

# Public Document Pack



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## ECONOMY, RESIDENTS AND COMMUNITIES SCRUTINY COMMITTEE

Friday, 28th April, 2023

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The use of Welsh by participants is welcomed. If you wish to use Welsh please inform us by noon, two working days before the meeting

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### SUPPLEMENTARY PACK

<b>5.</b>	<b>SECTION 6 BIODIVERSITY REPORT</b>
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To receive the report of the Portfolio Holder for a Greener Powys, County Councillor Jackie Charlton.

(Pages 3 - 30)

<b>9.</b>	<b>LEISURE REVIEW - JOINT WORKING GROUP</b>
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The Committee was requested to establish the following Joint Working Group:

#### Leisure Review

Learning and Skills Scrutiny Committee

- Cllr Gwynfor Thomas
- Cllr Gareth D Davies

Health and Care Scrutiny Committee

- Cllr Gareth E Jones
- Cllr Liz Rijnenberg

Economy, Residents and Communities Scrutiny Committee

- Cllr Angela Davies
- Cllr Bryan Davies
- Cllr Adrian Jones
- Cllr Gary Mitchell
- Cllr Danny Bebb

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## Powys County Council Scrutiny Report Template

<b>Committee:</b>	Economy, Residents and Communities Scrutiny Committee
<b>Date:</b>	Friday, 28th April 2023, 3.00 pm
<b>Subject:</b>	Biodiversity and Resilience of Ecosystems duty, Section 6 of the Environment (Wales) Act 2016 – 2022 report

### 1. Who will be the Lead Officer(s) / Lead Cabinet Member(s) presenting the report?

<b>Name:</b>	<b>Role:</b>
Councillor Jackie Charlton	Portfolio Holder for a Greener Powys
Sian Barnes	Professional Lead, Countryside Access and Recreation

### 2. Why is the Scrutiny Committee being asked to consider the subject?

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.

To demonstrate compliance with that duty, the Council must publish an updated report every three years, setting out what the Council **has done** in the previous three-year period, as well as a plan setting out what it **will do** in future. The forward looking planning was incorporated into the reporting against the Council's Corporate Improvement Plan; however, the retrospective report on actions carried out remains a standalone item.

This report sets out what the Council has done in the period from December 2019 - December 2022, to maintain and enhance biodiversity. It is scheduled to be presented to Cabinet on 23<sup>rd</sup> May 2023. The Cabinet will be asked to accept its content as a reflection of the work carried out by the Council to meet its Section 6 duties. The report is being presented to the Scrutiny Committee prior to that, for consideration of its content and clarity and the progress made.

### 3. Role of the Committee:

#### The role of the Committee in considering the subject is to:

Provide comment on any additional information or clarity that may be needed in the report. This will support the Cabinet in having sufficient information to decide whether to accept the contents of the report as a reflection of the work carried out by the Council between December 2019 and December 2022, to maintain and enhance biodiversity.

### 4. Key Scrutiny Questions:

#### What Key areas should the Committee focus on:

- 1) To what extent does the Committee consider that this report demonstrates that the Council is working towards meeting its duties to maintain and enhance biodiversity?
- 2) The clarity of the report – can its purpose as a retrospective monitoring report and the resource implications be understood?

- 3) Does the Committee feel that any further information is needed to support the Cabinet in considering the report?
- 4) Does this report deal effectively with the link between Section 6 and the Powys Nature Recovery Plan, alongside which the report will sit?
- 5) Is there enough assurance in this report that we have fulfilled the need to raise awareness of the outcomes on biodiversity over the previous 3 years?

## 5. Guiding Principles for Scrutiny Members:

### To assist the Committee when scrutinising the topic:

- 5.1 Impact the matter has on individuals and communities :
- 5.2 A look at the efficiency & effectiveness of any proposed change – both financially and in terms of quality  
[focus on value]
- 5.3 A look at any risks  
[focus on risk]
- 5.4 Looking at plans and proposals from a perspective of:
  - Long term
  - Prevention
  - Integration
  - Collaboration
  - Involvement
 [focus on wellbeing and future generations]
- 5.5 The potential impacts the decision would have on:
  - protected groups under the Equality Act 2010
  - those experiencing socio-economic disadvantage in their lives (when making strategic decisions)
  - opportunities for people to use the Welsh language and treating the Welsh language no less favourably than the English language [focus on equality and the Welsh language]
 [focus on equality and Welsh Language]

### Key Feeders (tick all that apply)

Strategic Risk		Cabinet Work Plan	
Director / Head of Service Key Issue		External / Internal Inspection	
Existing Commitment / Annual Report		Performance / Finance Issue	
Suggestion from Public		Referral from Council / Committee	
Corporate Improvement Plan	x	Impacting Public / other services	
Service Integrated Business Plan		Statutory duty	x
Suggestion from Members			
Partnerships			



**CYNGOR SIR POWYS COUNTY COUNCIL.**

**CABINET EXECUTIVE**

**23<sup>rd</sup> 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

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**REPORT FOR:** Decision

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**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 25<sup>th</sup> 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 25<sup>th</sup> 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**

- a. 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.

b. 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.

#### **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 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.

#### **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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Cyngor Sir *Powys* County Council  
Environment (Wales) Act 2016 Part 1 - Section 6  
The Biodiversity and Resilience of Ecosystems Duty  
Report 2022

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## 1. Introduction

Powys County Council (PCC) is the largest local authority by area in Wales covering 5,180 km<sup>2</sup>, including 890 km<sup>2</sup> within the Bannau Brycheiniog National Park. It is a predominantly rural county and the most sparsely populated in Wales with only 25.6 people per km<sup>2</sup>.<sup>1</sup> Agriculture and forestry comprise the main land use and play a major role in the local economy supported by tourism and the public sector <sup>2</sup>. The county supports a diverse range of wildlife but, as with other parts of Wales, it suffered from significant declines in the quality and range of habitats and the abundance and distribution of species during the 20<sup>th</sup> century<sup>3,4</sup>. It is recognised that biodiversity underpins all ecological systems (ecosystems) and consequently, there are implications for the health and resilience of Powys' ecosystems and the natural resources upon which we depend.

The Environment (Wales) Act 2016 introduced an enhanced biodiversity and resilience of ecosystems duty (the Section 6 or s.6 duty) for all Welsh local authorities. In the exercising of its functions the council '*must seek to maintain and enhance biodiversity... and in so doing promote the resilience of ecosystems*'. Specifically, the council must take account of the diversity between and within ecosystems, the connections between and within them, their scale, condition, and adaptability.

In delivering its s.6 duty the council must have regard to national lists of species and habitats considered as being '*of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales*', the State of Natural Resources Report (SoNaRR) and the Area Statement for Mid-Wales.

The council also has a duty under the Well-being of Future Generations (Wales) Act 2015 (the WCFG Act) to carry out sustainable development and to publish and fulfil well-being objectives that contribute towards each of the Act's seven well-being goals. The same Act requires the council's membership on the Powys Public Service Board (PSB). The PSB's duty is to '*improve the economic, social, environmental and cultural well-being of its area by contributing to the achievement of the well-being goals*.' This is to be achieved through delivery and review of 'Towards 2040, the Powys Well-being Plan' prepared following local assessments.

The seven well-being goals guide work towards the improvement of the social, economic, and cultural well-being of Wales. Public bodies must work towards all the goals, not just one or two. In demonstrating the sustainable development principle, which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs, the council should demonstrate five ways of working: 1) consider the long-term, 2) prevent problems from occurring or getting worse, 3) integrate the council's well-being objectives with the well-being goals,

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<sup>1</sup> Source: <https://statswales.gov.wales/Catalogue/Population-and-Migration/Population>

<sup>2</sup> Source: <https://statswales.gov.wales/Catalogue/Business-Economy-and-Labour-Market/People-and-Work/Employment/Jobs/Whole-Workforce/workplaceemployment-by-welshlocalareas-industry>

<sup>3</sup> Our Partnership with Nature: A Local Biodiversity Action Plan for Powys (2002), Powys biodiversity Partnership.

<sup>4</sup> The State of Natural Resources Report (SoNaRR): Assessment of the Sustainable Management of Natural Resources. Technical Report. Chapter 3. Summary of extent, condition and trends of natural resources and ecosystems in Wales (2016). Natural Resources Wales.

its other objectives and those of other public bodies, 4) work collaboratively within the council and with others and 5) ensure representation and involvement of others in achievement of the goals.

In October 2022, PCC declared a 'nature emergency', in response to UK wildlife declines. This would contribute towards the s.6 duty required by the local authority<sup>5</sup>.

PCC's wide range of functions encompass activities connected directly to biodiversity, such as maintenance and management of buildings, grounds and land, design of new infrastructure and influence over and regulation of wider land management, for example, through development and land drainage controls. Procurement of goods and services and delivery of education services are examples of functions indirectly connected to biodiversity but where actions are still capable of exerting an impact. The council's role in supporting individuals, families, and communities to live healthy, active and socially inclusive lives also has relevance to biodiversity, through education and awareness raising and utilising local natural resources to support social cohesion and deliver health and well-being benefits.

To comply with the s.6 duty PCC aims ultimately to embed the consideration of biodiversity and ecosystems into its early thinking and business planning. This includes policies, plans, programmes, and projects in addition to its day-to-day activities. Compliance with the s.6 duty will help maximise the council's contribution towards delivery of the well-being goals.

### Key plans and policies relevant to implementation of the s.6 duty

- *"Stronger, Fairer, Greener."* Powys County Council's vision is for: a *stronger* Powys with well-connected and economically resilient communities; a *fairer* and more equal Powys where residents' voices will be heard and shape priorities; a *greener* Powys that considers sustainability and biodiversity to secure the long-term future of the county. A new Corporate Governance Plan has been adopted by the council.
- *Towards 2040, the Powys Well-being Plan.* Powys Public Service Board's long-term plan to improve well-being in Powys. Vision 2025 contributes directly towards delivery of its four local objectives and, in turn, achievement of the WCFG Act's seven well-being goals.
- *Replacement Powys Local Development Plan 2022-2037.* The Replacement LDP will set out the council's strategy for sustainable development and use of land in Powys (excluding the Bannau Brycheiniog National Park).
- *Delivering the Vision: Powys Area Plan.* The Regional Partnership Board's joint strategy for delivery of improved health, well-being, and social care across Powys.
- *Nature emergency 2022-2027:* "A demonstration of the council's commitment to protecting and rejuvenating Powys' natural environment"<sup>5</sup>.
- *Red Kite Climate Vision & Strategy 2021-2030.* Powys County Council's strategy for achieving carbon net zero by 2030<sup>6</sup>.

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<sup>5</sup> Notice of Motion – Nature Emergency, Powys County Council. [Agenda item - Notice of Motion - Nature Emergency Cyngor Sir Powys County Council \(modern.gov.co.uk\)](#)

<sup>6</sup> Red Kite Climate Vision & Strategy. [Powys Red Kite Climate Strategy \(amazonaws.com\)](#).



## **Performance indicators, monitoring arrangements and governance.**

Information capture for this report has been gathered directly through conversations within service areas. Progress will also be captured through the reporting and monitoring of services areas' Integrated Business Plans (IBPs) and the corporate improvement plan (CIP). Performance monitored against agreed indicators will take place in accordance with the PCC's Performance Management and Quality Assurance Framework. The framework illustrates how IBPs link to delivery of the CIP, the Powys Well-being Plan and ultimately the seven well-being goals.

## **2. Summary highlights and examples of biodiversity actions**

- The council considers important species and habitats when planning major works.
- The council was a delivery partner in the Local Nature Partnership Cymru project and has used this funding to employ a Biodiversity Officer.
- The Powys Nature Partnership, of which the council is a part, has reformed and meets regularly.
- The council has delivered several greenspace enhancements through the Local Places for Nature Scheme.
- The council has used grant funding to cut and collect machinery to improve road verge and amenity grassland management to benefit biodiversity.
- The council has adopted and published the Powys Nature Recovery Action Plan.
- The council is working in partnership with the Wildlife Trusts and Canal and River Trust to deliver the Canals, Communities and Wellbeing project which includes biodiversity enhancements to the canal network in Powys.
- The council has now declared a nature emergency committing to further protect the environment throughout its work.

### 3. Activity to conserve and enhance biodiversity and ecosystem resilience

The actions described below are aligned with the six objectives in Welsh Government's *The Nature Recovery Action Plan for Wales* (2015) (NRAP). These have been identified to address the issues driving biodiversity decline and to support its recovery.

**NRAP Objective 1: Engage and support participation and understanding to embed biodiversity throughout decision making at all levels.**

*Engagement with service areas across the council to raise awareness of the s.6 biodiversity duty.*

Through participation in the Local Nature Partnerships (LNP) Cymru project the council have been hosting a LNP Coordinator/Biodiversity Officer funded by the project. This Officer undertook a biodiversity engagement exercise in 2021 to raise awareness of biodiversity and the enhanced s.6 duty and the Powys Nature Partnership across the Council. Senior Management Teams were informed about the duty and areas of existing good practice identified. Opportunities for improvements to current practices and future projects were also highlighted for potential inclusion in work programmes.

Service areas with responsibility for land management were aware of the s.6 duty. However, Services more indirectly connected to biodiversity were not aware of it. As a result, the Biodiversity Officer worked with Communications Services to create a video and staff newsletter, which was sent out to all staff, to raise awareness of the s.6 duty across all service areas. As part of this, Communications Services also created an online post-it note board so staff could post ideas of how they already are or how they could take steps to maintain and enhance biodiversity to encourage good practice.

A Green Network will be established in 2023 in response to the declaration of both nature and climate emergencies in Powys. The aim of the network is to allow staff from across the authority to discuss any projects that might consider or enhance biodiversity or reduce carbon emissions. The Green Network will champion this work across Powys and encourage others to incorporate s.6 duty into their work.

A training module for staff and County Councillors is in development to improve nature literacy and raise biodiversity awareness. At this stage the module will not be mandatory staff training but will be encouraged for all staff.

*Updating the Corporate Improvement Plan to include the s.6 duty.*

The Council does not have a standalone Section 6 Plan. Instead, it is integrated into the reporting against the Corporate Improvement Plan, via a specific objective to comply with the s.6 duty. In 2022-23, the following activities are reflected as measures to meet this, as follows:

- We will implement the greenspace improvement Strategy for Housing Services sites, making use of grants, other external funds, and core Housing Revenue Account funds.
- We will develop Woodland Management Plans for council owned sites.
- We will develop 1 project per year to enhance biodiversity on the council estate, making use of grant funding.

### *Constraints to achievement of NRAP Objective.*

Lack of available resource has constrained progress to maintain and enhance biodiversity. Many Service areas were aware of and wanted to make changes to comply with the duty, but the main barriers were lack of resources within their area and lack of staff with biodiversity knowledge to support them. Most biodiversity actions rely on external funding being obtained, but this also requires significant resource to apply for funding. There is a need for ongoing training and support to ensure both Council staff and Members can implement the s.6 duty appropriately and with confidence.

## **NRAP Objective 2: Safeguard species and habitats of principal importance and improve their management.**

### *Complying with wildlife legislation and work to safeguard protected and important species and habitats.*

Expert advice and guidance is sought by Council Services when delivering their work, to identify potential impacts on species and habitats of principal importance. Licences and assents for works potentially impacting on protected species and habitats are obtained from Welsh Government and Natural Resources Wales, respectively, when required. Measures are put in place to avoid or mitigate potentially adverse impacts arising from Council activities. Powys County Council hosts ecologists within Planning Services and the Engineering Design Team. These ecologists act as consultants for all corners of the Authority on environmental guidance. They also offer advice to partner authorities and other organisations working closely with PCC, such as the North and Mid Wales Trunk Road Agent.

### *Managing Powys' network of Roadside Verge Nature Reserves and other verges to benefit biodiversity.*

There are approximately 5500km of roads in Powys<sup>7</sup> offering a good opportunity for management in line with the s.6 duty. PCC continues to manage a network of over 100 Roadside Verge Nature Reserves (RVNRs) across the county. Annual monitoring of RVNRs in partnership with Powys' three Wildlife Trusts ceased in 2015 following severe budgetary pressures but they continue to be managed appropriately following advice from the Wildlife Trusts. A reassessment of the RVNRs would be beneficial to inform future management; this is something that has been explored and will be discussed further in 2023. We are continuing to alter the verge management regime across the network following Plantlife's Good Verge Guide<sup>8</sup>. This includes purchasing cut and collect machinery in 2021 – Amazone Profihopper 1500 Smartline – using a Welsh Government Local Places for Nature

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<sup>7</sup> Powys County Council, Road Verge Biodiversity: [Road Verge Biodiversity - Powys County Council](#)

<sup>8</sup> Plantlife (2021) Good Verge Guide: <https://www.plantlife.org.uk/uk/our-work/publications/good-verge-guide-different-approach-managing-our-waysides-and-verges>

grant allowing us to start using cut and collect management on some of our grassland verges to increase plant diversity. This management has been used on verges in areas with high rates of urban deprivation, such as Newtown and Welshpool, to increase access to nature.

Highways Services have also carried out cut and collect work as a contractor along Trunk Roads. For example, a stretch of the A483 at Llanbister has had cut and collect management and has been seeded with various wildflowers. Although, the land is not owned by PCC, the work on roadside verges increases connectivity of the RVNRs across the county.

Highways Services have also been supporting several community groups and town and community councils who wanted to improve biodiversity on their urban verges. For example, Highways Services have been working closely with Presteigne and Norton Community Council to adjust the timing and frequency of verge cutting there, after the Community Council obtained funding to re-seed some of their verges with native wildflowers.





**FIGURE 2.1: CUT & COLLECT MACHINE USED BY HIGHWAYS TO MANAGE ROADSIDE VERGE NATURE RESERVES (RVNRs).**





**FIGURE 2.2: A VERGE IN NEWTOWN THAT THE CUT & COLLECT MACHINE HAS BEEN USED ON BEFORE SEEDING WITH A WILDFLOWER MIX.**



**FIGURE 2.3: EXAMPLE OF PLANT DIVERSITY GENERATED BY CUT AND COLLECT MANAGEMENT.**

### *Constraints to achievement of NRAP Objective 2.*

Sufficient resources will continue to be required to ensure appropriate expertise and information is available to support officers, both in complying with legislation and in taking advantage of opportunities to enhance biodiversity. Capacity to undertake monitoring and evaluation of RVNRs is extremely limited and currently there is no funding available to support this work. This could be achieved to some degree through partnership working but this still requires sufficient resource.

Extending cut and collect management across the entire verge network is constrained by highway safety requirements, the length of the network, and the costs associated with collecting and removing arisings from the verges. Currently, sacrificial areas of verges are being created where arisings are being left. These provide some benefit to wildlife by acting as 'habitat piles' for reptiles and amphibians. It is not possible to create habitat piles on every verge, particularly on urban verges, and so the Council would have to dispose of the arisings from these verges. Whilst money has been saved by reducing the frequency of verge cutting over the past several years, there are significant costs involved with transporting and disposing of the arisings appropriately. As a result, we are not currently able to use cut and collect on all verges. Additional resources would be required to develop a practical, and cost-effective scheme to dispose of the arisings. There is the added issue of fire safety. Increasingly hot periods during the summer have led to concerns around the potential of longer vegetation on verges to ignite and spread wildfires.

### **NRAP Objective 3: Increase the resilience of our natural environment by restoring degraded habitats and habitat creation.**

#### *Development of Resilient Ecological Networks.*

Resilient Ecological Networks are a fundamental part of the Powys Nature Recovery Action Plan (PNRAP)<sup>9</sup>, developed with the Powys Nature Partnership, and now adopted by PCC. The overarching principle of the NRAP is to create ecological networks that are 'bigger, better, and more joined up' as recommended by the Lawton Review.

PCC also works with the Local Wildlife Sites committee. The committee includes members from the local authority, Natural Resources Wales, and the three Wildlife Trusts found in Powys. The committee meets to review sites for classification as Local Wildlife Sites in the hope of expanding the ecological resilient networks between nature reserves.

#### *Continuing to manage Lake Park Local Nature Reserve (LNR) to benefit people and wildlife.*

Management of the Lake Park LNR must consider both people and wildlife. The site is very popular with locals and tourists so the area must be kept relatively tidy whilst ensuring that sufficient habitat is present for wildlife. For example, reed beds are managed sympathetically to nature based on advice from local expert knowledge. Gaps are also left between sections of reed bed to create natural

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<sup>9</sup> Powys Nature Partnership, *Powys Nature Recovery Action Plan (NRAP)*. Available from: [Powys Nature Recovery Action Plan - Powys County Council](#)



partitions for territorial reed warblers. Mitigating for bird species benefits people in turn as many visit the LNR to watch and photograph birds. Further structures have been put in place for people to stand over the water and observe wildlife. At the end of 2022, several hundred native trees were sourced from the Woodland Trust for planting next to the SSSI adjacent to the lake to extend the area of woodland.



**FIGURE 3.1: REED BEDS AT THE LAKE PARK LOCAL NATURE RESERVE.**





**FIGURE 3.2: A PLATFORM FOR PEOPLE TO WATCH WILDLIFE AT THE LAKE PARK LOCAL NATURE RESERVE.**

### *Cemetery grassland management.*

In 2022, a management template was drafted for the management of grasslands within council-owned cemeteries<sup>10</sup>. Burial grounds are an important grassland habitat with the potential to support a wide range of biodiversity, such as pollinators. The template outlines a guide for establishing areas of wildflower meadow within cemeteries, in areas that are not active burial areas. This will ensure areas that visitors use the most will remain accessible to cemetery visitors but also provide a nature-rich environment which could be beneficial for mental health. Although the template is not in use yet, a cutting regime has been developed that stipulates exactly when grass should be cut and collected to maximise the wildflowers on the site.

There have been trials of wildflower management in several cemeteries across Powys. For example, grass at Buttington Cemetery in Welshpool was left to grow longer after daffodils and snowdrops had died for the year. An ecological survey was carried out on the site identifying 54 grassland species. This will provide valuable baseline data to monitor against if the management template comes into practice, contributing towards NRAP objective 5.

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<sup>10</sup> Collins, E. Powys County Council Environment Protection. 2022. *Grassland Management Template*.



**FIGURE 3.2: GRASSLAND MANAGEMENT FOR WILDFLOWERS ON A COUNCIL BURIAL SITE.**

### *Creating and enhancing greenspaces for nature.*

The Countryside Access and Recreation team has been delivering greenspace enhancements using Local Places for Nature funding from the Welsh Government. This has included creating wildlife and sensory gardens at Ystradgynlais Library and at Knighton Community Centre and Library. It has also included working in Partnership with the Wildlife Trust of South and West Wales, to carry out habitat restoration work on some of their nature reserves. During 2022 the team has supported work to develop a new community wildlife garden in Tregynon; the team is also working in partnership with Open Newtown to restore woodland habitat in the town and to enhance the nature value of their new Hafon yr Afon building. Through the Local Places for Nature fund, the team has been providing grants to schools, organisations and community groups wishing to improve urban greenspaces for nature.

PCC's Housing Services established the 'Tree Guardians' group in Machynlleth. Residents in the Bryn-y-Gog estate were offered the chance to 'adopt' a tree in the estate. The resident would then be responsible for managing and taking care of the tree. Guardians were offered training in tree management (e.g., pruning) that did not require the use of specialist machinery. This has given residents a sense of ownership and responsibility towards maintaining their green spaces.

#### *Case Study: Knighton Wildlife and Sensory Garden*

The Biodiversity Officer and Countryside and Outdoor Recreation Officer worked with the Management Group from the Knighton & District Community Centre and Library, to enhance the nature value of their garden area. This included work to extend the garden, create wildflower areas for pollinators, and plant a range of shrubs and trees to provide food and shelter for wildlife. As well as benefiting wildlife the garden is also being used to grow fruits and vegetables to showcase sustainable food production. The new garden includes a green house, a potting shed, seating areas, water butts, a pergola walkway, planters, plus all equipment and tools needed to maintain the garden. People visiting the community centre and library can now sit and relax in nature and there are also opportunities for people to have a go at growing their own fruit and vegetables and to volunteer with the gardening club.





**FIGURE 3.3. KNIGHTON COMMUNITY AND WILDLIFE GARDEN – HERB GARDEN AND SEATING AREA**





**FIGURE 3.4. KNIGHTON WILDLIFE AND SENSORY GARDEN - WOODLAND AND WILDFLOWER MEADOW AREAS**



### *Constraints to achievement of NRAP Objective 3.*

Management and enhancement of LNR features is highly dependent on external funding, including for species and habitat monitoring and evaluation of management practices. The Local Places for Nature funding from Welsh Government is targeted at urban areas of deprivation. This is challenging in Powys as much of the county is rural, so this funding has been restricted to larger settlements.

### **NRAP Objective 4: Tackle key pressures on species and habitats.**

#### *Exploring options to reduce herbicide input on the council's soft estate.*

Highways Operations are exploring alternatives to the use of traditional herbicides. Electric treatment of weeds was investigated, but safety became a concern as areas surrounding the target area (rivers, streams, pavements) need to be kept well clear to prevent harm to the public. This method was, therefore, abandoned. The council is applying for funding to trial 'Foamstream' from 2023 in a few villages and towns. *Foamstream* uses a combination of hot water and foam made from vegetable oil which controls weeds through heat which is a lower risk to biodiversity and those conducting the work and living locally. This combination keeps the spray at a higher temperature than hot water for longer resulting in increased 'cooking' of weeds. Trials from other councils have found that *Foamstream* is similarly effective as glyphosate herbicides and is more cost-effective <sup>11</sup>.

In the meantime, a more targeted application method has been adopted, reducing the amount of herbicide needed and avoiding runoff and spray drift on to other areas. Use on the road network is limited as far as practically possible. Common ragwort is only controlled where absolutely necessary and is pulled by hand, without the need for herbicides. Japanese Knotweed is more effectively treated with use of a knapsack sprayer in some instances, but direct stem-injection is used wherever possible.

#### *Exploring the use of natural solutions to solve problems.*

PCC hosts the Sustainable Drainage Approval Body (SAB) which ensures that any new development larger than 100m<sup>2</sup> meets national standards from Welsh Government for Sustainable Drainage Systems (SuDS). This includes local authority planning and developments by external organisations.

The Authority continues the shift towards green infrastructure and SuDS, to reduce pressures on sewer systems in urban areas. This includes permeable pavement surfaces, swales, and rain gardens within housing developments reducing surface run-off alleviating pressures on combined sewers. These practices are widespread in Powys especially in large urban areas like Ystradgynlais and Newtown. The development of a new Welsh-medium school in Welshpool, Ysgol Gymraeg y Trallwng, has incorporated sustainable drainage. Ponds, wetlands, and swales ensure SuDS standards are met while providing wetland habitat to increase biodiversity (Figure 4.1).

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<sup>11</sup> Pesticide Action Network UK, Alternative to Herbicides: A Guide for the Amenity Sector. [Alternatives-to-herbicides-a-guide-for-the-amenity-sector.pdf](https://www.pan-uk.org/wp-content/uploads/2019/07/Alternatives-to-herbicides-a-guide-for-the-amenity-sector.pdf)



**FIGURE 4.1: CONSTRUCTION OF A POND AT YSGOL GYMRAEG Y TRALLWNG IN 2022.**

SAB are members of the Severn Partnership working with organisations and landowners to adopt natural flood management in the Upper Teme Catchment. Leaky dams, scrapes, and ponds, slow the flow of water into tributaries whilst providing habitat for species such as waterfowl. SAB have also partnered with RSPB Cymru in North Powys to restore peatlands and bogs around Lake Vrynwy providing wetland habitat and reducing pressure on the drainage systems in the area.

The local authority is working with Natural Resources Wales on the 'Four Rivers for LIFE' project to improve conditions in the river Usk, which is classified as a SSSI. For example, a concrete culvert at Heol Senni was identified as blocking gravel from moving freely through the stream (Figure 4.2). Planning for an alternative structure is underway which should reduce the build-up of sediment allowing the watercourse to flow freely. This will also allow for the migration of fish like salmon and trout for which the river gets its SSSI rating.





FIGURE 4.2: THE ACCUMULATION OF SEDIMENT UPSTREAM OF THE TYLE-Y-GARW CULVERT, HEOL SENNI.

*Implementing ‘dark skies lighting’ to reduce pressure on bats and moths.*

Highways Operations have been working with Presteigne and Norton Town Council on the ‘Presteigne Dark Skies Project’ to become the first town in Wales and England with dark sky status. Work on the project is scheduled to be completed by Christmas 2022. The project aimed to replace LED street lighting with orange lights that focus more light towards the ground to reduce light pollution. This benefits wildlife such as endangered bats and important pollinating moth species. Energy costs are also reduced through this lighting and less carbon dioxide is emitted, lowering the carbon footprint of lighting the town. The dark skies status is also expected to bring tourists to the area benefiting the local economy.

Street lighting in Llanfihangel Tal-y-llyn has been modified to reduce impacts on local bat populations. The area is on the edge of the Bannau Brycheiniog National Park so consideration had to be given to this previously; now guards have been added to street lighting to reduce light pollution. Local bat populations have benefited from these changes.

Highways Operations have received capital funding for a 10-year project to upgrade and improve street lighting across Powys. The council will consider implementing further dark skies lighting to reduce energy costs, carbon dioxide emissions, and impacts on wildlife.



FIGURE 4.3: DARK SKIES LIGHTING IN PRESTEIGNE – TAKEN FROM PRESTEIGNE DARK SKIES GROUP ([PRESTEIGNE DARK SKIES | FACEBOOK](#)).

#### *River nutrient management.*

PCC has representation on the Nutrient Management Board to manage nutrient levels in catchments within the county. The local authority is also working on a network across Wales that is addressing nutrient levels countywide, with a focus on phosphorus. The local authority is recruiting a Nutrient Management Officer until December 31<sup>st</sup>, 2024. The main responsibility for the role is to secure water quality improvements in Powys's protected rivers that hold Special Area of Conservation (SAC) status.

#### *Constraints to achievement of NRAP Objective 4.*

Significant reduction in herbicide use is dependent on the availability of alternative cost-effective methods. Japanese knotweed is notoriously difficult to eradicate without the use of chemical control.

#### **NRAP Objective 5: Improve our evidence, understanding and monitoring.**

##### *Maintaining the Service Level Agreement with Powys' Local Environmental Record Centre to ensure the best available ecological data informs decision making.*

PCC continues to support the Biodiversity Information Service for Powys and Bannau Brycheiniog National Park (BIS) through an annual service level agreement. Officers have access to biodiversity data to inform highways works and planning decisions. Data obtained through the council's work is shared with BIS and made publicly available where possible, for example, from LNR and road verge surveys. PCC can identify evidence gaps and work in partnership with others to improve availability of good quality data.



### *Constraints to achievement of NRAP Objective 5.*

Continued financial support for Local Environment Record Centres is essential to develop and manage datasets capable of providing a robust evidence base. Support is required from a range of partners, as well as the many volunteer experts required to provide and verify data records. PCC has extremely limited capability to provide additional support beyond the existing SLA.

**NRAP Objective 6: Put in place a framework of governance and support for delivery.**

### *Retaining the member and officer biodiversity champions to promote the s.6 biodiversity duty across the council.*

The council has retained an officer and member champion for biodiversity since 2006 and 2008 respectively. The current officer champion is the Head of Service for Highways, Transport and Recycling; the current member champion is the Cabinet Member for a Greener Powys.

### *Supporting the development of the Mid-Wales Area Statement.*

The Countryside Access and Recreation team has been participating in area statement workshops and providing information to NRW to inform development of the Mid-Wales Area Statement and will continue to be involved in this work once it restarts.

### *Supporting the Powys Nature Partnership and adopting the Powys Nature Recovery Action Plan.*

The Council was a partner in the Local Nature Partnerships (LNP) Cymru project, funded by Welsh Government's Enabling Natural Resources and Well-being grant. The funding enabled the recruitment of an LNP co-ordinator (the Biodiversity Officer) for the Powys Nature Partnership from 2021 to 2022. PCC continues to host the Biodiversity Officer post as this position has been extended until 2023 through funding from Welsh Government's Local Places for Nature Scheme. Part of the officer's role was to reinvigorate the Powys Nature Partnership and to develop and seek the council's adoption of the revised Powys Nature Recovery Action Plan (PNRAP)<sup>12</sup>. The Powys Nature Partnership has been meeting regularly since March 2021. The PNRAP was adopted by Powys County Council in March 2022. The PNRAP provides the opportunity for PCC to work in partnership to deliver positive outcomes for biodiversity in line with the s.6 duty.

### *Constraints to achievement of NRAP Objective 6.*

Lack of available resource within the council prevents the council from taking actions to deliver the s.6 duty and so only a handful of council actions were included in the PNRAP. Most biodiversity actions rely on external funding being obtained and staff time to apply for funding. It is hoped that more external funding will become available in the future to allow Local Authorities to comply with the s.6 duty and to help deliver the Local Nature Recovery Action Plans.

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<sup>12</sup> Powys Nature Partnership, *Powys Nature Recovery Action Plan (PNRAP)*. Available from: [Powys Nature Recovery Action Plan - Powys County Council](#)

#### 4. Review of s.6 duty implementation to date and next steps.

The most significant constraint limiting the promotion and awareness of the biodiversity duty has been the limited capacity of officers with relevant knowledge to advise and support colleagues across multiple service areas. PCC employs one full-time Highways and Planning Ecologist, supported by two Ecological Technicians, and a Planning Ecologist. High workloads in both service areas mean there is extremely limited capacity to promote the duty within other service areas, particularly those with indirect impacts. The LNP Cymru project and Local Places for Nature Scheme allow PCC to host the Biodiversity Officer, but their remit is limited to delivering Local Places for Nature projects and supporting the Powys Nature Partnership. As a result, they do not have the capacity to support service areas in delivering the s.6 duty. PCC has received confirmation of Shared Prosperity funding for a new part-time position of Nature Recovery Officer until December 2024. This position is in direct response to the declaration of a Nature Emergency in Powys and should increase the capacity to consider the s.6 duty across the council.

Continued training and support is essential to ensure compliance with legislation, adoption of best practise and confidence to take advantage of opportunities to enhance biodiversity and maintain and improve ecosystem resilience.

Nevertheless, despite these limitations, the Council has made progress towards implementing the s.6 duty into service delivery and day-to-day business. Activity is often in line with the WCFG Act well-being goals and SMNR principles. Good practice is undertaken and there is a willingness to work collaboratively with other services and with partner organisations and local communities. Projects are undertaken which benefit biodiversity directly and indirectly. For instance, habitats and species are safeguarded and managed sensitively where practically possible. Powys' residents are encouraged to access nature locally and improve their health and well-being through activities in well-maintained green spaces. Evidence is used where possible to inform decision making. Long-term management of sites is being put into practice. Consideration is given to use of natural solutions and sustainable products promoting 're-use, reduce and recycle'.

Opportunities exist to conserve and enhance biodiversity and ecosystems through PCC's major work programmes, such as Grow Mid-Wales. The Mid-Wales Growth Partnership's is committed to improve provision of residential housing and commercial premises and utilise Powys' high-quality natural environment to boost tourism, food and energy production. All potentially impact directly on biodiversity but also provide significant opportunities for Powys' natural assets to support the local economy and enhance the health and well-being of residents and its workforce.

The aim is for Service areas to routinely integrate biodiversity actions into service delivery by including actions within service IBPs, coupled with appropriate qualitative and quantitative indicators. Through this approach, activity to maintain and enhance biodiversity can become part of business as usual Service delivery.