

The “Biodiversity Duty” (Natural Environment and Rural Communities Act 2006)

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Presentation outline

- Background and purpose of the duty
- Implementation
- Review of the duty

Section 40 of the Natural Environment and Rural Communities Act 2006 states:

“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”

The legislation applies in England and Wales. Scotland and Northern Ireland have their own arrangements

Where does it come from?

- New legislation supersedes and extends earlier legislation in the Countryside and Rights of Way Act 2000 (this earlier legislation put a duty on government only, leaving other governmental agencies out)

Who is affected?

- ‘Public authorities’ as defined in the NERC Act, include:
- Central government departments, National Assembly for Wales
- Agencies and Non-Departmental Public Bodies (at arm’s length from central government)
- Regional bodies (Government Offices, Regional Development Agencies)
- Local authorities, parish councils
- National Parks, other conservation boards
- Marine authorities (eg Sea Fisheries Committees, Harbour Authorities)
- Universities, local Health Trusts
- Statutory undertakers (such as public utilities, including water and sewerage companies, energy suppliers etc)

What is its purpose?

- Raise awareness and profile of biodiversity
- Clarify and consolidate existing biodiversity commitments
- Help to stimulate a culture change across the public sector, so that biodiversity issues become a natural consideration in policy and decision making

Ultimately to have a beneficial effect for biodiversity conservation

- Using as a lever to ensure national-level guidance and policies reflect the duty (e.g. Planning policy guidance, local authority performance indicators)
- Produced comprehensive guidance on implementing the duty (generic version for public authorities and tailored version for local authorities)
- Promoted via Natural England, also via Local Government Association and Government Offices

- Thus far, information on implementation has been anecdotal.
- Undertaking a review looking at how public authorities have responded to the duty
- Review will report in early 2010
- Using the review to further raise the profile of, and promote, the duty.