

Environment (Wales) Act 2016 Factsheet



Llywodraeth Cymru
Welsh Government

Biodiversity and Resilience of Ecosystems Duty



Background

Biodiversity means the diversity of living organisms and underpins the health and resilience of all of our ecosystems. In turn, these support all life on Earth. Ecosystems that are more biodiverse tend to be more resilient and are better able to adapt to the pressures and changes we face, for example through the impacts of climate change.

As part of our commitment to reversing the decline in biodiversity in Wales and increasing the resilience of our ecosystems, the Environment (Wales) Act introduces a new biodiversity duty, which highlights biodiversity as an essential component of ecosystem resilience.

In relation to Wales, this new duty replaces the biodiversity duty in the Natural Environment and Rural Communities Act 2006 (referred to as the NERC Act) which required that public authorities must have regard to conserving biodiversity. Whilst there have been some successes as a result of the NERC Act duty, they have not been as widespread as needed. Evidence presented in reports such as the 2011 National Ecosystem Assessment and 2013 State of Nature report show that biodiversity is continuing to decline and in 2010, Wales, alongside all other countries in the world failed to meet its Internationally agree Biodiversity Targets. We need to do more if we are to reverse this trend and meet our international commitments on biodiversity for 2020.

The enhanced duty

The Environment Act enhances the current NERC Act duty to require all public authorities, when carrying out their functions in Wales, to seek to “maintain and enhance biodiversity” where it is within the proper exercise of their functions. In doing so, public authorities must also seek to “promote the resilience of ecosystems”. As under the NERC Act the new duty will apply to a range of public authorities such as the Welsh Ministers, local authorities, public bodies and statutory undertakers. This ensures that biodiversity is an integral part of the decisions that public authorities take in relation to Wales. It also links biodiversity with the long term health and functioning of our ecosystems, therefore helping to align the biodiversity duty with the framework for sustainable natural resource management provided in the Act.

Building on lessons from the voluntary reporting system that has emerged through the NERC Act, the new duty requires public authorities to report on the actions they have taken to improve biodiversity and promote ecosystem resilience.

To assist in complying with the new duties, specified public authorities must also take account of relevant evidence as required under the Act. In addition, these public authorities will also be required to prepare and publish a plan on how they intend to comply with the biodiversity and resilience of ecosystems duty. These public authorities must also review their forward plans in light of the findings in their report on their actions.

This new enhanced duty has been called for by stakeholders as part of the White Paper consultation exercise for the Environment (Wales) Bill in 2013 and by the National Assembly for Wales. It is similar to the approach taken in both Northern Ireland and Scotland.

Examples

A few examples of what public authorities could do to meet the biodiversity duty are set out below. These demonstrate the range of functions that the duty can apply to, ranging from procurement decisions, through to action on the ground:

- Reduce, re-use, recycle materials, but where products such as paper are bought, ensure that supplies come from sustainable sources – i.e. paper from sustainable forests;
- Raise awareness across an organisation about how each and every role can impact and influence biodiversity and consider measures to enhance biodiversity and ecosystems in all policies, plans and projects;
- Look for opportunities, whether they are big or small, to help encourage biodiversity – e.g. plant native species, wildflower areas for pollinators, leaving areas of unmown grass; and improving connectivity between valuable habitats;
- Think about how enhancing biodiversity can help deliver across the organisation’s activities e.g. to support active recreation, education, flood prevention, and local food growing. For example, green roofs help to provide wildlife habitats, reduce energy consumption and improve drainage systems.

These are just a few examples as more detailed guidance will be provided for public authorities.

Timeline

The Act became law in March 2016, with the new biodiversity duty taking effect two months later.

Whilst the Act does not specify when a public authority must prepare and publish its first plan setting out what it proposes to do to comply with the duty, the intention is that it will be within the first year of the Act coming into force.

The first report on complying with the duty must be published by 2019 and then every three years.

More information

You can find out more about the Act on the Welsh Government's website at:

<https://gov.wales/environment-wales-act-2016-factsheets>

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