

Cabinet

Report Title	Nature and Biodiversity Action Plan Part One
Date of Meeting	30 April 2024
Report Author	Beth Middleton – Strategic Lead Local Nature Recovery Strategy Hannah Girvan – Interim Senior Service Lead for Climate and Nature
Director	Angela Jones - Director of Thriving Places
Lead Cabinet Member	Cabinet Member for Climate and Biodiversity
Why is this a key decision?	<p>1. An executive decision which is likely to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates. YES/NO</p> <p>2. or is likely to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the area of the Council. For these purposes, savings and expenditure are “significant” if they are equal to or greater than £500,000. YES</p> <p>For clarification, no treasury management decision shall constitute a Key Decision.</p>
Wards Affected	(All Wards);
Identify exempt information and exemption category	N/A
Reasons for urgency (only where applicable)	N/A
Appendices (if any)	Appendix A: Nature and Biodiversity Action Plan Part One (draft) Appendix B: Westmorland and Furness Council Plan Equality and Diversity Assessment

1. Executive Summary

- 1.1 This report seeks Cabinet approval to adopt the Nature and Biodiversity Action Plan Part One for Westmorland and Furness Council. The Part One Action Plan supports the commitments made in the Council Plan and Climate Change Action Plans Part One and Two, as well as meeting the biodiversity duty for public authorities as introduced in the Environment Act 2021.

2. Recommendations

For the reasons set out in this report, Cabinet is recommended to:

- 2.1 agree to adopt the Nature and Biodiversity Action Plan Part One in Appendix A and reaffirm the Council's commitment to enhance nature and address biodiversity loss in Westmorland and Furness.
- 2.2 agree to commit to developing and delivering the Nature and Biodiversity Action Plan Part Two
- 2.3 ask Council to endorse the decisions of Cabinet in adopting the Nature and Biodiversity Action Plan Part Two

3. Information: the Rationale & Evidence for the Recommendations

- 3.1 Westmorland and Furness's Shadow Cabinet passed a motion on the 18th September 2022 confirming that we are facing climate and biodiversity crises, which will have potentially catastrophic impacts locally, nationally and internationally.
- 3.2 Westmorland and Furness' Council Plan outlines the Council's values, one of which is to be 'ecologically aware' and the Nature and Biodiversity Action Plan Part One will underpin this value. Our delivery framework outlines our sustainability principles of equity, economy and the environment. With the third focusing on taking action on climate change and biodiversity loss. Seeking to redress damage and protect our environment for the long term.
- 3.3 The Part One Action Plan supports the Officer Decision Record from 12th December 2023, which sought recognition of the work being undertaken by the Council to ensure it meets its enhanced 'biodiversity duty' as introduced in the Environment Act 2021. This means that the Council must 'consider what we can do to "conserve and enhance" biodiversity'.
- 3.4 In addition, the Officer Decision Record from 12th December 2023 approved Westmorland and Furness Council as the Responsible Authority for the Cumbria Local Nature Recovery Strategy, which will further support the Council's biodiversity duty.
- 3.5 The Nature and Biodiversity Action Plan Part One outlines how the Council is making nature recovery a priority, setting the scene and beginning conversations across the Council and throughout our communities about how we will work together to protect and enhance biodiversity and ecosystems.
- 3.6 The Part One Action Plan will be followed by a Part Two Action Plan, which will outline in more detail how we will work collaboratively with partners and key stakeholders to address the ecological emergency and encourage joined-up thinking. This part two will be developed using the key priorities and measures that come out of the Cumbria Local Nature Recovery Strategy.
- 3.7 The Climate and Nature team are supporting the Portfolio Holder, in developing a series of 'Nature Conversations' as part of the public

engagement for the development of both the Part One and Part Two Nature and Biodiversity Action Plans.

4. Link to Council Plan Priorities: (People, Climate, Communities, Economy and Culture, Customers, Workforce)

4.1 The Nature and Biodiversity Action Plan Part One is the Council's strategic response to the Council Plan priority 'For the Climate: we will address biodiversity loss by encouraging better land management, habitat creation, tree planting and net biodiversity gain in new housing developments'.

4.2 Nature recovery provides wider co-benefits; therefore, the Part One Action Plan finds a balance between delivering on the climate priority, whilst supporting people, communities, economy and culture, customers and the workforce.

5. Consultation Outcomes

5.1 Throughout the development of the Part One and subsequent Part Two Action Plans, the Climate and Natural Environment Team supported the Portfolio Holder in hosting Nature Conversations with the public to help shape and inform the action plans.

5.2 In the development of the Nature and Biodiversity Part One Action Plan, the Assistant Director of Climate and Natural Environment hosted a workshop on 4th July 2023 to lay the foundations for the Council's Climate and Nature strategies with the Assistant Directors and Directors.

5.3 As part of the wider stakeholder engagement for Part Two, conversations will be held between the Climate and Nature Team and senior managers and officers from relevant departments to agree actions for nature recovery.

5.4 Additionally, the Climate and Natural Environment team will also be engaging with partners and external organisations for consultation with the Part Two Action Plan, which will come off the back of the Cumbria Wide Local Nature Recovery Strategy.

6. Alternative Options Considered

6.1 Cabinet could choose not to adopt the Nature and Biodiversity Action Plan Part One and set out an alternative strategic course on nature recovery, however due to the biodiversity duty this is not recommended.

7. Reasons for the Recommendations

7.1 The Nature and Biodiversity Action Plan Part One shows the commitment Westmorland and Furness council has to protecting and enhancing nature in our area. A part two will follow that gives the specific actions across the council which will help make this possible.

8. Climate and Biodiversity Implications

- 8.1 As stressed in the council plan – Climate Change and Biodiversity loss are global issues, impacting everyone. This Action Plan shows the commitment that the council is making to ensure that biodiversity and climate are key priorities. Through prioritising improving our natural environment this impacts positively on health, wellbeing and our economy, helping to build a more resilient area. This plan follows the Climate Change Action Plan Part 1&2 and will be subsequently followed by a detailed Nature and Biodiversity Action Plan Part 2 – which will give specific actions that the council will take to improve conditions for biodiversity.

9. Legal and Governance Implications

- 9.1 The Environment Act 2021 amended section 40 (A1) of the Natural Environment and Rural Communities Act 2006 (NERC). The Environment Act 2021 (the Act) operates as the new framework for environmental protection. The Act strengthens and improves the duty on public bodies to conserve and enhance biodiversity alongside conservation by way of creating the 'general biodiversity objective'. The Act also requires the preparation and publication of Local Nature Recovery Strategies.

Public bodies must illustrate that they are taking a strategic approach in implementing policies and objectives to take action to further the general biodiversity objective. Government guidance, makes it clear that the duty goes beyond mere maintenance of biodiversity in its current state.

Additional accountability is imposed on Local Authorities to deliver biodiversity reports under section 40(A) of the NERC. The report will need to summarise the actions implemented to comply with the statutory duty under NERC section 40 (1) and (1A). The Council has prepared the Nature and Biodiversity Action Plan Part One to comply with the requirements under NERC section 40 (1A).

10. Human Resources Health Wellbeing and Safety Implications

- 10.1 The Human Resources, or workforce implications are set out within this report and associated appendices, highlighting 'ecological awareness' as one of the Council's values. The Council also has a responsibility under the Health and Safety at Work Act 1974 to ensure as far as is reasonably practicable that there are arrangements in place to ensure a healthy and safe working environment for all services for which it has responsibility.

11. Financial Implications

- 11.1 The approval of the Nature and Biodiversity Action Plan part one will enable development of the Part two activities. Actions developed as part of the Part two action plan are likely to have financial implications and these will be considered through relevant business cases and/or investment opportunities as they are progressed.

12. Equality and Diversity Implications (please ensure these are compliant with the EIA Guidance)

12.1 See Appendix B

13. Background Documents

13.1 None.