


<b>Cabinet Mayoral Decision</b> 01 <sup>st</sup> October 2014	 <b>TOWER HAMLETS</b>
<b>Report of:</b> Aman Dalvi, Corporate Director Development & Renewal	<b>Classification:</b> Unrestricted
<b>Local Biodiversity Action Plan 2014-19</b>	

<b>Lead Member</b>	Cllr Shahed Ali – Cabinet Member for Clean and Green
<b>Originating Officer(s)</b>	Jackie Odunoye – Service Head for Strategy Regeneration & Sustainability
<b>Wards affected</b>	All wards
<b>Community Plan Theme</b>	A Great Place to Live
<b>Key Decision?</b>	No

### 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 in September 2009 and expires in September 2014. This proposed renewed Local Biodiversity Action Plan will cover the period of October 2014 to September 2019.

### Recommendations:

The Mayor in Cabinet is recommended to:

1. Approve the Local Biodiversity Action Plan 2014-19 as attached in Appendix 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 2009-14. However, most of the existing action plan has already been delivered, some of the actions are no longer relevant, and the current plan does not provide the detailed specific guidance required by planning policies or the Tower Hamlets Green Grid Strategy.
- 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 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 increases house prices and encourages businesses to locate in an area.

- It also has functional benefits – such as flood protection, local climatic 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.
- 3.1.3 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.
- 3.1.4 The Tower Hamlets Biodiversity Partnership (known as Tower Habitats) is led by the Council and includes Tower Hamlets Homes, Registered Providers, and voluntary groups such as Trees for Cities, Thames21, Friends of Tower Hamlets Cemetery Park, Froglife and the Mudchute Association, businesses such as Canary Wharf, educational establishments such as Queen Mary University of London, and interested local residents.
- 3.1.5 Tower Hamlets produced its first Local Biodiversity Action Plan (LBAP) in 2003, and this was replaced by the current LBAP adopted 2009. The current LBAP expires in September 2014, and is thus due for review and replacement.

### **3.2 Key achievements of the current LBAP 2009-2014.**

- Over 6 hectares of new wildflower meadow created at Victoria Park, Ion Square Gardens and Elf Green.
- New woodlands planted at Swedenborg Gardens and on the Manchester Estate.
- A new wetland area with 4 new ponds at Mudchute, and further ponds created in Mile End Park, Stepney City Farm, 5 schools and 2 community gardens.
- 8 new community orchards planted.
- Bulbs planted in at least 12 parks and on many housing estates.
- 10 school grounds enhanced and 13 new community gardens created.
- Over 500 metres of reed bed and soft banks created along canals.
- A floating reed bed installed in West India Middle Dock, with smaller vegetated rafts in Poplar Dock, Lime Kiln Dock and Limehouse Basin.
- Nest boxes installed on 27 Tower Hamlets Homes estates and many other places.
- Over 3,000 packets of wildflower seeds and 1,000 Wildlife Gardening Packs given out to residents, schools and community groups.

- Planning policies in place to ensure green roofs become standard installations in new developments.
- Many biodiversity walks, talks, seminars and community events delivered.

3.3 **Consultation:** The LBAP review commenced in summer 2013, and involved all the Tower Habitats partners. A first draft of the replacement LBAP was produced for stakeholder consultation in November 2013 and circulated among the partners. On the basis of comments received, a second draft was presented to the Tower Habitats Steering Group in February 2014. Further comments were taken on board, and the Steering Group approved the new LBAP in May 2014.

### 3.4 **The new LBAP**

3.4.1 Compared to the current LBAP, the new plan is a more concise document, with a clear action plan focussing on the specific actions required to protect and enhance important biodiversity in Tower Hamlets. The plan also clearly sets out how different stakeholders, including developers, can contribute to this. It has been designed to sit under the Tower Hamlets Green Grid Strategy, which is the overarching strategy for green infrastructure. The LBAP will provide clear guidance for Green Grid projects, and also for parks capital schemes, on how these can enhance biodiversity.

3.4.2 It has also been designed to inform developers on what biodiversity mitigation or enhancement is appropriate within development proposals. Policy DM11 of the Managing Development Document seeks “biodiversity enhancement in accordance with the Council’s Local Biodiversity Action Plan”. The new LBAP makes it very clear what types of enhancement are expected.

3.4.3 The LBAP identifies 10 priority habitats and 20 priority species, and sets objectives and targets for their conservation in Tower Hamlets. The habitats include all of the important wildlife habitats which occur in the borough. The species have been selected for a variety of reasons, but all are species for which specific targeted actions can contribute to their conservation.

3.5 **Achieving Mayors Pledges:** Several of the objectives and targets are closely allied to the Mayor’s pledges. The objectives for woodland, orchards and black poplar contribute to the pledge to plant 2,000 trees, and the objectives for bumblebees and other pollinators tie in with the pledge to increase growing spaces.

### 3.6 **Structure of the new LBAP**

3.6.1 The LBAP is divided into four action plans based on land use. These correspond to the four “Habitat Action Plans” in the current LBAP:

- Built environment.
- Gardens and grounds.
- Rivers and standing water.
- Parks, squares and burial grounds.

3.6.2 Each action plan sets out what the Council, Tower Hamlets Homes, Registered Providers, schools, developers, residents and relevant community groups will or can do to help achieve the objectives and targets for priority species and habitats.

3.7 **Monitoring:** The action plan will be monitored on an annual basis and an annual report will be published.

#### **4. COMMENTS OF THE CHIEF FINANCE OFFICER**

4.1 This report seeks Member approval to adopt the Local Biodiversity Action Plan (LBAP) as formal Council policy.

4.2 The first LBAP was adopted by the council in 2003 and therefore the action plan is now in its third term. It should be noted that there are no additional council funding streams available to finance any new projects and therefore all costs must be met from within the existing resources of the relevant Directorate.

4.3 All of the policies including planning documents and relevant studies are already in place and therefore no further expenditure will be required in this area of the action plan.

4.4 The delivery of this action plan is through the biodiversity partnership and therefore the funding streams will be met from within the existing funded structures of the partnership. There are some actions that are to be delivered by the council and these will be met by the existing funding from the sustainable development team.

4.5 Many of the proposals require management and co-ordination of the action plan and are staffing related. The council employs a full time biodiversity officer and therefore this requirement will be met by the officer in post.

#### **5. LEGAL COMMENTS**

5.1. As outlined in the report, section 40 of the Natural Environment and Rural Communities Act 2006 imposes a general duty on the Council to have regard to conserving biodiversity when exercising its functions, so far as is consistent with the proper exercise of those functions. It is entirely appropriate for the Council to adopt an action plan on biodiversity provided it is calculated to fulfil this duty.

5.2. The Council has adopted a sustainable community strategy pursuant to section 4 of the Local Government Act 2000, for the purposes of promoting or improving the economic, social and environmental well-being of Tower Hamlets. This strategy is contained within the Tower Hamlets Community Plan. Whilst the Community Plan may not in terms address biodiversity, it does set a number of priorities to which conserving biodiversity may contribute. The local biodiversity action plan should be consistent with the Community plan and the report indicates this is the case.

- 5.3. It will be for officers to ensure that individual actions carried out under the Action Plan are carried out according to law.
- 5.4. When deciding whether to adopt the local biodiversity action plan, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who don't (the public sector equality duty). An equality analysis is appended to the report which should inform the Council's decision making in this regard.

## **6. ONE TOWER HAMLETS CONSIDERATIONS**

- 6.1 The LBAP encourages partnership working between the Council, social housing providers, community groups and residents, to enhance their local environment. This helps to build community cohesion.
- 6.2 Biodiversity conservation and enhancement contributes to all four themes of the Borough's Community Plan.

## **7. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT**

- 7.1 This is an action plan for biodiversity conservation, which is a key element of 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.
- 7.2 Apart from biodiversity conservation, there will be additional sustainability benefits from some of the proposals in the action plan. For example, 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.

## **8. RISK MANAGEMENT IMPLICATIONS**

- 8.1 A risk assessment has been undertaken and the Risk Register can be found at Appendix 3.
- 8.2 Implementing the Local Biodiversity Action Plan will reduce several risks associated with Climate change, including mitigating against increased temperatures and increased risk of flooding.
- 8.2 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.

## **9. CRIME AND DISORDER REDUCTION IMPLICATIONS**

- 9.1 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.
- 9.2 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.

## **10. EFFICIENCY STATEMENT**

- 10.1 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.
- 10.2 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.

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### **Linked Reports, Appendices and Background Documents**

#### **Linked Report**

- NONE

#### **Appendices**

- Appendix 1 – Tower Hamlets Local Biodiversity Action Plan 2014-19
- Appendix 2 – Equality Impact Assessment
- Appendix 3 – Risk Register

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

- NONE

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