

Cabinet 31 July 2019	 TOWER HAMLETS
Report of: Ann Sutcliffe, Corporate Director of Place	Classification: Unrestricted
Local Biodiversity Action Plan 2019-24	

Lead Member	Councillor David Edgar, Cabinet Member for Environment
Originating Officer(s)	John Archer, Biodiversity Officer Abdul Khan, Service Manager – Energy, Sustainability & Private Sector Housing
Wards affected	All wards
Key Decision?	No
Forward Plan Notice Published	N/A
Reason for Key Decision	N/A
Strategic Plan Priority / Outcome	A borough that our residents are proud of and love to live in/People live in a borough that is clean and green

Executive Summary

Under the Natural Environment & Rural Communities Act 2006, the Council is required to have regard to biodiversity conservation in the exercise of its functions.

The current Tower Hamlets Local Biodiversity Action Plan was adopted by Cabinet on 1st October 2014 and expires in September 2019. This proposed renewed Local Biodiversity Action Plan will cover the period of October 2019 to September 2024.

Recommendations:

The Mayor in Cabinet is recommended to:

1. Approve the Local Biodiversity Action Plan 2019-24 as attached in Appendix 1
2. To note the Equalities Impact Assessment as set out in Paragraph 4.1

1 REASONS FOR THE DECISIONS

- 1.1 Due to a range of factors such as climate change, overexploitation and habitat loss, biodiversity is declining across Britain and throughout the world. In Tower Hamlets, rapid growth and development is the main pressure facing the borough's wild plants and animals, but also provides a big opportunity to enhance biodiversity.
- 1.2 Under the Section 40 of the Natural Environment & Rural Communities Act 2006, all public bodies, including local authorities, must have regard to biodiversity conservation in the exercise of their functions. For local authorities, this is of most significance for planning and land management.
- 1.3 Through this action plan, the council can demonstrate local leadership, and demonstrate that it is meeting its responsibilities under the NERC Act, by setting out what is required to ensure that important biodiversity is conserved and enhanced in Tower Hamlets.

2 ALTERNATIVE OPTIONS

- 2.1 The council could choose to retain the existing Local Biodiversity Action Plan 2014-19. However, this is set out with objectives and targets for the five-year period. Most of the existing targets have already been delivered, so adopting an updated LBAP is more appropriate.
- 2.2 The council could also choose not to have a Local Biodiversity Action Plan at all. However, the detailed specific guidance required by planning policies or the Tower Hamlets Green Grid Strategy would then be lacking, and it would be difficult for the Council to demonstrate how it would carry out its duty under the NERC Act to have regard to biodiversity conservation in the exercise of its functions.

3 DETAILS OF THE REPORT

3.1 Biodiversity

- 3.1.1 Biodiversity (or nature or wildlife) is the variety of wild plants and animals and the habitats they live in. This is important for several reasons:
 - We have a moral duty to protect the other species of plants and animals with which we share this planet.
 - Most people enjoy contact with nature, and there is clear evidence that access to nature and natural green space is beneficial for physical and mental health.
 - It has economic benefits; proximity to high-quality green space encourages businesses to locate in an area.
 - It also has functional benefits – such as flood protection, local climatic and air quality improvements and pollination.
- 3.1.2 Under the Section 40 of the Natural Environment & Rural Communities Act 2006, all public bodies, including local authorities, must have regard to

biodiversity conservation in the exercise of their functions. For local authorities, this is of most significance for planning and land management.

3.2 Strategic Plan

3.2.1 Biodiversity is one of five key themes within the strategic outcome “People live in a borough that is clean and green”, which sits under the strategic priority “A borough that our residents are proud of and love to live in”. The strategic measures monitored under the biodiversity theme are directly linked to this LBAP. The four strategic measures are:

- area of priority wildlife habitat created or enhanced at ground level;
- area of biodiverse green roofs delivered through new developments;
- number of biodiversity enhancement projects involving residents, community groups and volunteers; and
- proportion of Sites of Importance for Nature Conservation in active management.

3.2.2 The first three of these strategic measures are directly related to implementation of the Local Biodiversity Action Plan.

3.3 Biodiversity Action Plans

3.3.1 The idea of biodiversity action plans emerged from the Rio Earth Summit in 1992. Most local authorities have produced Local Biodiversity Action Plans to set priorities and targets for biodiversity conservation since the late 1990s. Local Biodiversity Action Plans are partnership documents, driven by local biodiversity partnerships which include local authorities, relevant voluntary and community groups, businesses, other major landowners and local residents.

3.3.2 The Tower Hamlets Biodiversity Partnership (known as Tower Habitats) is led by the Council and includes Tower Hamlets Homes, Registered Providers, tenants & residents associations, voluntary and community groups, parks friends groups, businesses such as Canary Wharf, educational establishments such as Queen Mary University of London, and interested local residents. It is run by a steering group which includes representatives of these sectors.

3.3.3 Tower Hamlets produced its first Local Biodiversity Action Plan (LBAP) in 2003, and adopted further LBAPs in 2009 and 2014. The current LBAP expires in September 2019, and is thus due for review and replacement.

3.4 Key achievements of the current LBAP 2014-2019.

- Over 15 hectares of priority habitats created or enhanced.
- Around 180 biodiversity enhancement projects completed involving residents, community groups and volunteers.
- Over 2 hectares of flower-rich grassland created or enhanced in parks and housing estates.

- Over 2.5 hectares of biodiverse green roofs installed in new developments in line with planning policy.
- 1300 metres of mixed native hedge planted in parks, housing estates, schools and new developments.
- 16 new community orchards planted in parks and housing estates.
- Over 1500 metres of reed bed, soft banks and other habitat enhancements along canals and rivers.
- 14 new ponds created in schools and community gardens.
- Nectar-rich flowers planted at over 200 sites to provide food for bees and other pollinating insects.
- Bat boxes installed in over 40 sites.
- The Tower Hill Trust fund a grant scheme for schools and community groups specifically aimed at projects that help deliver the LBAP. This has awarded over 40 grants, totalling over £54,000, for improvements to school grounds and community gardens since 2016.

3.5 Consultation

3.5.1 The LBAP review commenced with a stakeholder feedback survey in August 2018. A questionnaire was emailed to 45 stakeholders who have been involved in or were known to have used the current LBAP. They were asked how useful they had found it overall, and specific questions about its structure and content. Twenty replies were received, from Council officers, housing providers, Lee Valley Regional Park, local community groups, regional NGOs and an ecological consultancy. All but one respondent had found the LBAP helpful, for managing land, obtaining funding, developing policy and/or planning development. Respondents generally liked the content and structure of the LBAP, with an ecological consultant saying “the LBTH BAP is one of the most thorough yet digestible and usable BAPs that we have come across”. The main addition suggested by respondents was some good practice guidance on how to deliver the objectives and targets.

3.5.2 The results of the stakeholder feedback consultation were presented to the Steering Group in September 2018. The Steering Group agreed that a replacement LBAP should be produced, and should follow the same basic structure and content as the current LBAP. The structure and content of the current LBAP were designed to be as concise as possible. The Steering Group felt that a significantly larger document would be much less likely to be read. The group agreed that good practice information would be very useful, but this should be a separate document and not included in the LBAP. It is proposed to publish this separately as a Technical Guidance Note, with the aim of having this available on the Council’s website by the time the LBAP is launched in October 2019. The Steering Group supported a few changes to priority habitats and species, most of which were recommended by respondents.

- 3.5.3 Following the Steering Group meeting, the Lead Member for the Environment, Councillor Edgar, was consulted in September 2018. He approved the approach recommended by the Steering Group.
- 3.5.4 A draft LBAP was then produced following the guidance of the Steering Group and Lead Member. This was circulated to the Steering Group for comments, and a revised draft was approved by the Steering Group for consultation in November 2018.
- 3.5.5 The draft LBAP approved by the Steering Group was presented to the Lead Member in December 2018. Councillor Edgar approved the draft LBAP, and, after confirmation that there is no statutory duty to consult on a Local Biodiversity Action Plan, agreed that full public consultation was not appropriate or useful for a technical document of this type. It was agreed to circulate the draft LBAP to key stakeholders not represented on the Steering Group for comments.
- 3.5.6 This stakeholder consultation was undertaken in January and February 2019. A revised draft LBAP, incorporating stakeholder comments, was circulated to the Steering Group and approved as a final draft in March 2019.

3.6 The new LBAP

- 3.6.1 The LBAP 2019-24 closely follows the style and format of the current LBAP, as this received such favourable comments in stakeholder consultation.
- 3.6.2 The introductory section, linking the LBAP to other Council plans and strategies and to corporate, regional and national Biodiversity Action Plans has been updated, most significantly with a paragraph on links to the Strategic Plan.
- 3.6.3 There are a few minor changes to priority habitats and species. “Flower-rich grassland” replaces “neutral grassland” and “calcareous grassland” as a priority habitat, “wild bees” replaces bumblebees as a priority species group, and stag beetle and common blue butterfly have been removed from the list of priority species.
- 3.6.4 A number of targets have been changed, following a detailed analysis of what has been achieved under the current LBAP, and also what has already been secured through the development management process and is likely to be delivered between 2019 and 2024. The 2014-19 LBAP is the first Tower Hamlets LBAP to include detailed objectives and targets for the priority habitats and species. Informed guesswork played a role in the target setting for the current LBAP, and consequently several targets will not be achieved, while a number of others have been greatly exceeded. The lessons learned should ensure that the targets in the 2019-24 LBAP are all challenging but achievable.
- 3.7 **Monitoring:** The action plan will be monitored on an annual basis and an annual progress report will be published.

4 EQUALITIES IMPLICATIONS

- 4.1 An Equality Analysis has been undertaken on the Local Biodiversity Action Plan (see Appendix 2). This found that there is nothing in the Local Biodiversity Action Plan which would adversely impact on any equalities target group. All sections of the community can benefit from enhanced biodiversity and more attractive green spaces, and it encourages community participation and thus helps community cohesion.

5 OTHER STATUTORY IMPLICATIONS

- 5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:

- Best Value Implications,
- Consultations,
- Environmental (including air quality),
- Risk Management,
- Crime Reduction,
- Safeguarding.
- Data Protection / Privacy Impact Assessment.

5.2 Best Value implications

- 5.2.1 The LBAP will be delivered by a wide partnership of organisations. The co-ordination provided by the LBAP and its Steering Group will help to reduce duplication of effort among these organisations, and hence increase efficiency.
- 5.2.2 This Local Biodiversity Action Plan incorporates a true partnership approach whereby many of the actions are to be implemented by third sector partners. For this reason the LBAP represents excellent value for money and a worthwhile investment which contributes meaningfully to the Borough's strategic objectives of building sustainable communities.

5.3 Environmental implications

- 5.3.1 This is an action plan for biodiversity conservation, which is a key element of environmental protection and sustainable development. It will help to protect and enhance key habitats and species, increase the amount and diversity of green space, and improve access to nature.
- 5.3.2 Apart from biodiversity conservation, there will be additional environmental benefits from some of the proposals in the action plan. For example, dense vegetation such as trees and hedgerows help trap particulates, hence reducing air pollution. Green roofs provide insulation, thus reducing the need for heating and cooling, and can also enhance the efficiency of solar

photovoltaic panels. Green roofs and vegetated landscapes reduce water runoff, contributing to sustainable urban drainage.

5.4 Risk management

- 5.4.1 A risk assessment has been undertaken and the Risk Register can be found at Appendix 3.
- 5.4.2 Implementing the Local Biodiversity Action Plan will slightly reduce several risks associated with climate change, including mitigating against increased temperatures and increased risk of flooding.
- 5.4.3 The main risk identified is a reputational risk if targets in the LBAP are not met. The risk is assessed as being manageable (green). The targets have been drawn up in discussion with the main stakeholders, taking account of likely resources, and an infrastructure for driving and monitoring delivery is in place from the existing LBAP.

5.5 Crime reduction implications

- 5.5.1 The action plan will lead to improved, more attractive open spaces, with local residents directly involved in many of the projects. This should lead to increased legitimate use of these spaces, and a sense of ownership among local people, which will in turn reduce crime and anti-social behaviour in these places.
- 5.5.2 Some biodiversity enhancement projects, such as those involving woodland or hedgerow planting, have the potential to reduce sightlines, and thus create places where anti-social behaviour can take place. All such projects undertaken as part of the LBAP will be individually assessed to ensure their location and design does not lead to a potential increase in crime and anti-social behaviour.

5.6 Data Protection and Privacy

- 5.6.1 The implementation, monitoring and promotion of the LBAP does not involve handling personally identifiable information in any of the ways listed in the Privacy Impact Assessment (PIA) checklist, either under the list for which PIA is always carried out, nor the list for which a PIA should be considered. It is therefore not considered necessary to carry out a PIA.

6 COMMENTS OF THE CHIEF FINANCE OFFICER

- 6.1 The first Local Biodiversity Action Plan (LBAP) was adopted by the Council in 2003 and the third version of the plan is now approaching the end of its five-year timeframe. This report therefore seeks the approval of the Mayor in Cabinet for the adoption of the Local Biodiversity Action Plan for the period from 2019 to 2024.

- 6.2 The LBAP is a key tool that supports other Council plans and policies, including the Strategic Plan and the suite of documents that form the Local Plan. All of the policies, including the various planning documents and relevant studies, have already been adopted and no further expenditure is anticipated in connection with this area of the action plan.
- 6.3 The delivery of this action plan is mainly through the Biodiversity Partnership with costs being met from within the existing funded structures of the Council and its partners. It should be noted that there are limited funding streams available to finance any new projects although there might be opportunities to bid for specific Government grant resources in future.
- 6.4 Many of the proposals contained within the LBAP require management and co-ordination and are staffing related. The Council employs a full time Biodiversity officer and therefore this requirement will be met by the officer in post.

7 COMMENTS OF LEGAL SERVICES

- 7.1 Under section 40 of the Natural Environment and Rural Communities Act 2006 a public authority(which is defined to include local authorities) 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. "Conserving biodiversity" includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat. A biodiversity action Plan is one way of ensuring that when exercising functions the local authority is having regard to this duty. It is to be observed that the Local Government Ombudsman frequently observes that most complaints about local government are about Councils not complying with their own adopted Policies and Plans. Cabinet is advised to seek assurance that the Plan is deliverable.

Linked Reports, Appendices and Background Documents

Linked Report

- NONE.

Appendices

- Appendix 1 – Tower Hamlets Local Biodiversity Action Plan 2019-24
- Appendix 2 – Equality Analysis
- Appendix 3 – Risk Register

Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012

- NONE.

Officer contact details for documents:

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