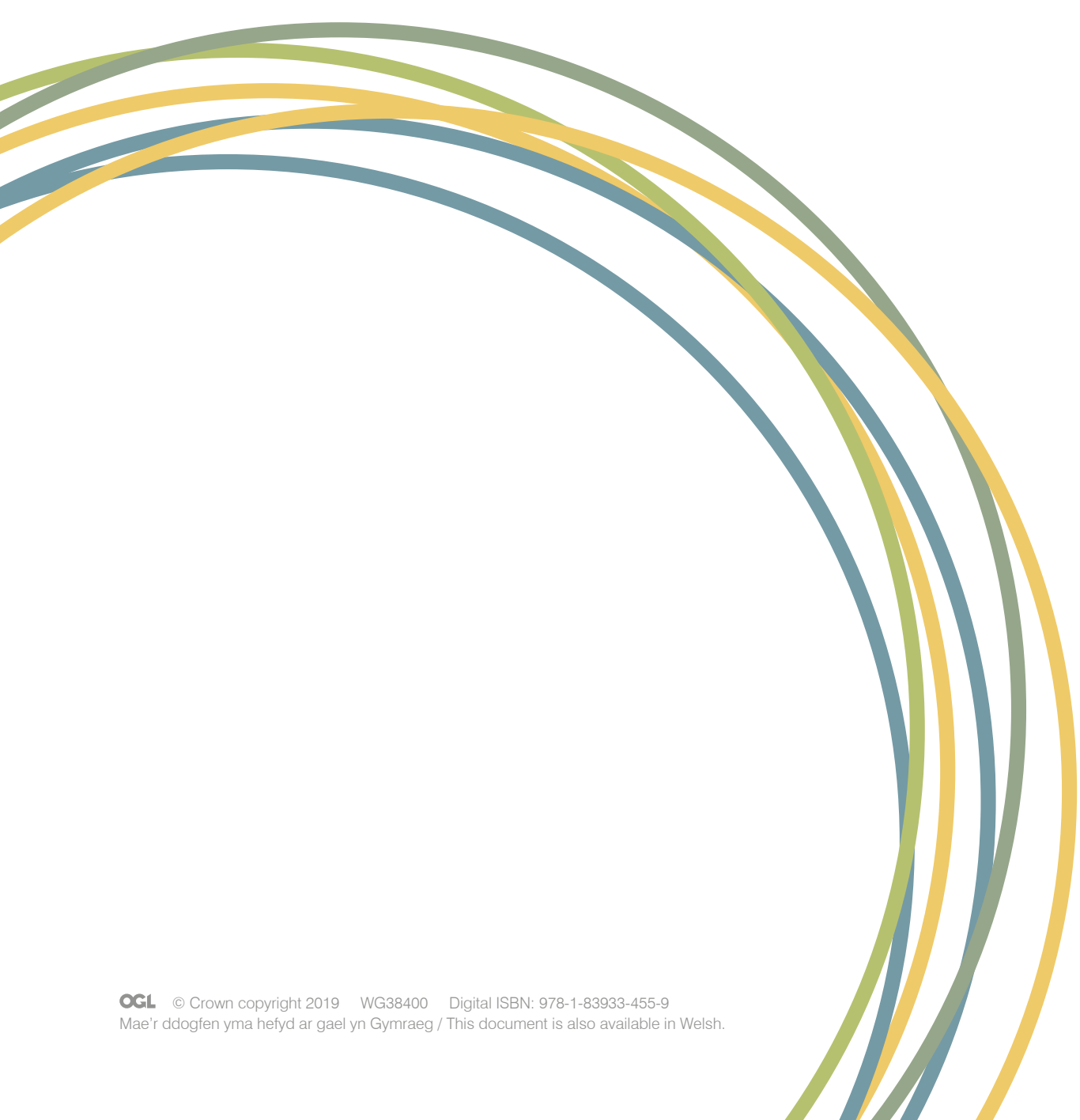# Environment (Wales) Act 2016 Part 1

Guidance for Section 6 – The Biodiversity and Resilience of Ecosystems Duty

Reporting Guidance

Llywodraeth Cymru
Welsh Government

1. INTRODUCTION

Nature is declining globally at rates unprecedented in human history and the rate of species extinctions is accelerating, with grave impacts on people around the world now likely.

Recent reports[1] including the [State of Natural Resources Report](#) (SoNaRR) published by Natural Resources Wales (NRW) indicate that biodiversity loss in Wales continues, despite some of the positive interventions made in recent years. These reports state that only through urgent 'transformative change' (fundamental, system-wide change throughout our technology, economy and society) can nature still be conserved and restored and used sustainably. This means there is a need for greater impetus in our action for biodiversity, a need to spread best practice further across the public sector and through our partners and stakeholders, and to urgently eliminate poor practice.

The Environment (Wales) Act 2016 (the Act) introduced an enhanced biodiversity and resilience of ecosystems duty (the section 6 or s6 duty) for public authorities (PAs) in the exercise of functions in relation to Wales. The s6 duty requires that public authorities 'must seek to maintain and enhance biodiversity so far as consistent with the proper exercise of their functions and in so doing promote the resilience of ecosystems'. To comply with the S6 duty public authorities should embed the consideration of biodiversity and ecosystems into their early thinking and business planning, including any policies, plans, programmes and projects, as well as their day to day activities.

Under section 6(7) of the Act all public authorities must, before the end of 2019 and before the end of every third year after 2019, publish a report on what they have done to comply with the s6 duty.

This guidance is intended primarily to assist public authorities in meeting the requirement to report. It should be read in conjunction with the [Frequently Asked Questions](#) guidance which provides further detail on the legislation, production and content of s6 plans[2]. Further information and guidance on action to maintain and enhance biodiversity, and promote the resilience of ecosystems can be found on the [Wales Biodiversity Partnership](#) webpages.

This guidance is designed to encourage a reporting approach which is flexible yet also supports some consistency, enabling exchange of learning between public authorities, pooling efforts and sharing good practice for future action. Operation of the s6 duty across Wales will be evaluated following the publication of the first round of reports. Following this guidance will facilitate a consistent approach which will strengthen the basis for that evaluation.

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[1] For example, the [IPBES Report](#) and [State of Nature 2019 Report](#)
[2] Please note that wherever s6 plans and s6 reports are referred to, they may either be embedded into other plans and processes, or standalone documents.

2. WHO SHOULD PRODUCE A SECTION 6 REPORT?

Section 6(9) lists the wide range of public authorities that the duty applies to, and this is further defined in section 6(10). The list includes the Welsh Ministers, public bodies, holders of public office and statutory undertakers. Also included are a wide range of organisations including local authorities, local health boards, national health trusts, and national park authorities.

Every organisation can contribute positively to maintaining and enhancing biodiversity, as shown in Table 1 below, and should be able to show this has been given proper consideration through their section 6 report.

However, the reporting duty should not be burdensome, and should be proportionate to the size and type of organisation, with regard to the action for biodiversity they can carry out.

Table 1: Types of organisations and possible s6 actions relative to their functions

Group	Description of organisation relative to biodiversity. Organisations:	Minimum Actions	Examples	NRAP objectives for Action Reporting (see template Annex 1)
1	• that own or occupy an office building only and • whose functions are not directly connected to biodiversity and/or land management.	Actions related to buildings management, procurement, sustainability, awareness raising, training, or in partnership with other organisations	Commissions, DVLA	NRAP objectives 1, 4, 6
2	• that own, occupy or manage land their own buildings and grounds, • whose functions are connected with biodiversity and/or land management, or • that can influence those who own or manage land.	As per Group 1 above PLUS grounds management, cascading funding criteria, providing education and training	Public Health Wales, Universities, Sport Wales	NRAP objectives 1,4,6 as above NRAP objectives 2, 3, 5 relating to own grounds
3	• that own or manage land beyond their own grounds, whether their functions are connected with biodiversity and/or land management or not.	As per Groups 1 and 2 above PLUS land management to maintain and enhance biodiversity, and promote the resilience of ecosystems.	Dŵr Cymru, Local Authorities, NRW, Welsh Government	All NRAP objectives

3. PURPOSE AND FORMAT OF REPORTS

The report must state what the organisation has done to comply with the s6 duty.

It will provide transparency and accountability for the public authority's response to its s6 duty, and could also act as a useful communication tool for stakeholders, the community and business groups.

It will also provide the basis for the public authority to review their s6 action, and the collective reports across Wales will form the basis for a Wales wide evaluation of the operation of the s6 duty.

Organisations are encouraged to identify their own ways of reporting. Best practice would be that reporting is part of their ordinary reporting systems and/or processes, such as their annual report, demonstrating how the consideration of biodiversity is being embedded within the public authority.

For example, as public bodies subject to the Well-being of Future Generations Act are also subject to the section 6 duty, the s6 report could be included within the report on how they are meeting their well-being objectives. For NRW, action for biodiversity is embedded in their statutory requirements for the sustainable management of natural resources, so reporting on that in their annual report fulfils the requirement for a section 6 report.

Organisations should have already prepared and published their s6 plan and in this case, the report could be prepared in the context of that plan, aligned to their own previously identified priorities, actions and targets as appropriate.

However in some cases, it may be necessary for organisations to produce a separate, standalone report to meet the requirement of the s6 duty.

4. CONTENT OF REPORTS

A template is provided at Annex 1 which can be used to assist production of a section 6 report if required. The template can be used to guide the content, and where needed the format, of a section 6 report, whether it is embedded into another report or as a standalone document.

The template includes a set of basic information that it would be beneficial to collate on a Wales wide basis to facilitate the evaluation of the operation of the s6 duty after the first reporting round. It is not expected that any public authority would have all of this information, however all public authorities will have some of this information.

It is likely that public authorities will also have additional information in relation to activities unique to them. The basic information included is not intended to discourage such information to be featured prominently in reporting. In fact, embedding action for biodiversity across functions is likely to lead to different types of action and different outputs for each organisation.

- Introduction to the PA, its Functions, and Governance in relation to biodiversity

This can be related to the organisation descriptions in Table 1. The governance of the s6 duty, its planning and reporting should be noted.

- Highlights, Key Outcomes and Issues

The positive benefits gained from implementing the section 6 duty, the key issues for biodiversity in your area and any barriers to dealing with those issues should be highlighted.

- Action Report, including any Monitoring, Measures and Indicators

In line with the FAQ guidance, it is suggested that reporting on action for the section 6 duty is based on the objectives in the Nature Recovery Action Plan for Wales. These reflect the strategic goals of the Convention on Biological Diversity which is the key international agreement on biodiversity to which UK Government is a signatory.

Where public authorities are using embedded formats, it is suggested that the links with the objectives of the Nature Recovery Action Plan are still made clear as this will demonstrate the links to national and international frameworks.

Monitoring, measures and indicators will be for each PA to determine based on their own s6 plan, their functions and their priorities. The Wales wide evaluation will look for consistency, identify potential measures and indicators for future reporting, and identify links to measures and indicators in the State of Natural Resources Report, the National Indicators under the Well-being of Future Generations Act, and other evidence bases.

To facilitate this, any metrics or qualitative indicators already being measured or collected within your organisation relating to biodiversity and ecosystem resilience should be included.

- Review – where included, see section 5 for further information.

The suggested content includes:

Good use of illustrative material such as photographs, charts, graphs and maps will make the report more accessible.

For all content, a consistent approach to include this information in future reports should be taken.

5. NEXT STEPS AND REVIEW

Under section 6(8) public authorities that have published a section 6 plan must review that plan in the light of their s6 report. PAs will need to review their actions and report in order to ascertain what has been achieved, what needs to be improved, and to make any revisions and improvements to their s6 plans and future biodiversity action.

This is for each PA to determine for their own internal improvement processes, and may take place after the s6 report has been published. However, some guidance for the review process is provided at Annex 2. Where possible it would be useful to include this in your report to assist with the Wales wide evaluation of the s6 duty.

If the review is not taking place at this point, the report should note how and when this will be conducted and how the review will be incorporated into the s6 plan.

Finally, the s6 report must be published. In order to make reports accessible, they should be available in a range of formats and published online. Best practice would be that this is on the corporate section of the website. Where they are embedded reports, organisations may need to ensure they make an explicit reference to the s6 duty, and signpost to other documents and reports as appropriate.

ANNEX 1: REPORTING TEMPLATE

Please note: The template can be used to assist production of a section 6 report if required. Where an s6 report is embedded into another reporting process the template could be used to guide the content as a checklist.

However, the template includes a set of basic information that it would be beneficial to collate on a Wales wide basis to facilitate the evaluation of the operation of the s6 duty after the first reporting round. It is not expected that any public authority would have all of this information, although all public authorities will have some of this information.

None of the suggested examples are exhaustive. It is likely that public authorities will also have additional information in relation to activities unique to them. The template is not intended to discourage such information to be featured prominently in reporting. In fact, embedding action for biodiversity across functions is likely to lead to different types of action and different outputs for each organisation.

Wherever necessary, other reports and/or information can be signposted.

Environment (Wales) Act 2016 Part 1 - Section 6 *The Biodiversity and Resilience of Ecosystems Duty* *Report 2019*
Name of Public Authority

Introduction and Context
 	
 • Short description of PA, its functions and context in relation to
     - biodiversity (see Table 1 above)
     - spatial scale and place and
     - public service delivery (for example, if the organisation is subject to the Well-being of Future Generations (WFG) Act, how it is linked to Public Service Boards, well-being plans, the sustainable management of natural resources (SMNR) and the area statement process).
 	
 • How enhancing biodiversity contributes to and is affected by your organisation's functions and strategic objectives. For public bodies subject to the WFG Act, how is the duty linked to delivery of the goals, particularly for a Resilient Wales, and the 5 ways of working.
 	
 • Key policies, objectives, performance indicators and monitoring arrangements.
 	
 • Governance arrangements around the delivery of the s6 duty in your organisation, including reference to your s6 plan.

Highlights, Key Outcomes and Issues

- Short description of:

    - Key biodiversity actions and/or things you have stopped doing

    - How your action for biodiversity has delivered positive outcomes and other benefits for health, social cohesion, economic outputs (i.e. across the WFG goals)

    - The cost savings and efficiency achieved through biodiversity action and the long term benefits gained from preventing further damage

    - Any key enablers to biodiversity action

    - Notable or continuing negative impacts, and any barriers to action?

- A small set of case studies/examples which illustrate the above.

Action Report

NRAP[3] Objective 1: Engage and support participation and understanding to embed biodiversity throughout decision making at all levels.

Include actions that have been taken to:

- Embed biodiversity action across your organisation's functions, for example by:

    - Making commitments in corporate plans
    - Incorporating biodiversity and the s6 duty into performance management, through Environmental Statements, Local Well-being Plans, Well-being Statements, a standalone s6 Plan, Business planning and budget monitoring, Performance management systems, Internal consultations or audits
    - Valuing biodiversity more effectively and for the longer term in decision making
    - Ensuring functions across your organisation deliver biodiversity action as business as usual

- Raise awareness across your organisation, for example by:

    - Providing mandatory or voluntary training modules
    - Running seminars or providing information to highlight the

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[3] Nature Recovery Action Plan for Wales

importance and value of biodiversity and how you are contributing to action as an organisation

Include any measures and/indicators monitored or collected, for example:

- List of published policies changed to incorporate biodiversity
- Biodiversity valuation methods or techniques trialled
- List of biodiversity training/awareness raising initiatives and further details
- Number of staff receiving training

- Additional information: Include here additional information such as costs, benefits, impacts and outcomes for action relevant to this NRAP objective.

- Narrative/graphics: Include here a brief narrative and any graphics which describe the information you have included under this objective.

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

Include actions taken to:

- Safeguard special species and habitats listed on the section 7 biodiversity lists, for example by:

  - Providing suitable and appropriately managed habitats for protected species where appropriate
  - Improving habitat management, for example, for pollinators
  - Using the planning system to maintain and enhance species and habitats

- Contribute to the management of protected sites and species, including Local Wildlife Sites/Sites of Importance for Nature Conservation (SINCs), for example by:

  - Ensuring these sites are valued in decision making
  - Contributing to their management where possible
  - Managing land around them to buffer and join them up as part of resilient ecological networks

Include any measures and/or indicators monitored or collected, for example:

- Numbers of site, species and/or habitat action plans
- Site, species and habitats status and trends, including any known losses in your area of influence
- Data from Planning from Annual Monitoring Reports[4] where applicable

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[4] Information regarding Annual Monitoring Reports can be found in paragraph 6.2.12 of Planning Policy Wales (edition 10)

- Condition surveys

- Additional information: Include here additional information such as costs, benefits, impacts and outcomes for action relevant to this NRAP objective.

- Narrative/graphics: Include here a brief narrative and any graphics which describe the information you have included under this objective.

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

Include actions taken to:

- Create or contribute to Resilient Ecological Networks[5] for example by:

  - Restoring and/or creating habitats
  - Connecting or enlarging areas of habitat
  - Improving the management and/or diversity of areas of habitat
  - Contributing evidence to, and having regard to the opportunities shown in area statements

Include any measures and/or indicators monitored or collected, for example:

  - Green Infrastructure Assessments[6] completed where applicable
  - Area of habitat created, restored or brought into improved management
  - Area of habitat lost
  - Projects to join areas of habitat together

- Additional information: Include here additional information such as costs, benefits, impacts and outcomes for action relevant to this NRAP objective.

- Narrative/graphics: Include here a brief narrative and any graphics which describe the information you have included under this objective.

NRAP Objective 4: Tackle key pressures on species and habitats

Include actions to:

- Address key pressures, for example by:

  - Reducing or where possible stopping the use of pesticides and herbicides
  - Reducing the area of invasive non-native species
  - Reducing, reusing and recycling resources
  - Climate change mitigation/decarbonisation

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[5] Networks of habitat in good ecological condition joining up designated sites and other biodiversity hotspots to provide maximum benefit for biodiversity and our well-being.
[6] Information about Green Infrastructure Assessments can be found in section 6.2 of Planning Policy Wales (edition 10).

- Use <u>biodiverse and native</u> nature based solutions wherever possible, for example by:

  - Installing sustainable urban drainage systems
  - Using native biodiverse urban green and blue infrastructure to manage temperature, water flow, soil erosion – including planting trees, grasslands and wetlands
  - Installing green roofs, walls, roads
  - Using natural flood prevention measures, such as swales and wetlands
  - Providing local green spaces for communities and visitors to improve health and well-being outcomes

Include any measures and/or indicators monitored or collected, for example:

  - Air/soil/water quality improvements
  - Reductions in the use of pesticides, herbicides and other products/practices that carry risk to biodiversity
  - Policies introduced to reduce pressure on species e.g palm oil sustainability
  - Use of nature based solutions
  - Area of Invasive Non-Native Species reduced or managed

- Additional information: Include here additional information such as costs, benefits, impacts and outcomes for action relevant to this NRAP objective.

- Narrative/graphics: Include here a brief narrative and any graphics which describe the information you have included under this objective.

NRAP Objective 5: Improve our evidence, understanding and monitoring

Include actions to:

- Improve the use of evidence in decision making, for example by:

  - Gathering and sharing evidence
  - Using the best available evidence for decision making, for example using Local Environment Record Centre data in planning decisions
  - Having regard to the <u>section 7 lists of species and habitats</u>, the <u>State of Natural Resources Report</u>, and Area Statements when they are available
  - Consulting relevant stakeholders/using expert input
  - Monitoring of outcomes
  - Identifying evidence gaps
  - Undertaking research

- Share evidence accessibly, for example by

  - Making data available through Local Environment Records Centres
  - Ensuring your environmental evidence is accessible to local communities

Include any measures and/or indicators monitored or collected, for example:

- A Service Level Agreement with the appropriate Local Biological Records Centre
- Data sources created or enhanced in relation to safeguarding species/habitats of principal importance
- Data sources created or enhanced in relation to resilient ecological networks
- Planning decisions made using biodiversity evidence e.g. Number of planning applications which impacted local or national designated sites, European Protected Species (EPS) or S7 species, numbers rejected because of local or national designated sites, EPS or S7 habitats or species

- Additional information: Include here additional information such as costs, benefits, impacts and outcomes for action relevant to this NRAP objective.

- Narrative/graphics: Include here a brief narrative and any graphics which describe the information you have included under this objective.

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

Include actions to:

- Ensure governance for biodiversity within your organisation, for example by:

  - Ensuring someone is responsible for ensuring biodiversity action is taken – ultimately this should be the board or chief executive of the organisation
  - Ensuring the s6 duty is monitored and reviewed

- Provide capacity for biodiversity, for example by:

  - Ensuring that where needed ecological expertise can be drawn upon, either internally or externally
  - Encouraging and supporting volunteer participation in action for biodiversity by staff or local communities

- Support biodiversity action through funding and/or partnerships, for example by:

  - Grant aiding or funding biodiversity projects (NB this is different from embedding action for biodiversity across functions whereby funding should be part of business as usual delivery – see objective 1 above)
  - Working with Local Nature Partnerships and Action Plans
  - Supporting other environmental organisations and projects

Include any measures and/or indicators monitored or collected, for example:

- Relevant volunteer days undertaken.
- Grant and investment schemes.
- Relevant Capacity improvements – new staff employed.
- List of funding sources directed towards biodiversity
- List of local/national environmental groups actively or substantially engaged and/or supported

- Additional information: Include here additional information such as costs, benefits, impacts and outcomes for action relevant to this NRAP objective.

- Narrative/graphics: Include here a brief narrative and any graphics which describe the information you have included under this objective.
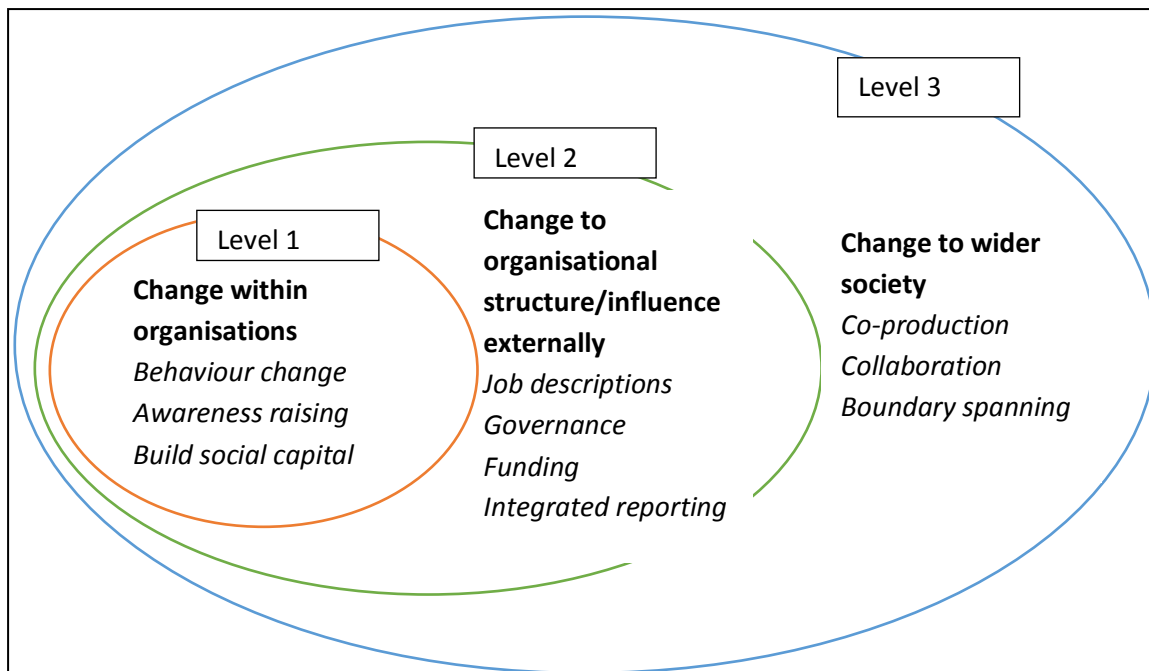
Review of s6 duty

- Highlight here key issues regarding the operation of the s6 duty in your organisation, and the change this has engendered in delivery of biodiversity action, which should then be reflected in your section 6 plan – see Annex 2 for review guidance.

- If the review is not taking place at this point, the report should note how and when this will be conducted and how the review will be incorporated into the s6 plan.

ANNEX 2: REVIEW GUIDANCE

Some review points to consider are suggested below:

- Strategic review, to assess whether the approach is achieving its main objectives, and whether it is "on track" in terms of the level of implementation.

- How relevant, appropriate and up-to-date is the PA's strategy and its key policies and targets?

- Policy monitoring, to highlight any policies which are not functioning effectively, and to also highlight how such issues will be addressed. What has been the effectiveness of delivering policies to discourage inappropriate decisions?

- Review of any performance indicators including, where possible, benchmarking, progress against targets and future projections.

- What new biodiversity issues have occurred in the area or in local/national policy (key recent contextual and national policy changes, future prospects)?

- What actions have been developed, delayed or stopped?

- What have been the key enablers, e.g. grant schemes or funding provided from external sources, a systemic internal review or audit?

- What have been the key barriers, e.g. lack of commitment to meeting the duty, lack of information or access to information?

- What level of change has the duty engendered within the organisation? (see Figure 1 below)

- Conclusions and recommendations - identify any improvements and changes to the way the public authority will meet its s6 duty.

Figure 1: Levels of change within organisations

Level 1 – change within organisations – for example, corporate commitments, internal audits

Level 2 – change to organisational structure or to influence external organisations – for example, governance, integrated reporting, funding provided to others for biodiversity work

Level 3 – change to influence wider society – for example, collaborative and co-designed projects which include the local community they will affect

These levels are inter-related - some organisations will need to change structures in order to change behaviour for example (e.g. architectural design); for some, changing behaviour may lead to changing awareness, for others vice versa.