



Parish Councils and NERC Act ‘Biodiversity Duty’ in the Peak District

Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 (or the ‘Biodiversity Duty’) 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”.*

National guidance setting out how local and public authorities can fulfil this duty has been issued by Defra (available at http://www.naturalengland.org.uk/Images/dutyguidancepublic_tcm6-9233.pdf)

Parishes do now have a duty to conserve wildlife, and need to start thinking about the best ways to do it. The new duty should not be seen as an onerous one, it is an exciting opportunity to rethink the way you work. By improving their natural environment Parishes are not just helping to conserve biodiversity, but will also be improving the sustainability and quality of life of the parish community.

What is Biodiversity?

Biodiversity is the variety of life, from differences between habitats and species, to differences within species, right down to the genes. Conserving biodiversity provides benefits for wildlife, the landscape, our cultural heritage, our health and well-being, socio-economics, and the health of the planet through the ecosystem services it provides.

Parish Councils and Conservation

There are four main areas where parish councils could make the biggest difference for local wildlife:

- 1) When you are preparing your Parish plan
- 2) When you are commenting on planning applications
- 3) When you are managing land
- 4) When you are creating bylaws



This list is not comprehensive, but may give some ideas about ways of incorporating biodiversity

1) Preparing Parish Plans

Parish plans are intended to be a blueprint for the future. They should also feed into the future planning process for wider district/borough areas and reflect the views of local communities, so they can be an important and influential tool. The development of parish plans has a clear role to play in the conservation of biodiversity, as it can set out clearly how parish councils intend to incorporate this new legal duty, and how it would like the district/borough to account for wildlife when planning for the wider area. Whilst many Parish councils will have already written their Parish plans, it is important that when writing new plans or reviewing existing plans, this new legal duty is accounted for. The drawing up of parish plans is a collaborative and consultative process. You will need to find out what the key biodiversity issues are in your parish and then prioritise them. This can be assisted by asking some simple questions, for example:



- * Where are the most valuable wildlife resources of your parish?
- * Are they threatened?
- * Can you influence these threats?
- * Can you map your resources?

For more information on parish plans:
Guidance and advice on the background to parish plans, the procedure for producing them and examples of parish plans, can be found on the new Parish Planning website at: <http://www.parishplanning.co.uk/index.html>

This is not a definitive list of the questions that you should ask, but gives an idea of some of the issues needing consideration. It is also important that you consider the views of the whole parish. Some members of your community may have lived in the area for a long time, and can provide you with invaluable local knowledge. Once you have consulted on, and agreed the priorities for your parish you can then vocalise them through the parish plan, by:

- a) *Setting out a vision for the biodiversity of your parish*
- b) *Setting aims for biodiversity conservation*
- c) *Setting actions/objectives to achieve the aims*
- d) *Setting timescales and agreeing responsibility*



2) Commenting on Planning Applications

a) *The right to be consulted*

An important function of parish councils is the role that you play in the planning system. Parish Plans are part of this, however, another more recognised way of influencing planning is through the development control process. Under the Town & Country Planning Act 1990 (Schedule 1, para 8), parish councils have the right to be notified of planning applications affecting land falling within their parish boundary. It is then up to the parish council to decide how they wish to respond to the consultation. This is where you have the chance to make a difference for wildlife.

b) *Biodiversity & the development plan*

Biodiversity is what is known as a material consideration in planning, which means it is something that planning officers and planning committees have to take into account when they are making a decision on a planning application. This means that it is a subject that will have policies relating to it in the local plan or Local Development Framework (<http://www.peakdistrict.gov.uk/looking-after/plansandpolicies/ldf>)

For more information on how to influence the planning system to help wildlife see: *'Wildlife and Development'* - available to download for free from the publications section of the Natural England website: www.naturalengland.org.uk



c) *Commenting on individual applications*

From a biodiversity perspective there are two main questions that you need to ask when you are looking at a planning application:

- 1) *Will the proposed development result in harm to the wildlife of your parish?*
- 2) *Will the proposed development result in benefits for the wildlife of your parish?*

Development, by its very nature, will result in physical change to the environment. It can seldom be reversed, so think about the potential impacts and use your influence to **secure the best future for the wildlife of your area.**

3) Managing Parish Land

Many parish councils own and manage land on behalf of the community. This is supported by a number of the powers and duties that form the functions of parish councils. The extent to which biodiversity conservation can be factored into the management of a site will depend greatly on the nature and scale of the landholding.

4) Creating Bylaws

Parish councils have a function that relates to the creation of bylaws. As one of the few bodies with a power to make bylaws, you should now consider whether as part of this function you could have an impact on the conservation of biodiversity.

For more information on creating bylaws to help conserve wildlife see: *'Local Nature reserves in England: a Guide to their Selection and Declaration'*, available to download for free from the publications section of the Natural England website: www.naturalengland.org.uk
The Department of Communities and Local Government (DCLG) web-pages dedicated to model bylaws on the DCLG website: www.communities.gov.uk
The DEFRA web-pages dedicated to bylaws on the DEFRA website: www.defra.gov.uk

Case Studies

The Warwickshire Parish BAP - A Biodiversity Action Plan for Local Communities



The Warwickshire, Coventry & Solihull's Local Biodiversity Action Plan (LBAP) has produced the Parish Biodiversity Action Plan, a booklet of ideas to help people start wildlife projects on their doorsteps and guide to conservation in local communities. Copies may be downloaded or purchased from Ruth Moffatt, LBAP Coordinator.

Warwickshire, Coventry & Solihull's Parish BAP was the first of its kind to be produced in the country - a Biodiversity Action Plan (BAP) for local communities.

The Parish BAP was developed by BAP coordinator, Ruth Moffatt, who translated conservation priorities into practical action for nature on the ground. The booklet is a guide to conservation in any one of the county's parishes, with action plans to encourage people to initiate conservation on their doorstep.

The Parish BAP was trialled with several parishes to ensure it would provide useful help and information. A Parish Plan Group leader said: "We found the plan to be extremely good; full of ideas. It is a comprehensively written and well constructed document which, as I read it, posed questions related to our village which thankfully were then answered"

The Parish BAP was sent to all 231 parishes in Warwickshire, Coventry & Solihull, as well as to all Women's Institutes, libraries and local authorities, accompanied by a full-coloured poster.



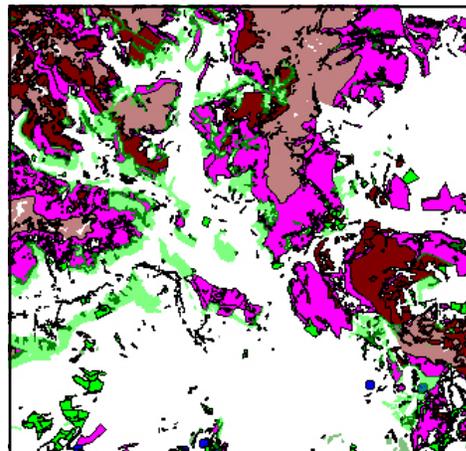
The Parish BAP Document also contains a selection of case studies from parishes in Warwickshire that might be of interest to those looking to conserve the wildlife of their parish:

- * Tree Planting on Parish Land
- * Restoring a Village Pond
- * Management of a Churchyard for Wildlife
- * Regeneration of a Local Conservation Area
- * Implementing a Parish Plan

- * Conservation on a Family Farm
- * Starting a Wildlife Gardening Group
- * Creation of a New Woodland
- * Construction of a School Pond
- * Warwickshire Hedgerow Survey

Chichester District Parish Habitat Mapping Project

The Chichester District Parish Habitat Mapping Project provides an innovative way to survey each parish to identify the habitats and areas of particular biodiversity importance, improving the information for the whole district in the process. The information gathered from surveying is converted into a colour-coded map and kept on record with the Sussex Biodiversity Record Centre (SxBRC). The map identifies each type of habitat (e.g. woodland, grassland, heathland, hedges and swamp), rare or local species (e.g. sand lizards and water voles) and target areas. Parish Biodiversity Mapping also identifies areas for action to protect and enhance biodiversity through local community involvement.



The Council supports individuals and groups who are interested in Parish Habitat Mapping by providing habitat identification training in conjunction with the South Downs Joint Committee. Financial assistance for base maps, field guides and mapping software (GIS) may be obtained through wildlife and environmental grants.

Further information available at: <http://www.chichester.gov.uk/index.cfm?articleid=7889>

Resources Available to Parishes

Peak District National Park Authority Website: www.peakdistrict.gov.uk
Peak Park Parishes Forum: www.peakdistrict.gov.uk/looking-after/pppf
Peak District Biodiversity Action Plan: www.peakdistrict.gov.uk/looking-after/biodiversity
Derbyshire Biodiversity website for a variety of local information: www.derbyshirebiodiversity.org.uk
Derbyshire Wildlife Trust: www.derbyshirewildlifetrust.org.uk



Possible Sources of Funding

Breathing Places: www.bbc.co.uk/breathingplaces
PDNPA Sustainable Development Fund, contact Richard Godley: richard.godley@peakdistrict.gov.uk
Details of a variety of funding sources: www.derbyshirebiodiversity.org.uk/funding/index.php

People Who Can Help You

The Peak District LBAP Coordinator is Karen Shelley-Jones, email: karen.shelley-jones@peakdistrict.gov.uk
National Park Authority Ecologists, Countryside & Economy Advisors or Planning Officers, tel: 01629 816200

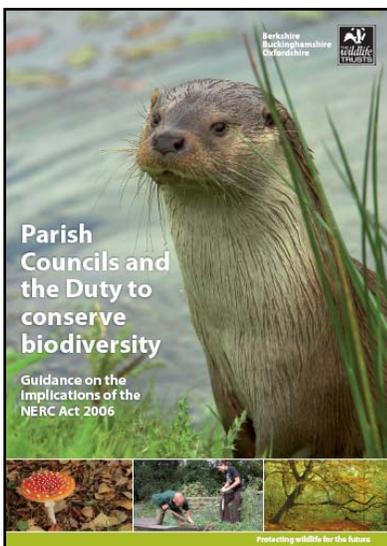
Biodiversity Action Reporting System (BARS)

The Biodiversity Action Reporting System (BARS) is a web-based information system first developed in 2003 to support the planning, monitoring and reporting requirements of national and local Biodiversity Action Plans (BAPs). The BARS website can now be found at: <http://ukbars.defra.gov.uk/>

BARS enables everyone involved in BAP implementation to enter action plans and record progress towards targets and actions. It also allows users to assess what is and is not being achieved at both UK and local levels and access information on species / habitat targets, status, trends, losses, and causes of decline both at national and local levels. Users are able to generate a range of sophisticated reports specific to their organisation or LBAP partnership.

Via the BARS website members of the public are able to search the BARS database for information about BAP implementation, for example to find out about activities underway in their local area. Security features ensure that confidential information (e.g. of the precise location of sites) is not available to unauthorised users or members of the public.

Reporting into BARS is, however, an ongoing process and people are encouraged to inform their local BAP co-ordinator of their local conservation projects so that the information may be added to local BAP monitoring.



This is not comprehensive guidance, merely a brief look at where Parish Councils might incorporate Biodiversity Conservation into their work. It is suggested that for further guidance and advice that you contact your Local Biodiversity Partnership through your LBAP Coordinator, and that you read the guidance document, "*Parish Councils and the Duty to conserve Biodiversity*", produced by the Buckingham, Berkshire and Oxfordshire Wildlife Trust, it is available from:

Write: The Lodge, 1 Armstrong Road, Littlemore, Oxford, OX4 4XT

E-mail: wildinfo@bbowt.org.uk

Tel: 01865 775476

Visit: www.bbowt.org.uk