

Briefing Note regarding Kiln Meadow

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Document Purpose

This document should be read in conjunction with the Kiln Meadow Lobby Briefing provided to all Ipswich Borough Council (IBC) councillors.

It explains why IWG believe that IBC will have failed in its biodiversity duty under NERC 2006 if it immediately goes ahead with the sale of Kin Meadow.

NERC 2006

NERC 2006 (Natural Environment and Rural Communities Act 2006) was brought in as a response to the European Habitats Directive. Section 40 of NERC states :-

'Every public body 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'.

NERC includes a list of species that are '*of principal importance for the purpose of conserving biodiversity*'. Toads, yellowhammers and bullfinches – all recorded in Kiln Meadow - are all of principal importance. Given the size of the toad population – nearly 7,000, the largest known population in Suffolk if not England – the site deserves special attention.

The yellowhammer is also a red list species, and in the Bern Convention Appendix 2 list which means that it is covered by '*appropriate and necessary legislative and administrative measures..... including: all forms of deliberate capture and keeping and deliberate killing; the deliberate damage to or destruction of breeding or resting sites; the deliberate disturbance of wild fauna, particularly during the period of breeding, rearing and hibernation, insofar as disturbance would be significant in relation to the objectives of this Convention;*' (extracted from Natural England, BAP list).

There are also known to be bats in the area, a dormouse has been found locally, and otters in the Belstead Brook within a few hundred metres of the site. These have European protection; their habitats must not be destroyed and one of the main arguments against development is that it will impact the adjacent LNRs and CWSs, and impact the hydrology which will affect the otters in the Belstead Brook.

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Biodiversity Duty arising from NERC 2006

DEFRA have produced a document 'Guidance for Local Authorities on Implementing the Biodiversity Duty'. It does what it says on the tin.

In this document it states:-

'In demonstrating that it has fulfilled its Duty to have regard to biodiversity, a local authority is likely to be able to show that it has:

- *Identified and taken opportunities to integrate biodiversity considerations into all relevant service areas and functions, and ensured that biodiversity is protected and enhanced in line with current statutory obligations;*

- *Raised awareness of staff, managers and elected members with regard to biodiversity issues;*
- *Demonstrated a commitment and contribution to key local biodiversity initiatives, such as Local Biodiversity Action Plans, Local and/or Regional Records Centres and Local Site systems;*
- *Demonstrated progress against biodiversity indicators and targets.*

With regard to the management of sites owned by the council it says:-

'Positive steps that local authorities can take to improve their sites and buildings for biodiversity include:

- ***Surveys and audits.*** *A first step to maintaining and enhancing the biodiversity value of a local authority's estate is to assess the potential biodiversity resource. This will depend on the type and extent of land holdings but may include undertaking surveys, seeking expert advice from a local authority ecologist on existing knowledge and surveys, seeking advice from external experts, using the Local and/or Regional Record Centre and consulting the Local BAP partnership. This should draw on previous survey work and existing data, and may identify the need for further survey work to fill data gaps. Survey evidence will help to identify important species and habitats, including those prioritised by national and local BAPs and the presence of any invasive non-native species. Depending on the number of sites and area of land involved, this may require a process of prioritisation and focus first on sites considered most likely to be of high importance. Some local authorities have successfully worked with environmental groups and volunteers to conduct surveys of their sites.*
- ***Location of development away from important sites.*** *Incorporating site surveys to ensure that sensitive species and habitats are not adversely affected and that enhancement measures are taken where appropriate. While there is a presumption in favour of development on brownfield sites, it is important to note that these may be important for biodiversity;'*

IBC promised, at the end of 2008, to undertake appropriate surveys of the wildlife on Kiln Meadow, in 2009. We do not believe this was done.

The biodiversity duty requires appropriate surveys to be carried out. Given the existence, and numbers, of priority species on the site, IBC could have asked Natural England for advice, or other ecologists. They would have been told what surveys needed to be carried out, and when. That they appear not to have done so is a failure under the Biodiversity duty.

The biodiversity duty requires also the training of staff, and the integration of biodiversity awareness across the board. This includes property management and financial planning staff.

Conclusion

Anecdotal evidence suggests that IBC have implemented biodiversity aspects into their planning process, as we believe they identify, prioritise and survey potential building sites within their planning jurisdiction.

However, the biodiversity duty does not seem to have been incorporated into the functioning of the Property Services/Management and Financial areas of the council, as IBC has failed to prioritise, assess and survey Kiln Meadow as required to do under the guidelines provided by DEFRA within the biodiversity duty under NERC 2006.