficiency,
- Taking a place-based approach

- **Area statements** – to be produced by NRW by 2019 in order to facilitate the implementation of the National Natural Resources Policy. Area statements will set out the key risks that need to be carefully managed and mitigated and the key opportunities and priorities for the sustainable use of natural resources at an area level.

- **The Biodiversity and Resilience of Ecosystems Duty** – applies to all public bodies, LA’s, Community Councils, Police, Health Authority etc.

This new duty under Section 6 of the Environment Act replaces and strengthens the biodiversity duty in the Natural Environment and Rural Communities Act 2006 (the NERC Act) which required that public authorities must have regard to conserving biodiversity.

**The Section 6 duty requires that:**

**A public authority must seek to maintain and enhance biodiversity in the exercise of functions, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions**

In complying the duty a public authority:

1. Must take account of the resilience of ecosystems, in particular the following aspects—

- (a) the diversity between and within ecosystems;
- (b) the connections between and within ecosystems;
- (c) the scale of ecosystems;
- (d) the condition of ecosystems (including their structure and functioning);

(e) the adaptability of ecosystems.

2. Should embed the consideration of biodiversity and ecosystems into their early thinking and business planning, including any policies, plans, programmes and projects, as well as their day to day activities.

3. Must prepare, publish and submit to Welsh Government a plan setting out what they propose to do to maintain and enhance biodiversity, and promote resilience (Section 6 Plan)

4. Must prepare and submit to Welsh Government a report on what the public authority has done to comply with the duty by the end of 2019 and then every three years after this date.

5. Must have regard to:

- The section 7 list of habitats and species of principal importance for Wales
- The State of Natural Resources Report (SoNaRR), published by NRW
- Any Area Statement which covers all or part of the area in which the authority exercises its functions, once these are produced.

6. In addition, local authorities should take account of The **Nature Recovery Action Plan for Wales** (NRAP) overseen by the Welsh Government the Wales Biodiversity Partnership and published in December 2015. This is the national biodiversity strategy and action plan required under the Convention on Biological Diversity to reverse the decline of biodiversity in Wales.

### **Section 6 Plan (Corporate Biodiversity Plan)**

The Section 6 plan should consist of a statement of what the public authority will do to maintain and enhance biodiversity, across all of its functions, and in so doing promote the resilience of ecosystems. This statement should be embedded within any corporate and /or business planning document.

The Plan should also include the steps that will be taken to fulfil this commitment across each of the functions of the organisation. These steps should, as far as possible, be guided by the six objectives of the Nature Recovery Action Plan for Wales, which 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.

Key to compliance with the S6 duty is embedding biodiversity into decision making at all levels. This should start at the corporate level, where early thinking and planning should seek to maintain and enhance biodiversity, preventing its loss in the first instance.

Each function of a public authority should consider where and how they can maintain and enhance biodiversity and promote resilience. In some cases action across the organisation as a whole is more appropriate. Best practice would be that the S6 plan is an integral part of any business planning, asset management and/or corporate planning processes as this will demonstrate how the consideration of biodiversity is being embedded within the public authority

### **Links between the Environment Wales Act Section 6 Duty and the WCFG ACT**

Complying with the S6 duty will help public bodies to maximise their contributions to the Well-being goals set out in the Well-being of Future Generations (Wales) Act 2015, in particular the Resilient Wales Goal:

‘A nation which maintains and enhances a biodiverse natural environment with healthy functioning ecosystems that support social, economic and ecological resilience and the capacity to adapt to change (for example climate change)’.

For those public bodies subject to the Wellbeing of Future Generations Act (Wales) 2015, the S6 plan should be integrated into their statement of the steps to be taken to meet their well-being objectives, which in turn should be in their corporate plan.

Published well-being objectives and statements about them under the WFG Act must set out how biodiversity will be maintained and enhanced, and how in so doing the resilience of ecosystems will be promoted.

Section 6 also applies to biodiversity in a global sense and requires public authorities to consider the effect of decisions taken, or activities carried out, within Wales, but also in relation to biodiversity outside of Wales e.g. those relating to climate change.

## **Appendix 2: The County's Environmental Capital and Constraints (LDP Written Statement July 2016, pp33-36)**

.....1.4.18 The diversity of landscapes and habitats which make up over 80% of the County's total area include upland moorland, coastal cliffs, sandy beaches, heathland, woodland, wetlands, river valleys and estuaries. These habitats together with the many historic parks and gardens, pockets of urban green-space and large areas of farmland make it one of the most attractive and ecologically diverse counties in the UK, with over 50% of the County's area being of significant ecological interest. This wealth of wildlife habitats supports a huge diversity of plant and animal species. The collective term for this resource is biodiversity. Many of the habitats and species identified as being of importance for Biodiversity Conservation in the UK can be found in Swansea, and approximately 17% of the County's area is protected by designations at a European or National level.

1.4.19 These designated areas and priority habitats represent only the very best of the County's biodiversity. They do not, however, encompass all that is irreplaceable and cannot by themselves maintain biodiversity. Even common habitats, urban wildlife sites and green spaces, are important in maintaining a network of semi-natural sites, and the quality and extent of the biodiversity resource as a whole.

1.4.20 It is the unique relationship between a vibrant city and outstanding biodiversity and countryside that helps to make the County a unique and particularly attractive place to live, work and visit. The County's natural heritage contributes to a positive visual impression of the area, leading to a beneficial impact on the local economy through increased tourism, enhanced appeal for inward investment, and direct job creation and employment opportunities in the environmental sector. Contact with nature can also improve health and well-being, offering free or low cost opportunities for recreation and a place of refuge from the hustle and bustle of urban life.

1.4.21 Maintenance of the high quality, beauty and diversity of the County's natural heritage is therefore fundamental to the economic, environmental and social well-being of the area. The Plan seeks to capitalise on these benefits and highlight the role they play in delivering sustainable economic growth.

1.4.22 The network of open spaces and green areas (green infrastructure) within the County improves the amenity value for, and quality of life of, residents and encourages community interest and cohesion. The extent and quality of this network will be safeguarded and enhanced where appropriate, including requiring appropriate provision of open space to be an integral part of masterplanning new developments.

1.4.23 Woodlands, hedgerows, groups and individual trees, including ancient and veteran trees, play an important role in enhancing the County's landscape and biodiversity. They also provide a range of additional valuable services (ecosystem services) that include improving local air quality, reducing the impact of noise pollution, capturing carbon, reducing flood risk and enhancing social cohesion in communities. It is increasingly recognised that trees not only contribute to both the amenity and natural habitat of urban areas, rural villages and individual buildings but they also help to alleviate problems associated with urbanisation, pollution and climate change and will wherever possible be protected as part of development.

1.4.24 The Burry Inlet and Loughor Estuary is an internationally protected site of the highest quality. It is part of a network of important European sites designated under the European Union Habitats and Birds Directives. The Burry Inlet is a designated Special Protection Area (SPA) and the Carmarthen Bay and Estuaries is a Special Area of Conservation (SAC). These two sites combine to form part of the wider CBEEMS which stretches into

Carmarthenshire County Council (CCC). The quality of this highly valuable environmental resource will be safeguarded primarily by maintaining water quality in the Estuaries, which will in turn safeguard the important habitats and species. In addition, the Welsh National Marine Plan forms the foundation of a seascape assessment for the County that will inform Plan policy relating to coastal locations.

1.4.25 Water is an essential resource and its presence and purity is paramount for the sustainability of life. Poor and deteriorating water quality, as a result of pollution, and compromised water quantity as a result of over abstraction, will have a damaging effect on the water supply for domestic and industrial consumption, farming and food production, biodiversity, bathing, fishing and other leisure activities. The Plan will maintain and enhance the quality and quantity of water resources, including rivers, canals, lakes, ponds and other water bodies. Policy implementation will involve close collaboration with NRW and DCWW to secure adequate supply of water and sewerage infrastructure.

1.4.26 To avoid adverse effects on the integrity of all European Sites (either alone or in combination with other plans or projects), development at certain locations across the County may need to provide adequate mitigation measures to avoid, cancel or reduce the effects on: the aquatic environment; the marine environment; the coast; and/or mobile species. Similar measures may also need to be provided to mitigate the effects upon these sites from disturbance from air pollution, noise and lighting.

1.4.27 The Plan recognises that the countryside and coast provide more than an enviable setting for the urban area. It is the distinctive relationship between the adjacent urban area and this outstanding landscape, encompassing a coastline of rugged cliffs and sandy beaches, lowland areas with mosaic field patterns and large stretches of open upland moorland, that gives the County its unique character, distinctiveness and sense of place. In their own right the countryside and coast make a vital contribution to quality of life, provide a stimulating environment to live and work, afford opportunities for a wide range of countryside recreation, sport and tourism activities, support a diversity of landscapes, habitats and species and make a significant contribution to the mitigation of climate change. It is these special qualities that make up the integrity of the countryside and coast, the protection of which will help ensure that rural areas thrive.

1.4.28 The challenge for the Plan is to allow for development associated with a new era of prosperity and opportunity for the County whilst ensuring protection and enhancement of the natural environment to support a high quality of life, health and well-being for individuals and communities, and providing an attractive environment for investment, space for nature to thrive and increased resilience to climate change impacts. ....

### Appendix 3: LDP Policies ER8 (Habitats and Species) and ER9 (Ecological Networks and Features of Importance for Biodiversity)

#### **ER 8: HABITATS AND SPECIES**

**Development proposals that would have a significant adverse effect on the continued viability of habitats and species, including those identified as priorities in the UK or Swansea Local Biodiversity Action Plan, will only be permitted where:**

- i. The need for development outweighs the nature conservation importance of the site;**
- ii. The developer demonstrates that there is no satisfactory alternative location for the development which avoids nature conservation impacts; and**
- iii. Effective mitigation measures are provided by the developer.**
- iv. Any unavoidable harm is minimised by effective mitigation to ensure that there is no reduction in the overall nature conservation value of the area. Where this is not feasible, compensation measures designed to conserve, enhance, manage and, where appropriate, restore natural habitats and species must be provided.**

2.9.60 Development proposals should aim to minimise detrimental impacts on habitats and species. There should be no net loss in overall biodiversity as a result of development and where possible there should be biodiversity gains.

2.9.61 Protected habitats and species are those protected under European or UK legislation, as identified in TAN 5 and including the Habitats Directive, Birds Directive, Wildlife and Countryside Act, Environment Act, Section 42 of the Natural Environment and Rural Communities (NERC) Act 2006. They include priority habitats and species that are protected in UK and Local Biodiversity Action Plans.

2.9.62 Factors to be taken into consideration in assessing the significant adverse effect development proposals are likely to have on habitats and species are:

- The current distribution and status of the protected habitat or species within the County;
- All likely effects, including cumulative effects and impacts during construction;
- The role of the habitats as connectivity pathways; and
- Whether effective mitigation and/or compensatory measures have been provided.

2.9.63 Where habitats and species are likely to be disturbed or harmed, development proposals will be assessed in accordance with National Planning Policy and Guidance. Developers will be expected to provide: an ecological survey; an assessment of the likely impact of the proposal on the protected species/habitats; and, where necessary, make appropriate provision for their safeguarding, mitigation and/or compensatory measures. In addition opportunities to enhance biodiversity, such as through habitat creation, will be encouraged.

## **ER 9: ECOLOGICAL NETWORKS AND FEATURES OF IMPORTANCE FOR BIODIVERSITY**

**Development proposals will be expected to maintain, protect and enhance ecological networks and features of importance for biodiversity. Particular importance will be given to maintaining and enhancing the connectivity of ecological networks which enable the dispersal and functioning of protected and priority species.**

**Development proposals that could result in a significant adverse effect on the connectivity of ecological networks and features of importance for biodiversity will only be permitted where:**

- i. The need for the development outweighs the nature conservation value of the site;**
- ii. It can be demonstrated that there is no satisfactory alternative location for the development;**
- iii. A connected element of the natural resource is retained as part of the design of the development; and**
- iv. Compensatory provision will be made of comparable ecological value to that lost as a result of the development.**

2.9.64 There are a significant number of ecological habitats and features within the County, in addition to those that are legally protected, that lie outside the designated areas and make a significant contribution to the overall biodiversity resource. These include linear wildlife corridors such as rivers, hedgerows and cycle tracks and also 'stepping stones' such as ponds and copses.

2.9.65 The wildlife corridors and stepping stones are a vital part of the ecological network. Whilst it is important to protect and enhance biodiversity sites and species of importance dispersed throughout the County this cannot be achieved without protecting and enhancing the intervening habitats and spaces that provide crucial links between the designated sites.

2.9.66 The protection, management and enhancement of ecological networks is recognised as being particularly important for nature conservation. Wildlife corridors allow species to move between fragmented habitats, to recolonise areas and to move in response to climate change and development that may have destroyed part of their habitat. For example, the water vole, which is a priority species will not travel through unvegetated ground. If its habitat becomes isolated through development and then the colony within this isolated habitat become endangered, for example through disease, it is likely that it will not survive.

2.9.67 The Plan has been informed by an assessment of ecological connectivity across the whole of the County.<sup>103</sup> This assessment maps the existing ecological connectivity network and also identifies locations where ecological connectivity has the potential to be enhanced. The latest version of the Swansea Ecological Connectivity Assessment will inform the implementation of this Policy.

2.9.68 Providing ecological connectivity is an important ecosystem service of the green infrastructure network and its protection and/or enhancement accords with Policy ER 2 Strategic Green Infrastructure Network.

## Appendix 4: Strategic Planning and Natural Environment Unit Plan 17/18

### STRATEGIC PLANNING & NATURAL ENV SECTION

#### OUR VISION

To deliver a quality and resilient built and natural environment that supports well-being, prosperity and quality of life

#### OUR MISSION

To provide a robust strategic planning and policy framework; maintain, enhance and promote the built and natural environment for all; and integrate Sustainable Development principles into the delivery of all Council services

#### OUR PRIORITIES AND OBJECTIVES



## Appendix 5: Nature Conservation Unit Plan 17/18

### NATURE CONSERVATION TEAM

#### OUR VISION

Swansea has a more ecologically diverse & resilient natural environment that sustains ecosystem services and contributes to social & economic well-being

#### OUR MISSION

To maintain, enhance and promote a biodiverse and ecologically resilient natural environment that sustains ecosystem services and contributes to social, economic and environmental well-being

#### OUR PRORITIES AND OBJECTIVES



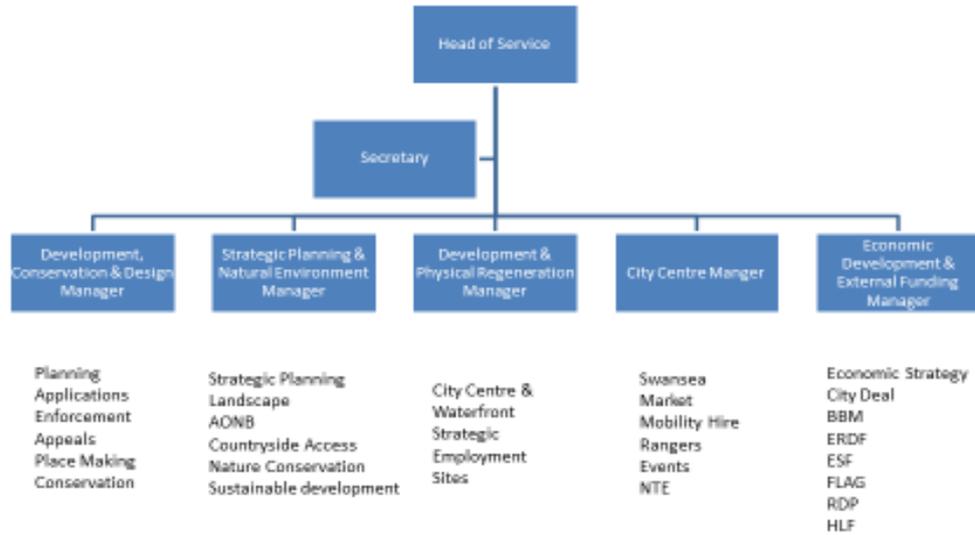
**Appendix 6 Swansea Council's Nature Conservation Objectives, Opportunities and Risks**

<b>Council Objective</b>	<b>Steps towards Council Objective</b>	<b>Current Activity/Action</b>	<b>Gaps/ Opportunities</b>	<b>Risks</b>
Transforming our Economy & Infrastructure	Promote biodiversity and protect Swansea's green spaces, including parks for recreation and play, to promote health and wellbeing	Green Infrastructure (GI) Workshops held - strategy to be drafted	Build greater awareness of the importance of greenspace and ecological advice generally to ensure it is fully taken into account across the Authority in all plans, strategies and projects (Biodiversity and Environment Act training). Make more services and information available on line, e.g. Invasive non-native species, Ash-Die back, Rights of Way Network. Need to adopt a Council Tree Policy and Corporate Biodiversity Plan	Disposal/loss of natural assets/resources without full appreciation of the benefits these natural resources provide for free and the true long term cost of their loss which outweighs short term capital gain (the sustainable management of natural resources)
Transforming our Economy & Infrastructure	Support and Deliver an ecosystem approach to natural resource management	Continue to deliver grant funded projects and site specific management plans	Wider biodiversity training and education within the Council.	Disposal/loss of natural assets/resources without full appreciation of the benefits these natural resources provide for free and the true long term cost of their loss which outweighs short term capital gain

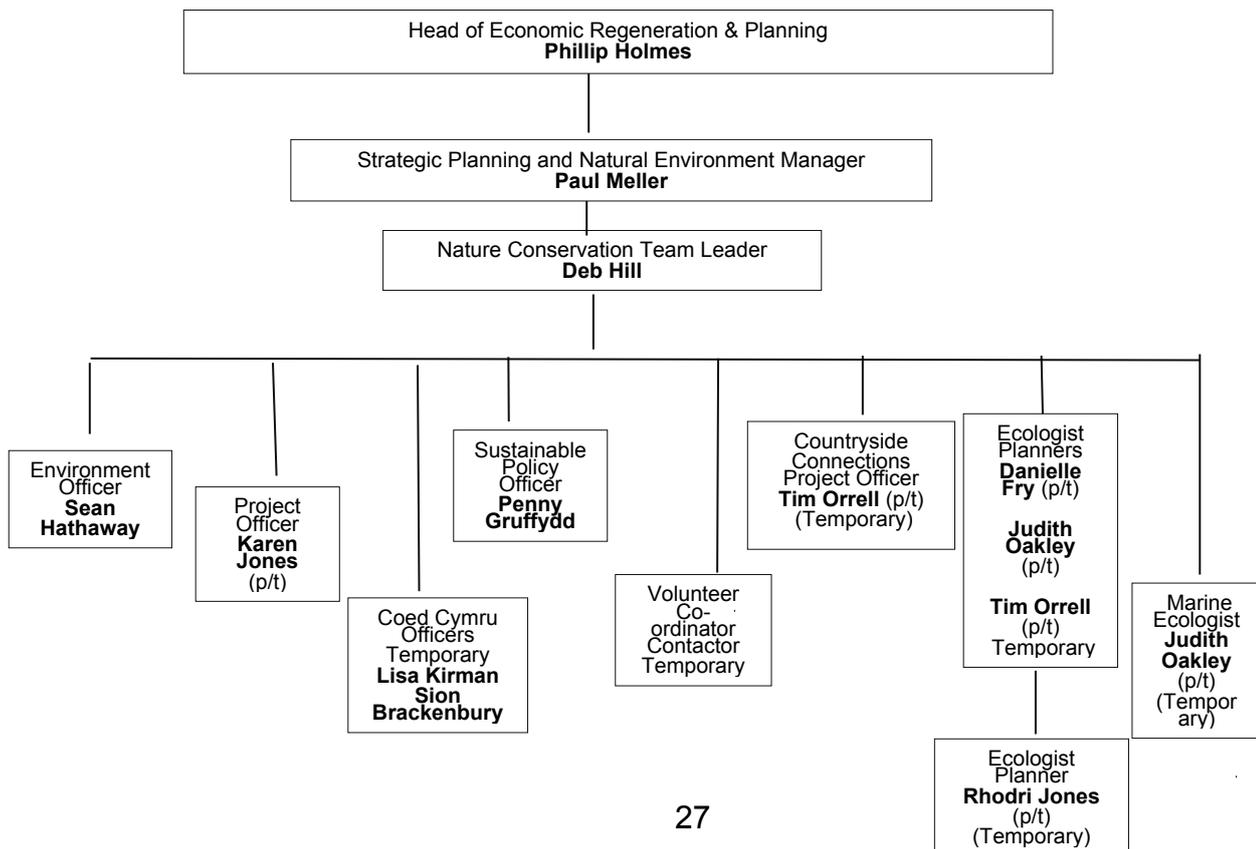
<p>Tackling Poverty</p>	<p>Provide free or low cost environmental events, including guided walks and cycle rides; a wide range of talks, workshops and training courses about wildlife and environmental issues and children's events promoting environmental literacy and improving health and wellbeing</p>	<p>Continued delivery of outdoor learning activities and events programme</p>	<p>Wider biodiversity training and education within the Council. Greater use of Bishops Wood LNR for (low cost) events - subject to reconstruction of fire-damaged Roundhouse .</p> <p>Well-Being Plan actions and City Centre regeneration schemes seeking to improve quality, prevalence and connectivity and access to green space will have and health/Well-Being benefits for people on low incomes, addressing a significant factor of health inequality.</p>	<p>Staff delivering these events/activities are on rolling temporary contracts that are fully dependent on external grant funding.</p>
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## Appendix 7: Service and Team Management Structure

### The service structure...



### Nature Conservation Team



## Appendix 8: Nature Conservation Team Stakeholders

Internal Stakeholders	External Stakeholders
Members/Cabinet	NRW
CMT/Senior Managers	Welsh Government
Development Control	Other Welsh Councils
Finance	SWEP/Media
Education/Schools	AMs, MP, MEPs
Cultural Services, including Parks	Community Councils
Regeneration	Gower Society
European Unit	Swansea Universities/local colleges
Corporate Property	Local landowners
Highways	Planning Officers Society for Wales
Legal	Planning/other consultants
Research & Information	Local contractors/arboriculturists
Communications Team	Professional Institutions
City Centre Management	Cadw
Tourism	WLGA
Waste	GGAT
Housing/Public Protection	Wildlife Trust
Outdoor Learning/Activity Centres	Local Community Groups/Projects
Poverty & Prevention	Local Development Trusts
Commercial Services	National Trust
Innovation Community	Gower AONB Partnership
	Swansea Environmental Forum
	ABMU
	Local farmers
	WCVA/SCVS
	Commoners
	Environment Centre
	Conservation Societies
	GLP
	Open Space Society
	Local Housing Associations
	Future Generations Commissioner
	DCWW
	RSPCA/RSPB
	Emergency Services
	Forest School/Coed Cymru
	Local Charities
	HLF and other funding providers
	CBEEMS/Severn Estuary Partnership
	Healthy Cities Network
	Horse Riding Clubs/
	FoE/Green Party
	Public Service Board
	Swansea/Wales Biodiversity Partnership
	GLAMBAG/GEMS

