

The South West Wales Corporate Joint Committee

Environment (Wales) Act 2016 Part 1 - Section 6

The Biodiversity and Resilience of Ecosystems
Duty

2022 Report

December 2022

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1.0. Introduction and Context

1.1 The South West Wales Corporate Joint Committee (SWWCJC) has prescribed functions related to the preparation of the Regional Transport Plan, Strategic Development Plan and the exercise of Economic Well-being powers. These are set out specifically as follows:

- (a) Economic well-being (section 76 of the Local Government and Elections (Wales) Act 2021);
- (b) Transport policies (section 108(1)(a) and (2A)(a) of Part 2 of the Transport Act 2000); and
- (c) Strategic Development Plan (Part 6 of the Planning and Compulsory Purchase Act 2004)

1.2 Essentially, the SWWCJC must produce a Regional Transport Plan and Strategic Development Plan, whilst it will have the power to promote economic well-being within the region.

1.3 The members of the SWWCJC are the executive leaders of Carmarthenshire County Council, Neath Port Talbot County Borough Council, Pembrokeshire County Council, The City and County of Swansea along with A Member of the Brecon Beacons National Park Authority and a member of the Pembrokeshire Coast National Park Authority. The SWWCJC members are entitled to vote in relation to any matter to be decided by the CJC, except that the Brecon Beacons National Park and Pembrokeshire Coast National Park Authority members may only vote where the matter to be decided is about strategic planning functions.

1.4 Reference should also be made to the information already set out online, including detailed information on the constitution of the SWWCJC. Reference should also be given to the emerging Corporate Plan 2023-2028.

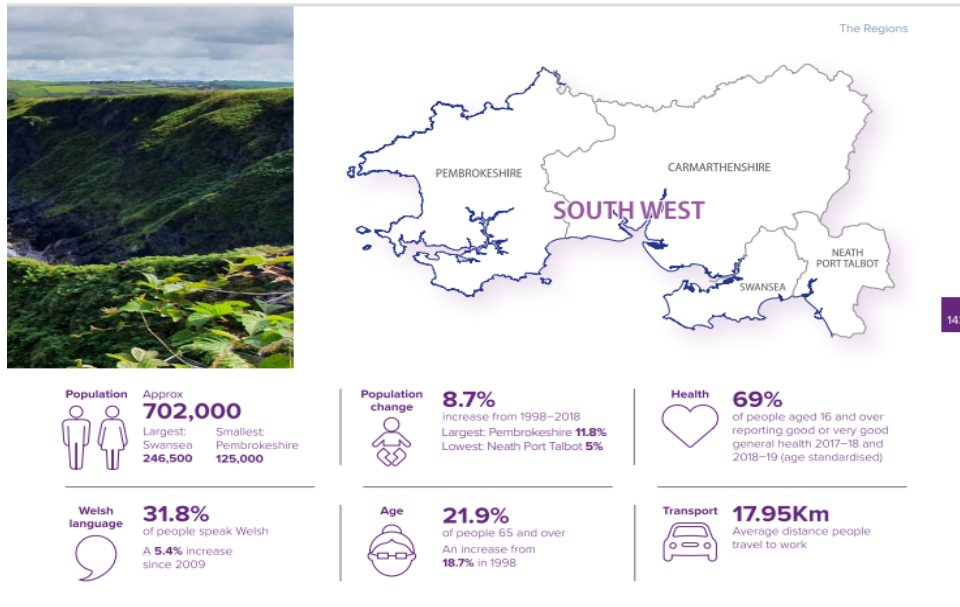


FIGURE 1 - HIGH LEVEL OVERVIEW – EXTRACT FROM FUTURE WALES : THE NATIONAL PLAN 2040

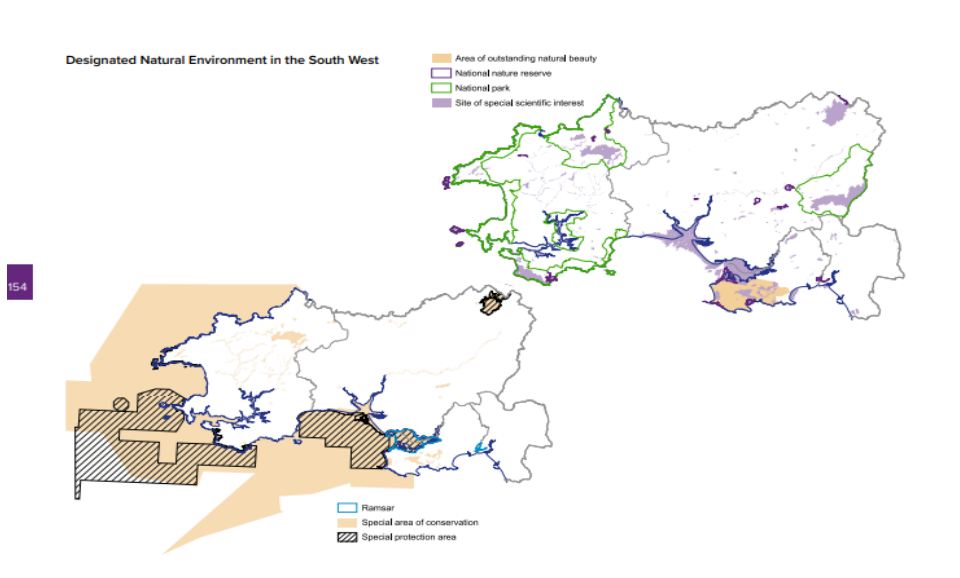


FIGURE 2 – ENVIRONMENTAL DESIGNATIONS – EXTRACT FROM FUTURE WALES : THE NATIONAL PLAN 2040

1.5 It should be noted that CJC's are very recent entities across Wales, with the SWWCJC holding its first meeting in January 2022. To this end, this Section 6 report will clearly be limited in scope as there has only been a minimal period of activity. The emphasis within this report will therefore be on showing how the SWWCJC is approaching its Biodiversity duties moving forward, not least in terms of how such considerations are being continuously embedded into its corporate governance.

2.0. Statutory Guidance

2.1 [Statutory guidance issued by the Welsh Government](#) confirms that the SWWCJC is subject to the duties under Section 6 of the Environment (Wales) Act 2016. As one of the Public Authorities subject to the Biodiversity and Resilience of Ecosystems Duty, it will be required to seek to maintain and enhance biodiversity so far as is consistent with the proper exercise of our functions and in doing so promote the resilience of ecosystems.

2.2 Paragraph 49.2 of the guidance confirms that “in order to comply with the section 6 duty CJsCs 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”.

3.0. Specific Section 6 requirements upon the SWWCJC

Progress Report

3.1 The SWWCJC must produce and publish a report on what we have done to comply with the s6 duty by 31 December 2022 and then every three years after this date. To this end, it should be noted that this Section 6 Report sets out to meet this requirement. This Section 6 Report was tabled before at the meeting of the SWWCJC on the 7 December 2022 and a copy will be sent to the Welsh Government's Biodiversity Policy Team. There is no requirement to consult on this Section 6 Report.

Section 6 Duty Plan

3.2 The SWWCJC must also prepare and publish a plan setting out what it proposes to do to comply with the Section 6 duty. The SWWCJC has not previously prepared a Section 6 Duty Plan. It should be noted that the first Corporate Plan for the SWWCJC is currently being formulated. This Draft Corporate Plan was tabled at the meeting of the SWWCJC on the 7 December 2022.

3.3 Discussions with Biodiversity Policy Officers within the Welsh Government have indicated that it is appropriate for the SWWCJC to embed its Section 6 Duty Plan into its Corporate Plan - and in fact this would be preferable to a standalone one ([this is also confirmed in Welsh Government guidance](#)). Whilst there is no specific

timescale to publish its first Section 6 Duty Plan, the SWWCJC has taken the opportunity to publish its first Section 6 Duty Plan at this early stage, incorporating it into the Corporate Plan. This is deemed important so that key principles are embedded from the outset.

4.0. Highlights, Key Outcomes and Issues

4.1 As previously stated, the SWWCJC has only been operational for a short time and given the emphasis on establishing it from a governance / constitutional point of view, and the limited scope of functions / powers available to it, there is limited information to provide in respect of Biodiversity specific actions.

4.2 Many of the highlights in 2022 have involved relationship building, with exploratory discussions and engagement taking place with ecologists within the region and with Welsh Government Biodiversity Policy Officers. There has been a focus on general awareness raising of the SWWCJC, including a presentation to the Carmarthenshire Public Service Board.

4.3 The process of formulating the Section 6 Duty Plan has engendered within the SWWCJC an increased understanding of [The Nature Recovery Action Plan \(NRAP\)](#) for Wales and its six objectives, along with [The South West Wales Area Statement \(SWWAS\)](#) and its themes.

4.4 Clearly the key outcome and highlight in 2022 is the formulation and publication of the very first Corporate Plan which will embed the very first Section 6 Duty Plan.

5.0. Action Report

5.1 There are limited actions to list given the short time period and nature of activity, however it is deemed appropriate to briefly set out within this Section 6 Report the approaches that will be mapped out within the Section 6 Duty Plan. The NRAP has played a key role in framing the Section 6 Duty Plan. The approach and focus is on embedding consideration of the Section 6 duties into the corporate governance of the SWWCJC, noting that specific future workstreams (e.g. Strategic Development Plan) will be subject to rigorous scrutiny in terms of designations (including National Site Network) together with policy alignment in their own right e.g. [Technical Advice Note 5 - nature conservation and planning](#). Below is the intended format of the Section 6 Duty Plan as set out within the Corporate Plan.

TABLE 1 – SECTION 6 DUTY PLAN FORMAT

NRAP Objective	NRAP Extract	SWWCJC Action	SWWAS Theme
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5.2 Other notable outcomes in the Section 6 Duty Plan are to ensure that its content is referenced in Executive Officer Reports to the SWWCJC. Also, it is not intended that biodiversity will not be considered in isolation as demonstrated by the adopting of an Integrated Impact Assessment Toolkit by the SWWCJC (which includes a biodiversity section). Importantly, the Corporate Plan will also set out the SWWCJC approach to meeting its responsibilities under the Well-Being of Future Generations (Wales) Act 2015.

5.3 Upon the adoption of the Corporate Plan, the key action moving forward is to ensure that the Section 6 Duty Plan elements are actioned and firmly embedded into the corporate governance of the SWWCJC.

6.0. Review of Section 6 duty

6.1 It is not appropriate to undertake a review at this point.

6.2 The first ever Corporate Plan (including the Section 6 Duty Plan) for the SWWCJC is due to be formally adopted in March 2023.

6.3 The Corporate plan itself will be subject to an ongoing monitoring and review process as appropriate. To this end, there will be opportunities available to ensure that the Section 6 Duty Plan is suitably actioned.

6.4 It is considered that the next scheduled Section report in 2025 will allow for considerably more focus on actions and a reflective approach on progress to date – including the impact that the Section 6 Duty Plan is having on decision making and overall corporate governance.