

Mayor & Cabinet

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| Report Title | Endorsement of Lewisham Biodiversity Partnership's: 'A Natural Renaissance for Lewisham 2015-2020' | | |
| Key Decision | | | Item No. |
| Ward | All | | |
| Contributors | Lewisham Biodiversity Partnership & LBL Ecological Regeneration Manager | | |
| Class | Part 1 | | |

1. Summary

- 1.1 'A Natural Renaissance for Lewisham' sets out Lewisham's Biodiversity Action Plan 2015-2020. The document is the result of an ongoing partnership between the Council, Glendale Managed Services, The Creekside Education Trust, Thames 21, Quaggy Waterways Action Group [QWAG], London Wildlife Trust, Horniman Museum and Gardens, The Environment Agency, Sydenham Garden Organisation, TCV [The Trust for Conservation Volunteers], Greenspace Information for Greater London CIC [GiGL] and, most importantly, a range of local groups and individuals. The Partnership was established to consolidate the interests and expertise of a range of organisations and individuals with a duty to or interest in conserving the borough's wildlife and natural environment.
- 1.2 'A Natural Renaissance for Lewisham', sets out Lewisham Biodiversity Partnership's aspirations for the immediate future. It is a Partnership document that identifies the opportunities and the objectives to which the Partnership is committed to achieving, and demonstrates the links that the conservation of Lewisham's biodiversity can make to the Council's on-going programmes within various directorates. The foundations of a number of Biodiversity Action Plans (BAP) based within the context of the Council's policies and activities are contained in this document as case studies. 'A Natural Renaissance for Lewisham' and the individual Biodiversity Action Plans will serve as a benchmark against which we may monitor progress once these have been embedded in Council policies.

2. Purpose

- 2.1 Lewisham Council like all Local Authorities has a number of statutory obligations in relation to biodiversity policy and legislation. As a public body, Lewisham Council is required to comply with the 'Biodiversity Duty' as set out in the Natural Environment and Rural Communities Act 2006, (NERC). For local authorities this states 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.

3. Policy Context

3.1 Shaping our future – the Council’s Sustainable Community Strategy includes the following priority outcomes

- Empowered and responsible - where people are actively involved in their local area and contribute to supportive communities
 - Empower citizens to be involved in their local area and responsive to the needs of those who live there.
 - Promote volunteering and the activity of voluntary and community organisations.
 - Champion diversity and the contribution everyone makes to the borough’s quality of life.
- Clean, green and liveable – where people live in high quality housing and can care for and enjoy their environment
 - Protect and enhance our parks, open spaces and local biodiversity.
- Healthy, active and enjoyable – where people can actively participate in maintaining and improving their health and well-being
 - Improve the well-being of our citizens by increasing participation in healthy and active lifestyles.

3.2 The Council has outlined ten corporate priorities which enables the delivery of the Sustainable Community strategy.

- Priority number 1: Community leadership and empowerment-where people can be actively involved in their local area and are enabled to influence the Council and their localities.
- Priority number 2: Young people’s achievement and involvement, enjoying and achieving and making a positive contribution through partnership working.
- Priority number 3: Clean, green and liveable improving environmental management. The council is committed to protect and manage the environment and to aspire to a sustainable environment where people, have access to green spaces and take responsibility for their impact on the environment.
- Priority number 9: Active, healthy citizens where people can actively participate in maintaining and improving their health and well-being, through culture, sport and leisure.

3.3 The decision to endorse ‘A Natural Renaissance for Lewisham’ would be consistent with the Local Development Framework (June 2011): Core Strategy Objective 7: Open Space and environmental assets.

- This states that the important environmental, ecological and biodiversity features of Lewisham will be protected and capitalised to promote health and well-being by:
 - a. protecting all open space including Metropolitan Open Land

- b. protecting Sites of Importance for Nature Conservation and supporting and promoting local biodiversity
- c. requiring green roofs and walls where appropriate
- d. implementing the Street Tree Programme
- e. improving the quality of, and safeguarding access to, all public open space
- f. providing accessible and varied opportunities for health, leisure and recreational activities including the South East London Green Chain Walk, the Green Grid, the Waterlink Way and river and waterways network, and the Thames Path.

4. Recommendations

The Mayor is recommended to

- 4.1 Endorse 'A Natural Renaissance for Lewisham' document and the strategic aspirations of the Lewisham Biodiversity Partnership.

5. Background

- 5.1 'A natural Renaissance for Lewisham' Biodiversity Action Plan 2015-2020 will supersede previous Biodiversity work undertaken from 2006.
- 5.2 Biodiversity Action Planning policies derive from The Earth Summit, held in Rio de Janeiro in 1992 which established the Convention on Biological Diversity.
- 5.3 In Nagoya, Japan, in Autumn 2010 the 192 parties to the Convention on Biological Diversity renewed their commitment to take action to halt the alarming global declines of biodiversity and to ensure that by 2020 our natural environment is resilient and can continue to provide the ecosystem services that are essential for life.
- 5.4 The Natural Environment White Paper 'The Natural Choice: securing the value of nature,' published in 2011, recognises that a healthy, properly functioning natural environment is the foundation of sustained economic growth, prospering communities and personal well-being. It aims to mainstream the value of nature across our society, including across government departments.
- 5.5 'Biodiversity 2020: A strategy for England's wildlife and ecosystem services', published in 2011, shortly after the White Paper, has as its mission to halt overall biodiversity loss, support healthy well-functioning ecosystems, and establish coherent ecological networks, with more and better places for nature for the benefit of wildlife and people.
- 5.6 The 'Natural Environment and Rural Communities Act' (NERC Act 2006) , Section 40 of the Act states that: 'Every public authority 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'
- 5.7 National Planning Policy Framework [NPPF] 109 states: The planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by

establishing coherent ecological networks that are more resilient to current and future pressures.

- 5.8 NPPF 113 states: Local planning authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged.
- 5.9 NPPF 114 states: Local planning authorities should set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure
- 5.10 “A Natural Renaissance for Lewisham”, sets out the Partnerships objectives for the immediate future for the conservation of nature across the Borough. The document also identifies the contribution of Lewisham’s natural environment to quality of life and sustainable development objectives within the Borough and also demonstrates the links that the conservation of Lewisham’s biodiversity can make to the Council’s on-going programmes within various directorates.
- 5.11 Once embedded in Council policies, the Action Plans will become an essential tool to guide the public and private sector in the maintenance, enhancement, and restoration of important species/habitats that will add to biodiversity and conservation at the local level. This will have particular relevance given the NERC Act and the National Planning Policy Framework.

6. Financial Implications

- 6.1 Following the anticipated endorsement of “A Natural Renaissance for Lewisham” the document will be produced as a pdf publication that will be available on the intranet/Council website. The cost incurred for the production of this document will be born by the Nature Conservation budget. It is not proposed that the publication is subject to a significant print run.
- 6.2 Many actions that will enhance the boroughs biodiversity will be delivered through sensitive planning of future services and will result from greater awareness of biodiversity issues. These will incur no significant additional cost.
- 6.3 In summary, there are no significant financial implications arising from the recommendation set out in section 4 above. Costs that do arise will be met from existing resources.

7. Legal Implications

- 7.1 Section 40(1) of the Natural Environment and Rural Communities Act 2006, imposes a duty upon Local Authorities to conserve biodiversity: “Every public authority 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.” Section 40(3) of the Act explains that: “Conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat”. The duty applies to all local authorities and extends beyond just

conserving what is already there to carrying out, supporting and requiring actions that may also restore or enhance biodiversity.

- 7.2 The Wildlife and Countryside Act 1981 provides details on a range of protection and offences relating to wild birds, other animals, and plants.
- 7.3. The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 7.4 In summary, the Council must, in the exercise of its functions, have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - advance equality of opportunity between people who share a protected characteristic and those who do not.
 - foster good relations between people who share a protected characteristic and those who do not.
- 7.5 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 7.6 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>
- 7.7 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
1. The essential guide to the public sector equality duty
 2. Meeting the equality duty in policy and decision-making
 3. Engagement and the equality duty
 4. Equality objectives and the equality duty
 5. Equality information and the equality duty.

The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents

provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:

<http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>

8. Crime and Disorder Implications

- 8.1 A objective of 'A Natural Renaissance for Lewisham' is to promote the borough's wildlife assets and to encourage good management of natural areas that includes taking account of potential risk areas and reducing these so that they are easier to access and use. A key action is to inform and encourage people to make more use of wildlife areas, this includes producing interpretative materials, running guided walks and developing volunteer and user groups to raise the level of 'community ownership' of such sites. This is an important means to reduce or remove negative perceptions or fears about wildlife sites, but also increase the intensity of positive use, which helps to deter or drive out antisocial or criminal behaviour.

9. Equalities Implications

- 9.1 All residents and visitors to the borough have a right to enjoy, learn about and make use of Lewisham's many and diverse wildlife habitats, species and landscapes, especially where access to and use of these resources is free throughout the year. Protecting Lewisham's biodiversity through the BAP process helps ensure this right of access and enjoyment is there for all cultures, ages and abilities and that information and knowledge about Lewisham's natural assets is promoted to the widest audience possible without preference, prejudice or prior assumption.

10. Environmental Implications

- 10.1 The environmental implications of 'A Natural Renaissance for Lewisham' are considerable, but all of these are positive rather than negative. The document and subsequent Biodiversity Action Plans will act as a powerful tool to raise awareness of and stimulate action to address environmental issues where the Council has legal obligations, a duty of care, or could become exposed in time to liabilities.

11. Conclusion

- 11.1 Given that it is Council policy to support the work of the Lewisham Biodiversity Partnership and the Biodiversity Action Planning process it is recommended that the decision is taken to endorse 'A natural Renaissance for Lewisham' as the Councils' first formal step in demonstrating due regard to the purpose of conserving biodiversity.

12. Background documents and originator

- 12.1 For further information please contact Nick Pond on 020 8314 2007 or nick.pond@lewisham.gov.uk

- 12.2 'A Natural Renaissance for Lewisham' (2015-2020)

12.3 Lewisham Local Development Framework (June 2011)

<http://www.lewisham.gov.uk/myservices/planning/policy/LDF/Pages/default.aspx>

12.4 Open Spaces Strategy 2012-2017

<https://www.lewisham.gov.uk/mayorandcouncil/aboutthecouncil/strategies/Documents/OpenSpaceStrategy2012.pdf>

12.5 The Natural Environment and Rural Communities Act (October 2006)

http://www.legislation.gov.uk/ukpga/2006/16/pdfs/ukpga_20060016_en.pdf

12.6 The National Planning Policy Framework (March 2012)

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

12.7 Shaping our future: Lewisham's Sustainable Community Strategy 2008-2020

<http://www.lewishamstrategicpartnership.org.uk/docs/SCS.pdf>

12.8 Corporate Strategy 2008-2011

<http://www.lewisham.gov.uk/mayorandcouncil/aboutthecouncil/strategies/Documents/CorporatePlan200811.pdf>