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Welsh Government

# Environment (Wales) Act 2016

## Section 6: the biodiversity and resilience of ecosystems duty





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These slides are an introduction to the Biodiversity and Resilience of Ecosystems Duty introduced under section 6 of the Environment (Wales) Act 2016.

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# What is biodiversity?

**Biodiversity is the variety of life found on earth. It includes all species of plants and animals, their abundance and genetic diversity.**

**It is our fascinating wildlife and iconic species and habitats and it is not just important for its intrinsic value, but also for the positive impact it has on all aspects of our lives.**





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# The importance of biodiversity

## Benefits include:

- purifying air and water,
- supporting the development and functioning of soils
- supporting people's physical and mental well-being
- supporting pollinators which are essential for food production
- provides job opportunities
- reduces flooding and noise pollution
- helps us adapt to the adverse impacts of climate change.



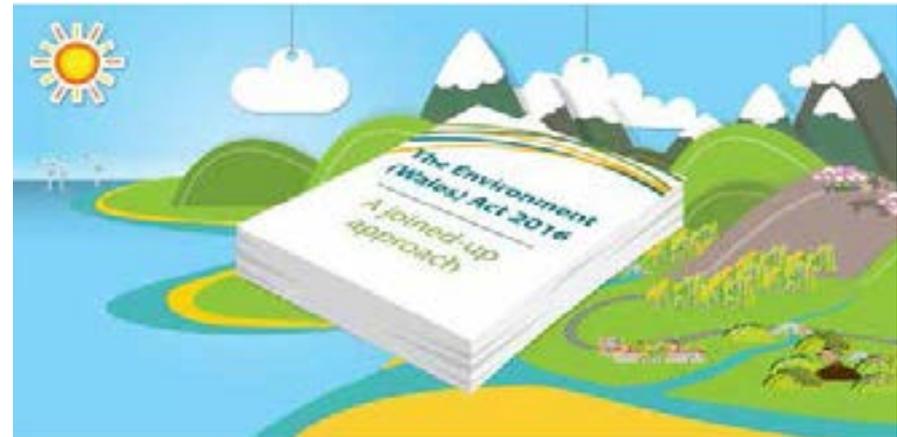


# Tackling the nature emergency

**Issue:** Like the rest of the World, Wales continues to face biodiversity loss. Recent reports\* show that biodiversity is declining globally at rates unprecedented in human history. In Wales 1 in 6 species are at risk of extinction.

**Importance:** At the heart of this approach is the principle that biodiversity is an essential underpinning element of all resilient ecosystems and fundamental to our economic, social, environmental and cultural well-being.

**Action:** It was against a background of declining biodiversity and threats to vital ecosystem services that the Environment (Wales) Act 2016 introduced a new legislative delivery framework for the sustainable management of natural resources. Key to this is the need to adopt a more integrated approach to managing our natural resources in order to achieve long-term sustainability. This will enable us to manage resources in a joined up way that delivers real outcomes for the environment, people, the economy and our communities.



\* Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) and the UK State of Nature 2019



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# The Section 6 Biodiversity and Resilience of Ecosystems Duty

Recognising the central role that biodiversity plays and therefore the need to integrate and embed its protection and enhancement across the public sector in Wales, the Environment (Wales) Act 2016 introduced the section 6 biodiversity and resilience of ecosystems duty.

The duty requires that public authorities must seek to maintain and enhance biodiversity in the exercise of their functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions.

To comply with the duty public authorities 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.



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**Public authorities<sup>1</sup> must seek to<sup>2</sup> maintain and enhance biodiversity<sup>3</sup> in the exercise of functions<sup>4</sup> in relation to Wales<sup>5</sup>, and in so doing promote the resilience of ecosystems<sup>6</sup>, so far as consistent with the proper exercise of those functions<sup>7</sup>.**

1. Public authorities are defined in section 6 (9) & (10) of the *Environment (Wales) Act 2016*
2. Taking a pro-active approach.
3. Guidance and advice on how to do this is provided by Welsh Government, Wales Biodiversity Partnership and others.
4. Throughout all of your current work areas.
5. Includes organisations not based in Wales, but who operate in Wales.
6. Guidance and advice on how to do this is provided by Welsh Government, Wales Biodiversity Partnership and others. Also please see the final slide.
7. i.e. not at the expense of those functions – but improving HOW those functions are delivered from the perspective of biodiversity.



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## Implementing the duty

The section 6 duty is about how action for biodiversity is delivered through the functions of public authorities.

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

Actions to help biodiversity only need to be proportionate to the public authority's activities and functions.

The options open to each public authority vary depending on their size and functions, but every action, no matter how small, that in some way contributes to maintaining and enhancing biodiversity, will help them comply with the duty.





# Nature Recovery Action Plan

The ***Nature Recovery Action Plan for Wales\**** sets out six objectives for reversing the decline of biodiversity which should be used to help develop and guide actions to comply with the section 6 duty.

The **6 objectives** to maintain and enhance biodiversity 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

\* <https://gov.wales/nature-recovery-action-plan>



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## The requirement to plan

Every public authority must **publish a plan** setting out what it proposes to do to comply with the duty. This need not be a standalone plan – it can and should be an integral part of any planning document as part of the public authority’s business or corporate planning processes. Further information can be found in the [FAQs\\*](#).

## The requirement to report

Every public authority must **publish a report** on what they have done to comply with the duty. The first report was due at the end of December 2019, further reports must then be published before the end of every third year – the next one is due at the end of 2022.

Organisations are encouraged to identify their own ways of reporting, ideally as part of their usual reporting mechanisms.

Specific advice on the reporting requirement, including a suggested template, can be found in the [Reporting Guidance\\*\\*](#).

\* <https://gov.wales/sites/default/files/publications/2019-05/environment-wales-act-2016-biodiversity-resilience-ecosystems-frequently-asked-questions.pdf>

\*\* <https://gov.wales/environment-wales-act-2016-part-1-section-6-biodiversity-and-resilience-ecosystems-duty-reporting-0>



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# Examples of Actions

- The following three slides are made up of suggested actions which would help to maintain and enhance biodiversity.
- They also include specific examples of actions taken by public authorities who operate in Wales.
- Divided into three groups which are based on the authority's land management responsibility and its connection with biodiversity.
- Each example includes a reference to which Nature Recovery Action Plan objective/s they are aligned to.



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**Group 1: organisations that own or occupy an office building. Actions related to building management, procurement, sustainability, awareness raising, training, or in partnership with other organisations.**

Examples include:

- **Embedding** biodiversity considerations. **The Children's Commissioner for Wales:** *The Commissioner included the biodiversity duty in its performance evaluation framework and also reports on how it is complying with the duty in its annual report (Objective 1).*
- **Procurement** such as ensuring office supplies are sustainably sourced (e.g. locally and/or made from recycled material). **Auditor General for Wales:** *Sustainability considerations are now firmly embedded in their procurement practices, which includes providing training for procurement staff in sustainable procurement principles, undertaking sustainability risk assessments for higher value procurement and considering whole life costs (Objective 1).*
- **Changes to travel policies – The Future Generation Commissioner:** *support to staff has been provided to encourage changes to more sustainable transport usage. This has included help for staff to lease ultra low emission vehicles, cycle storage facilities and a move to use public transport which has resulted in a 44% decrease in car mileage in 2018-19 (Objectives 1 and 4).*



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**Group 2: Whose functions involve land management and can influence those who own or manage land. As per Group 1 above PLUS grounds management, cascading funding criteria, providing education and training.**

- **Green space management** such as changing mowing regimes for amenity grassland which could include reducing the frequency of cuts, increasing the height of the mower blade, leaving areas to grow wild and ensuring cuttings are removed. **Intellectual Property Office:** *An area along a fence line will be left uncut to allow grass and brambles to grow and any branches cut will be left on the ground to decay naturally and provide habitat for a variety of bugs (Objective 3).*
- **Awareness raising initiatives. Cardiff University:** *All staff and students are required to undertake the University's sustainability induction. The presentation includes sections on the duty, the University's biodiversity strategy and action plan, together with information on a number of projects that they run including Greening Cathays, their Bee Friendly status and Great Bluebell project (Objective 1).*
- **Encouraging staff to volunteer in the context of nature/green spaces. Companies House** *are helping biodiversity and raising awareness of biodiversity issues through staff volunteering schemes. Activities have included litter picking; beach and riverbank cleaning and gardening and seed planting (Objectives 1 & 5).*



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**Group 3:** that own or manage land beyond their own grounds, whether their functions are connected with biodiversity and/or land management or not. As per Groups 1 and 2 above PLUS land management to maintain and enhance biodiversity, and promote the resilience of ecosystems.

- **Embedding biodiversity** such as making it a corporate priority. **Denbighshire Council** include biodiversity in the annual Corporate Performance Reports. Also, a biodiversity question is included in the Self Service Evaluation that each Council Service completed in 2017 which has provided a baseline to enable the Authority to judge its performance in future years (**Objective 1**).
- **Encourage pollinators** through introducing/increasing flower baskets/planters, ensuring that the flowers are locally sourced, pollinator friendly varieties using peat free compost. **Hirwaun and Penderyn CC** have achieved **Bee Friendly** status. They are now working towards next year's application to build on what they have already achieved where they hope to seed bomb the local fire station's grass roof (**Objectives 2 & 3**).
- **Engagement and evidence gathering: Neath Port Talbot Council:** The charity Buglife ran a Blue Ground beetle project in 2019. The Skewen area is the only place this beetle is found in Wales. Supported by the Council and the Local Nature Partnership, the Project engaged local people in the search for the beetle and in practical habitat management projects. Surveys by volunteers and professionals revealed the local conditions the beetle requires and generated many records. Identification postcards have been produced to encourage and report any further sightings (**Objectives 1 and 5**).



# Summary

- The section 6 duty requires that public authorities must seek to maintain and enhance biodiversity so far as consistent with the proper exercise of their functions and in so doing promote the resilience of ecosystems.
- To comply with the s6 duty public authorities 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.
- The Nature Recovery Action Plan for Wales contains six objectives which should be used to help develop and guide actions to comply with the s6 duty.
- Actions to help biodiversity and improve ecosystem resilience should take place in the wider landscape and not just in places set aside for nature.
- Actions should not be burdensome and should be proportionate to the size and functions of the authority.





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# Help and guidance

There are a number of documents, websites and contact points where advice and guidance can be obtained:

## **Guidance documents**

### ***Frequently asked questions***

<https://gov.wales/environment-wales-act-2016-biodiversity-and-resilience-ecosystems-frequently-asked-questions>

### ***Reporting guidance***

<https://gov.wales/environment-wales-act-2016-part-1-section-6-biodiversity-and-resilience-ecosystems-duty-reporting-0>

### ***Nature Recovery Action Plan for Wales***

<https://gov.wales/nature-recovery-action-plan>

### ***Good Practice Guide***

[www.biodiversitywales.org.uk/Biodiversity-Duty-good-practice](http://www.biodiversitywales.org.uk/Biodiversity-Duty-good-practice)

examples of biodiversity actions from public authorities across Wales.

## **Websites**

### ***Wales Biodiversity Partnership***

[www.biodiversitywales.org.uk/Section-6](http://www.biodiversitywales.org.uk/Section-6)

### ***Welsh Government***

<https://gov.wales/environment-climate-change>

## **Contact**

Email [S6BiodiversityDuty@gov.wales](mailto:S6BiodiversityDuty@gov.wales)



# Glossary

**Biodiversity:** the variety of living organisms on Earth. It includes all species of plants and animals, their abundance and genetic diversity.

**Ecosystems:** functioning units made up of our living organisms (plants, animals and micro-organisms) in conjunction with their non-living environment (air, water, minerals and soil) and all the diverse and complex interactions that take place between them. They can function at many different scales.

**Ecosystem resilience:** the capacity of ecosystems to deal with disturbances, either by resisting them, recovering from them, or adapting to them, whilst retaining their ability to deliver services and benefits now and in the future.

The ***Environment (Wales) Act 2016\**** sets out the following attributes of ecosystem resilience:

- **Diversity** – generally speaking, more diverse ecosystems are more resilient to external influences and their impacts. This includes biological, geological and physical diversity. A measure of this would be the number of native species within a given area.
- **Connectivity** – the links between ecosystems. The more links between ecosystems, the greater the resilience.
- **Scale and Extent** – the bigger the ecosystem extends, without fragmentation, the more resilient it is likely to be.
- **Condition** – ecosystems need to be in a healthy condition to function effectively, to deliver a range of important ecosystem services.
- **Adaptability** – the ability of ecosystems to adapt to events, understanding that ecosystems are not static and will change over time.

\* [www.legislation.gov.uk/anaw/2016/3/contents/enacted](http://www.legislation.gov.uk/anaw/2016/3/contents/enacted)