

## **CABINET MEETING: 26 SEPTEMBER 2019**

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### **BIODIVERSITY AND RESILIENCE OF ECOSYSTEMS DUTY (BRED)**

#### **STRATEGIC PLANNING AND TRANSPORT**

**AGENDA ITEM: 9**

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#### **Reason for this Report**

1. To seek Cabinet approval for the BRED Forward Plan and to agree to report on the compliance with this duty.

#### **Background**

2. From March 21<sup>st</sup> 2016, public bodies such as Cardiff Council have a new statutory duty under Section 6 of the Environment (Wales) Act 2016. The new duty is a requirement to '*seek to maintain and enhance biodiversity*' in the exercise of their functions, and in doing so to '*promote the resilience of ecosystems*'. This is known as the Biodiversity and Resilience of Ecosystems Duty or 'BRED' for short.
3. The Environment Act requires Cardiff Council to prepare and publish a plan setting out how it proposes to comply with this new duty. This is referred to as the 'BRED Forward Plan'. Current guidance from Welsh Government is that this Forward Plan need not be a standalone document, but that it can be incorporated into other plans or strategies.
4. During 2019 the Council is required to publish a report setting out what it has done to comply with the Biodiversity and Resilience of Ecosystems duty. The BRED Forward Plan includes a template for this report, provided by Welsh Government.
5. The delivery of a resilient city is not exclusively a role for the Council. The BRED Forward Plan evidences all the good work we are currently doing. However, the power of the Council alone will be limited in delivering all the changes needed. Further partnership working will be essential to ensure delivery. The BRED Forward plan equally recognises the importance of the network of volunteers, citizens and our many partner organisations in delivering this duty.
6. Biodiversity and ecosystems are more readily referred to as 'Green Infrastructure' and the BRED Forward Plan has been drafted by the Green Infrastructure Group. The Green Infrastructure Group's remit is to

influence Council policy, to progress the Green Infrastructure implementation Programme, and to manage, maintain and enhance green infrastructure where appropriate.

7. The group brings together officers from Planning, Drainage, Parks, Air Quality and Rights of Way Services and includes officers dealing with such areas as:
  - landscape and urban design
  - Parks maintenance and management
  - sustainable drainage (SUDs) and flood protection
  - biodiversity and nature conservation
  - tree protection,
  - allotments and community growing,
  - long distance routes,
  - rights of way,
  - tackling air pollution, and
  - volunteer involvement.

## Issues

8. In complying with this duty, a public authority must have regard to, among other things, any guidance produced by Welsh Ministers, including the already-published '*Guidance for Section 6 –The Biodiversity and Resilience of Ecosystems Duty Frequently Asked Questions*'. This document advises that the Section 6 duty forward plan can, and should be, an integral part of any public authority's business or corporate planning processes.
9. In this context, a "Green Infrastructure Plan" for Cardiff was in the process of being drafted when the Environment Act duty came into force. This has been adapted to form the BRED Forward Plan. The Green Infrastructure Plan provides the overarching context to other documents such the Green Infrastructure Supplementary Planning Guidance (GISPG), the Green Infrastructure Spatial Strategy and the Green Infrastructure Implementation Programme. The GISPG is an approved document, and the Spatial Strategy and Implementation Programme are currently being drafted.
10. Welsh Government also advise that the Section 6 duty Forward Plan should be integrated into Cardiff Council's statement of the steps to be taken to meet its well-being objectives, which in turn should be embedded within the Corporate Plan. In this way, the Section 6 duty forward plan can contribute to meeting Cardiff Council's wellbeing objectives, particularly those which maximise its contribution to the 'A Resilient Wales' Well-being Goal. The text of this goal reads: '*A Resilient Wales: A nation which maintains and enhances a biodiverse natural environment with healthy functioning ecosystems that support social, economic and ecological resilience and the capacity to adapt to change (for example climate change).*' The Section 6 duty forward plan will deliver the maintenance and enhancement of a biodiverse natural environment with healthy functioning ecosystems, in accordance with this Wellbeing Goal.

11. The BRED Forward Plan consist of two parts, a **Green Infrastructure Plan and an Action Plan**
12. **Part One: Green Infrastructure Plan** includes the following:
  - A Vision for green infrastructure in Cardiff
  - An explanation of what we mean by green infrastructure, and why a green infrastructure approach is beneficial
  - The policy and legislation background supporting a green infrastructure approach
  - Six strategic objectives for the green infrastructure approach in Cardiff

These are:

- *Protecting the natural environment*
- *Protecting people and places*
- *Supporting the local economy*
- *Improving health*
- *Creating opportunities for people*
- *Enhancing local character and sense of place*

13. **Part Two: BRED Action Plan:**

The BRED Action Plan sets out a list of actions which, if implemented, would deliver the objectives of the Green Infrastructure Plan. It also explains how biodiversity and ecosystem resilience is integrated within Council functions.

14. The Action Plan identifies 65 projects/Actions. The Plan draws together current and future work programmes that deliver, manage, promote and sustain Cardiff's green infrastructure.
15. Projects in the Action Plan include:

#### ***“Ecosystems Mapping Project”***

This work has been commissioned by the Council in partnership with Natural Resources Wales to map out “Ecosystem Services” across Cardiff and identify existing deficiencies in specific areas/wards and future opportunities to strengthen the resilience of the city. This also supports wider work being undertaken by NRW in preparing Area Statements across Wales.

#### ***Sustainable Drainage***

The City is leading the way in delivering Sustainable Drainage, both in exemplar projects such as “Greener Grangetown” as well as delivering innovative solutions through new developments. The Cardiff Living Project a notable example, with the introduction of water/drainage features into new developments which, not only reduce the risk of flooding, but also improve the quality of water entering our many watercourses and promote biodiversity through landscaping and greening of the city. Exciting opportunities to further apply this approach across the city are being

investigated, including the potential to restore our historic canal and dock feeder networks.

16. The above are just two examples of the innovative and collaborative work being undertaken in Cardiff. The One Planet Strategy is a further example of how the Council is embedding the resilience of ecosystems into wider initiatives.

### **Reason for Recommendations**

17. To meet the Council's duty under Section 6 of the Environment (Wales) Act 2016.

### **Financial Implications**

18. No direct financial implications from agreeing the BRED Forward Plan are expected with an activity met from existing resources. Funding for specific green infrastructure projects, when appropriate, will need to be considered on a case by case basis.

### **Legal Implications**

19. Section 6 of The Environment (Wales) Act 2016 places a duty on the Council to carry on its functions in a manner that seeks to maintain and enhance the biological diversity and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions.
20. The Council has to be mindful of the Welsh Language (Wales) Measure 2011 and the Welsh Language Standards when making any policy decisions and consider the impact upon the Welsh language. The Council has to consider the Well-being of Future Generations (Wales) Act 2015 and how this strategy may improve the social, economic, environmental and cultural well-being of Wales.
21. The Well-Being of Future Generations (Wales) Act 2015 ('the Act') places a 'well-being duty' on public bodies aimed at achieving 7 national well-being goals for Wales - a Wales that is prosperous, resilient, healthier, more equal, has cohesive communities, a vibrant culture and thriving Welsh language, and is globally responsible.
22. In discharging its duties under the Act, the Council has set and published well being objectives designed to maximise its contribution to achieving the national well being goals. The well being objectives are set out in Cardiff's Corporate Plan 2019-22. When exercising its functions, the Council is required to take all reasonable steps to meet its well being objectives. This means that the decision makers should consider how the proposed decision will contribute towards meeting the well being objectives and must be satisfied that all reasonable steps have been taken to meet those objectives.
23. The well being duty also requires the Council to act in accordance with a 'sustainable development principle'. This principle requires the Council to act in

a way which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. Put simply, this means that Council decision makers must take account of the impact of their decisions on people living their lives in Wales in the future. In doing so, the Council must:

- Look to the long term
  - Focus on prevention by understanding the root causes of problems
  - Deliver an integrated approach to achieving the 7 national well-being goals
  - Work in collaboration with others to find shared sustainable solutions
  - Involve people from all sections of the community in the decisions which affect them
24. The decision maker must be satisfied that the proposed decision accords with the principles above; and due regard must be given to the Statutory Guidance issued by the Welsh Ministers, which is accessible using the link below:  
<http://gov.wales/topics/people-and-communities/people/future-generations-act/statutory-guidance/?lang=en>
25. The Council has to satisfy its public sector duties under the Equalities Act 2010 (including specific Welsh public sector duties) – the Public Sector Equality Duties (PSED). These duties require the Council to have due regard to the need to (1) eliminate unlawful discrimination, (2) advance equality of opportunity and (3) foster good relations on the basis of ‘protected characteristics’. The ‘Protected characteristics’ are: • Age • Gender reassignment • Sex • Race – including ethnic or national origin, colour or nationality • Disability • Pregnancy and maternity • Marriage and civil partnership • Sexual orientation • Religion or belief – including lack of belief .

### **HR Implications**

26. There are no HR implications for this report.

### **RECOMMENDATION**

Cabinet is recommend to agree:

1. the BRED Forward Plan in order to meet the Council's duty under Section 6 of the Environment (Wales) Act 2016.
2. That the BRED forward plan help inform the Council's comprehensive refresh of it's Climate strategy, now underway following the recent Climate Emergency deceleration

<b>SENIOR RESPONSIBLE OFFICER</b>	<b>ANDREW GREGORY</b> Director of Planning, Transport & Environment
	20 September 2019

*The following appendix is attached:*

Appendix One: Biodiversity and Resilience of Ecosystems Duty Forward Plan