



**Cyngor Sir Powys County Council**  
**Environment (Wales) Act 2016 Part 1 - Section 6**  
**The Biodiversity and Resilience of Ecosystems Duty**  
**Report 2019**

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**Contents**

<b>1.</b>	<b>Introduction</b>	<b>3</b>
<b>2.</b>	<b>Highlights and examples of biodiversity actions</b>	<b>5</b>
<b>3.</b>	<b>Activity to conserve and enhance biodiversity and ecosystem resilience</b>	<b>5</b>
	<b>3.1 Engage and support participation and understanding to embed biodiversity throughout decision making at all levels</b>	<b>5</b>
	<b>3.2 Safeguard species and habitats of principal importance and improve their management</b>	<b>6</b>
	<b>3.3 Increase the resilience of our natural environment by restoring degraded habitats and habitat creation</b>	<b>8</b>
	<b>3.4 Tackle key pressures on species and habitats</b>	<b>11</b>
	<b>3.5 Improve our evidence, understanding and monitoring</b>	<b>12</b>
	<b>3.6 Put in place a framework of governance and support for delivery</b>	<b>12</b>
<b>4.</b>	<b>Review of s6 duty implementation to date and next steps</b>	<b>13</b>

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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 Brecon Beacons 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 s6 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 s6 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 latter has yet to be published (expected spring 2020).

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 of the goals, not just one or two. In demonstrating the sustainable development

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<sup>1</sup> Source: <https://statswales.gov.wales/Catalogue/Population-and-Migration/Population> (Accessed 10/12/2019)

<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> (Accessed 10/12/2019)

<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.

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, 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.

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 s6 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 s6 duty will help maximise the council's contribution towards delivery of the well-being goals.

#### Key plans and policies relevant to implementation of the s6 duty

- *Vision 2025: Our Corporate Improvement Plan 2018-2023.* Vision 2025 is a long-term plan focussing the council's work within four key areas: Economy, Health and Care, Learning and Skills, Residents and Communities.
- *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.
- *Powys Local Development Plan 2011-2026.* The LDP sets out the council's strategy for sustainable development and use of land in Powys (excluding the Brecon Beacons 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.

#### Performance indicators, monitoring arrangements and governance

Information capture for this inaugural report has been gathered directly through conversations within service areas. Following publication of the council's s6 plan in 2020, progress will 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. PCC has retained biodiversity champions at senior management level to promote the biodiversity duty since 2006. A member champion has also been nominated since at least 2008.

## 2. Summary highlights and examples of biodiversity actions

- The council considers important species and habitats when planning major works.
- Toolbox talks mean that highways staff undertaking routine maintenance operations are aware of biodiversity.
- Road salt heaps maintained along the minor road network will now be stored routinely in bins to reduce waste and runoff following wet weather.
- The use of natural solutions is enabling access to the countryside for local communities.
- Sensitive management of Local Nature Reserves is supporting health and well-being by providing contact with nature and opportunities for exercise and education.
- Project delivery demonstrates SMNR<sup>1</sup> principles supporting delivery of the seven well-being goals.
- Reduction in the cutting frequency of verges in urban areas has saved £39,500 a year.
- Active participation in the LNP Cymru project will enable the council to deliver more positive biodiversity outcomes in partnership with others.
- Capacity to maintain, improve, restore and create areas for biodiversity has been constrained by available resources and is often dependent on external funding.

## 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.**

#### Action 1.1 Undertake consultation and engagement with service areas across the council to raise awareness of the biodiversity duty

Countryside Services undertook a biodiversity engagement exercise in 2017/18 to raise awareness of biodiversity and the enhanced s6 duty across the council. Officers were informed about the enhanced 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.

The exercise revealed that specific measures demonstrating implementation of the s6 duty were not currently included in service area plans and consequently there was no monitoring or evaluation of the duty's implementation. Through the engagement exercise, a series of meetings were held with officers from service areas including Corporate Insight (strategic planning), Corporate Property, Commercial Property (including the county farm estate), Planning (Development Management and Control), Countryside Services, Land Drainage, Highways Design and Engineering and Education Services. Service areas with responsibility for land management were generally aware of the biodiversity duty introduced by the Natural Environment and Rural Communities Act 2006. However, there was less awareness of the enhanced duty. Engagement is required with services more indirectly connected to biodiversity, such as commercial services and social services.

#### Action 1.2 Develop a forward plan for implementation of the biodiversity duty

Completion of the s6 duty forward implementation plan based on current and forward actions identified in 2017/18 has been delayed due to resource constraints. However, the council remained mindful of the duty; the 2019 update of the corporate improvement plan included a specific objective to develop actions and measures for implementation of the s6 duty. The council will publish its plan for implementation of the s6 duty in 2020. The plan will state the council's aims to maintain and enhance biodiversity and promote the resilience of ecosystems. Actions will be clearly identified for inclusion within IBPs and future annual updates of the CIP.

#### Constraints to achievement of NRAP Objective 1

Lack of available resource within the council has significantly delayed preparation and adoption of the s6 plan. The council is part-way through a major transformation programme as it seeks to develop its workforce to target service delivery towards Vision 2025 priorities. Significant structural changes within the council have taken place since enactment of the duty and the availability of resources has declined due to austerity. There will be a need for ongoing training and support to ensure both council staff and members can implement the s6 duty appropriately and with confidence.

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

#### Action 2.1 Comply with wildlife legislation and work to safeguard protected and important species and habitats.

Expert advice and guidance are sought 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.

Examples include works by Corporate Property to demolish a dilapidated building at Southfields, in the grounds at County Hall. The former residential property was found to house two species of bats. Demolition took place under licence but only once an alternative bat roost had been constructed adjacent to the existing building. The Education Service have constructed a new high school in Brecon and Commercial Property are redeveloping an enterprise park at Abermule. Both projects required

NRW approval to safeguard great crested newts on site. Additional population monitoring will be undertaken at Penlan Ponds in Brecon. New ponds and terrestrial habitat areas will be created close to the existing pond at Abermule.



*Figure 2.1. New bat roost incorporated above a storage shed at the former Southfields site, Llandrindod Wells, 2017.*

#### Action 2.2 Maintain Powys' network of Roadside Verge Nature Reserves to benefit plant and pollinator diversity

PCC continues to manage a network of over 120 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. A survey of sites to assess condition and management effectiveness was completed in summer 2018 supported by funding from Welsh Government. The results show that the majority of sites remain in good condition. Some sites require further survey to capture early spring species. A handful of sites have been identified as needing further assessment and possible changes to their management to restore biodiversity. Overall, the continued management of these sites is beneficial to conserving biodiversity. Additional RVNR sites have been identified and will be considered for adoption in 2020.

In collaboration with the North and Mid-Wales Trunk Road Agency (NMWTRA), the council has undertaken restoration and improvement work on a number of verges in north Powys. Areas have been prepared and re-seeded with native wildflower mix

and will be managed to support plant and pollinator diversity. Areas seeded as part of the Talgarth bypass construction scheme in 2007 have become established and plant diversity continues to increase. PCC currently manages much of Powys' trunk road soft estate on behalf of NMWTRA, including Talgarth bypass.

#### 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. This can be achieved to some degree through partnership working but invariably requires some resource.

Extending sensitive management across the entire road network is constrained by highway safety requirements. The length of the network and the structural variability of verges has, so far, limited the ability to employ cut and collect machinery in an efficient or cost-effective way. The ability to remove arisings would greatly improve the diversity of many verges.

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

#### Action 3.1 Explore the use of natural solutions to solve problems

Loss of community access to the public footpath network in Llanfechain occurred when the abutments of an 18m footbridge collapsed because of river erosion. Restoration of public access involved collaboration between PCC's Countryside Services and Engineering Design teams and NRW. In 2018, timber stake and brush revetments were installed along approximately 100m of the Afon Cain on either side of the footbridge to stabilise the banks. After being left to establish, works to replace the footbridge were carried out in spring 2019. This soft-engineering option uses nature to reduce future erosion by absorbing some of the river's energy, in addition to acting as a physical barrier. Loss of land and sedimentation of the river is reduced, and the re-vegetated riverbanks provide valuable habitat for wildlife and maintain habitat connectivity along the river corridor. In contrast to many hard-engineering approaches, the established structure is arguably more aesthetically appealing within the local landscape, whilst still effectively safeguarding a valuable infrastructure asset.





*Figure 3.1. Newly installed revetments comprised of willow and brush designed to provide a living barrier and protect against future bank erosion along the Afon Cain, Llanfechain, 2018.*

Action 3.2 Continue to manage Lake Park Local Nature Reserve (LNR) to benefit people and wildlife.

Outdoor Recreation commissioned a survey of aquatic invertebrates in 2017 to compare with a previous study undertaken before major lake restoration works. The data also provides a baseline for future monitoring of the lake now the marginal habitats are established. A woodland management plan for the LNR was produced with Coed Cymru in 2018. Management outside of the Lake Wood Site of Special Scientific Interest (SSSI) has been targeted to provide a balance across the site between areas with improved public access and more sensitive areas where conservation, of important amphibian populations for example, is a priority. Over 100 volunteer hours contributed to the replacement of boardwalks and steps on paths within the SSSI maintaining public access through the woodland. An accessible bird hide was installed in 2019 to enable all ages and abilities to observe nature at the town's lake. The hide's boardwalk and deck, plus a new fishing platform, are constructed from long-lasting recycled plastic materials. An area of former amenity grassland is now managed with a single 'cut and collect' of vegetation in late summer. Within the last couple of years, Radnorshire Wildlife Trust have identified a number of native meadow species on site, including the locally uncommon whorled caraway. The change in management from repeated amenity cutting is cost neutral.



*Figures 3.2 and 3.3. The new bird hide looks out across Llandrindod Lake, Lake Park Local Nature Reserve, 2019.*

### 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. Partnership working and community engagement has proved very effective in previous years and will continue in the future. The Llanfechain river-bank restoration was more labour intensive and no cheaper in overall cost than traditional hard engineering options. Evidence of multiple, long-term benefits is essential to make natural solution options an attractive alternative to traditional management practices.

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

#### Action 4.1 Explore options to reduce herbicide input on the council's soft estate.

Highways Operations are exploring alternatives to the use of traditional herbicides. Trials of control methods using heat (flame, infra-red) are being considered for 2020. 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<sup>5</sup> 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.

#### 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**

#### Action 5.1 Maintain 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 Brecon Beacons National Park (BIS) through an annual service level agreement. Officers have access to biodiversity data to inform highways works and planning decisions, in particular. 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 is in a position to 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.

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<sup>5</sup> Under The Weeds Act 1959 occupiers of land can be required to control 'injurious weeds' including common ragwort. Ragwort poses a risk to livestock when included in silage/haylage and to horses.

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

### Action 6.1 Retain member and officer biodiversity champions to promote the 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 Housing and Community Development; the current member champion is the Portfolio Holder for Finance, Countryside and Transport.

### Action 6.2 Support development of the Mid-Wales Area Statement

Countryside Services are participating in area statement workshops and providing information to NRW to inform development of the Mid-Wales Area Statement. The first iteration of the statement is due in spring 2020.

### Action 6.3 Support the Powys Nature Partnership with a view to adoption of the Powys Local Nature Recovery Action Plan

The council is a partner in the Local Nature Partnerships Cymru (LNP Cymru) project, funded by Welsh Government's Enabling Natural Resources and Well-being grant. The funding will enable recruitment of a LNP co-ordinator for the Powys Biodiversity Partnership from 2020 to 2022. PCC remains a member of the partnership's steering group and will host the co-ordinator post. Part of their role will be to seek the council's adoption of the revised Powys Local Nature Recovery Action Plan (PNRAP). The PNRAP provides the opportunity for Powys to work in partnership to deliver positive outcomes for biodiversity in line with the s6 duty.

### Constraints to achievement of NRAP Objective 6

In 2018 council underwent a major restructure at executive and senior management level. The remits of several Portfolio Holders have also altered following changes made within Cabinet. Evaluation is required to ensure the most appropriate officer and member champions are appointed to promote embedding of the s6 duty across the council.

## **4. Review of s6 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. Highways and development services are supported by a qualified ecologist with one FTE supporting post. 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. Resource limitations have also delayed the publication of the council's s6 plan following an effective engagement exercise.

As the council continues to undergo a transformation in its approach to service delivery, the workforce and the roles and responsibilities of individuals also change periodically. Continued training and support will be 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 demonstrated clearly that progress towards fully implementing the s6 duty into service delivery and day-to-day business is underway. Activity is often in line with the WBFG 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'.

Additional support and capability provided through the LNP Cymru project is expected to make a notable difference to PCC's ability to engage with partners, raise awareness of the importance of biodiversity to a wide audience and deliver projects benefitting the county's people and wildlife.

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.

Next steps include publication of the council's s6 plan in 2020, inclusion of identified actions within service IBPs, coupled with appropriate qualitative and quantitative indicators. Plan preparation is being informed by previous engagement outcomes, current engagement with service areas and this report. Ultimately, it is envisaged that a stand-alone plan will not be required as activity becomes routinely integrated into service delivery.