

CYNGOR SIR POWYS COUNTY COUNCIL.

CABINET EXECUTIVE

23rd May 2023

**REPORT AUTHOR: County Councillor Jackie Charlton
Portfolio Holder for a Greener Powys**

**REPORT TITLE: Biodiversity and Resilience of Ecosystems duty, Section
6 of the Environment (Wales) Act 2016 – 2022 report**

REPORT FOR: Decision

1. Purpose

1.1 The purpose of the report is to demonstrate the ways in which the Council is meeting its legal duties under the Environment (Wales) Act 2016, in the period between December 2019 and December 2022. This aligns with the Council's Corporate Improvement plan aims of 'Stronger, Fairer, Greener.'

2. Background

1.2 Under section 6 of the Environment (Wales) Act 2016, Powys County Council (as a public authority) must seek to maintain and enhance biodiversity in the exercise of its functions, and in so doing promote the resilience of ecosystems, so far as is consistent with the proper exercise of those functions.

1.3 To demonstrate compliance with these duties, the Council must publish two key documents; these are:

- A plan, setting out what the Council **proposes to do** to comply with these duties (the 'Section 6 plan'); and
- A report, setting out what the Council **has done** to comply with the duties under section 6 (the 'Section 6 report.')

1.4 Further to the Cabinet decision on 25th May 2021, the Section 6 plan was integrated into the Council's reporting against the Corporate Plan. A Section 6 report was completed in 2019 and also accepted on 25th May 2021. Powys County Council has just adopted a new Corporate Plan in 2023.

1.5 The Section 6 report must be updated every three years, to set out the ways in which the duties under section 6 of the Environment (Wales) Act 2016 have been addressed in the period since the previous report.

1.6 Accordingly, an updated Section 6 report has been produced and is at appendix A. It sets out the actions that have been taken towards the Council's duties to maintain and enhance biodiversity in the exercise of its functions in the period from 2019-22.

3. Advice

- 3.1 It is proposed that the content of the Section 6 report at appendix A be accepted as a reflection of the work carried out by the Council in the period from 2019-2022, to maintain and enhance biodiversity. It sets out the progress made during that period, opportunities and challenges faced.
- 3.1 If accepted, a summary of the report will be published on the Council website, to be accessible for the public. That will complete the actions required to meet the Council's duty to review its Section 6 report by the end of 2022.
- 3.2 The Cabinet is asked to note that the work set out in the Section 6 report contributes towards partnership delivery of the Powys Nature Recovery Action Plan and against the Council's declaration of a Nature Emergency. The Powys Nature Recovery Action Plan is a forward looking partnership plan that has been adopted by the Council; full detail is available on the Council's website at <https://en.powys.gov.uk/article/2573/Powys-Nature-Recovery-Action-Plan>

4. Resource Implications

- 4.1 The report is for information and monitoring of the Council's compliance with its legal duty to maintain and enhance biodiversity in the exercise of its functions, so has no resource implications in itself.
- 4.1 Delivery of the initiatives set out in the report does have cost implications, being dependent on the project. Many have been funded through external grants – particularly the Local Places for Nature grant – or through changes to 'business as usual' practices. As such, any up-front costs have been met without placing additional demands on core Council budgets.
- 4.2 Services have committed to enhancements that can either be maintained through existing revenue budgets and staff, or through support from community groups.
- 4.2 The knowledge of specialist officers is key to underpinning ongoing delivery against the duties under section 6 of the Environment (Wales) Act 2016. External grant funding remains in place for the role of Biodiversity officer. Additional external funding has been secured for a Nature Recovery Officer post until December 2024. As such, the post costs are currently being funded without any impact on core revenue budgets.
- 4.3 The cost for the Biodiversity and Nature Recovery officer posts (1.6FTE in total) is approximately £65,540 for 2023-24 to cover salary, NI and pension. These are being fully funded by the Shared Prosperity Fund and Local Places for Nature grants, as are overheads such as training, travel etc. The capital project costs are aligned with the budget made available under the Local Places for Nature grant, which was £232,000 for 2022-23.

5. Legal implications

5.1 Legal : The Council has a statutory duty to review its section 6 report every three years to demonstrate the way in which it is meeting its responsibility to seek to maintain and enhance biodiversity in the exercise of its functions. Accepting the report at Appendix A would address that legal requirement.

5.2 The Head of Legal Services & the Monitoring Officer has commented as follows: “ I note the legal comment and have nothing to add to the report

6. Data Protection

6.1 The Section 6 report reflects the activities carried out by Council Services to enhance the quality of the environment. No information about individuals is included; as such, it does not require the processing of personal data.

7. Comment from local member(s)

7.1 Not applicable - this report reflects an approach to monitoring and reporting on county wide activities to meet a legal duty. It is expected that Local Members would have opportunity to comment on individual schemes to maintain or enhance biodiversity in their Ward, as they arise.

8. Impact Assessment

8.1 An impact assessment is not required; this report is for monitoring and demonstration of compliance with the Council’s legal duties under Section 6 of the Environment (Wales) Act 2016.

9. Recommendation

It is recommended that:

9.1 The contents of the December 2022 revision of the Section 6 report (appendix A) be accepted as reflecting the actions taken to maintain or enhance biodiversity between 2019 and 2022.

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