

Draft Biodiversity Duty Guidelines**Contribution from Belfast City Council**

Belfast City Council would like to thank the Department of the Environment for distributing the draft Biodiversity Duty Guidance document. The Council believes this first draft is a useful starting point from which to commence the process in developing clear, concise guidance to enable all public bodies fulfil their Biodiversity Duty under the Wildlife and Natural Environment Act (Northern Ireland) 2011.

Belfast City Council (the council) believes that amendments are required to ensure that the guidance document facilitates a consistent approach in delivering the duty across public bodies.

This contribution outlines the council's overarching comments on the structure and content of the document. We would also welcome the opportunity for an officer to meet with officials in the Department to discuss the comments in greater detail.

Overarching Comments**Requirements of the Duty**

It is not clear from the document what exactly is expected of Council. Chapter 5, page 16 provides the most detailed information but there is still considerable discussion required in particular on delivery approach and monitoring. It is especially concerning that Local Biodiversity Action Plans have not been included in this section given this is the key delivery mechanism for biodiversity at a local level.

The DEFRA document "Guidance for Local Authorities on Implementing the Biodiversity Duty" outlined the following.

In demonstrating that it has fulfilled its Duty to have regard to biodiversity, a local authority is likely to be able to show that it has:

- Identified and taken opportunities to integrate biodiversity considerations into all relevant service areas and functions, and ensured that biodiversity is protected and enhanced in line with current statutory obligations;
- Raised awareness of staff, managers and elected members with regard to biodiversity issues;
- Demonstrated a commitment and contribution to key local biodiversity initiatives, such as Local Biodiversity Action Plans, Regional Records Centres and Local Site systems;
- Demonstrated progress against biodiversity indicators and targets.

Belfast City Council considers that similar text specific to Councils should be included in the guidance.

Scope of the Document

The guidance document is aimed at all public bodies. While this may be useful in terms of consistency of approach, it is also a weakness in so far as:

- This approach has meant the document is very central government focused.
- The functions of public bodies are so wide ranging (from Roads Service to the Department of Education) that it is difficult to be specific and there is scope for misunderstanding of what is required.

- There is a lack of detail over the range of public bodies.

The council suggests the following to overcome some of the above shortfalls:

- The inclusion of a chapter aimed at Local Government which should include Local Biodiversity Action Plans.
- Detailed appendices for the different types of public bodies would help, while keeping the main text holistic.
- The inclusion of more relevant and Local Government specific case studies.
- The development of a Steering Group consisting of representatives from a range of public bodies including government departments and local authorities to ensure more detailed relevant advice and case studies.

Omissions from the Document

The policy and legislative framework should be clearly outlined. This should include:

- The full text of the legislation (Appendix 1).
- The Northern Ireland and EU biodiversity targets.
- The Northern Ireland Biodiversity Strategy which is the overarching policy framework-
- The Northern Ireland Biodiversity Group and its role particularly in relation to reporting on the strategy.

It would also be useful to include examples in relation to global biodiversity and how public bodies can and are impacting upon this.

Local Biodiversity Action Plans

Local Biodiversity Action Plans (LBAPs) are a very useful mechanism for biodiversity delivery at a local level. Many councils have embraced this approach and have developed LBAPs. Both councils and the Department of the Environment have invested significantly in the LBAP process. It is consequently disappointing that the LBAP approach has not been more clearly developed in the Guidance.

Biodiversity Implementation Plans

The purpose of Biodiversity Implementation Plans should be defined and how these relate to and differ from LBAPs. It would also be useful to include a few completed examples including examples on the reporting of actions.

Monitoring

The Biodiversity Duty is linked to the NI Biodiversity Strategy and the Department must publish a report regarding the implementation of the strategy at least every 5 years.

It is not clear in the current Draft Guidance document how public bodies will be expected to report on their progress in fulfilling the Duty. There are a number of queries around this:

- How will public bodies' reporting mechanisms inform and feed into reporting on the NI Biodiversity Strategy and national and international biodiversity targets?
- Currently the NI Biodiversity Group are tasked with reporting to the Executive every three years on the NI Biodiversity Strategy. How will the NI Biodiversity Group feed into the reporting process?

In addition who will decide if a public body is complying with the legislation and are there any sanctions if they do not?

It would be useful to outline these processes and data reporting formats and templates at the outset to ensure public bodies will not have to report in a number of formats and are collecting all required information in an agreed format.

Specific Comments

The document is currently too long and the details of the duty are not outlined until page 14. We would suggest that chapter 4 be brought to the beginning of the document and that chapters 1 – 3 are shortened.

The term biodiversity needs to be defined fully, for example there is no mention of genetic variation within species.

Page 14, paragraph 1 - There is reference to the Sustainable Development Strategy but no mention of the NI Biodiversity Strategy which public bodies must take account of as part of the Duty. The Council suggests replacing the Sustainable Development Strategy with the Biodiversity Strategy.

Page 14, paragraph 3 refers twice to “main” function but the legislation states “any”. Again on page 17 there is a reference to “main” functions. Clarity and consistency are required to avoid confusion.

Page 18, paragraph 2 refers to restoring habitats and species after loss. It should be noted that this may not be possible.

There are a number of technical inaccuracies in the document and in parts GB terminology is used such as SSSIs.

Case Studies

The council considers that there should be more up to date and relevant case studies included in the document. A suggested approach is an online portal where more specific and up to date case studies can be uploaded by all public policies. In particular we would like to see the inclusion of case studies on Invasive Alien Species. We would be willing to contribute case studies to such a portal.