

**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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