

## **Biodiversity Duty Implementation Case Study**

### **Dŵr Cymru - Welsh Water**

#### **Background to the Company**

Dŵr Cymru is a statutory water and sewerage undertaker that supplies over three million people living and working in Wales and some adjoining areas of England. We are owned by Glas Cymru, a single purpose not-for-profit company with no shareholders. All financial surpluses are retained within the business for the benefit of Dŵr Cymru's customers and we are the only water and sewerage company in the UK to pay a "customer dividend" by way of rebate on the customer bill.

The majority of Welsh Water's day-to-day business is carried out by specialist 'best-in-class' contractors. During 2004 we undertook a rigorous and detailed procurement process based on a streamlined out-sourcing strategy and appointed a number of new operating contract partners. The contracts have been formulated to run for periods of up to fifteen years.

Our contractors are required to demonstrate their regard to biodiversity whilst working on behalf of Dŵr Cymru. We ensure this is the case through the communication of our conservation policy and strategies and by providing them with clear guidance and leadership in a partnership environment.

#### **Our Statutory Biodiversity Duties**

In addition to general duties to comply with legislation with regard to protection of wild animals, birds and plants, we also have specific statutory duties with regard to biodiversity as summarised below:-

- Under Section 40 of the Natural Environmental and Rural Communities Act 2006 (amended), we must, in exercising our functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.
- Section 3 of the Water Industry Act 1991 (amended) sets out requirements for us, in formulating or considering any proposals relating to our functions, to
  - further the conservation and enhancement of natural beauty and the conservation of flora, fauna and geological or physiographical features of special interest.
  - have regard to the desirability of protecting and conserving buildings, sites and objects of archaeological, architectural or historic interest.
  - take into account any effect which the proposals would have on the beauty or amenity of any rural or urban area or on any such flora, fauna, features, buildings, sites or objects.
- Section 4 of the Water Industry Act 1991 (as amended) imposes duties on us with regard to sites of special interest. In summary, this requires us to consult with CCW prior to carrying out any works, operations or activities that are likely to have impact on sites of special interest (this is regulated under the Wildlife and Countryside Act).

- The Water and Sewerage (Conservation, Access and Recreation) (Code of Practice) 2000 provides practical guidance to undertake our duties under Section 3 and 4 of the Water Industry Act. (N.B. This applies in England only, but provides useful guidance nonetheless)
- As a Section 28G authority, under the Wildlife and Countryside Act 1981 (as amended) – We have a duty to take reasonable steps to further the conservation and enhancement of the flora, fauna or geological or physiographical features of sites of special scientific interest.

### **DCWW's Conservation Policy and Strategies**

To demonstrate our commitment to the protection and enhancement of biodiversity (as well as archaeological heritage), we have a conservation policy that is communicated throughout the business, including our sub-contractors.

We pledge that **“in delivering our services and managing our sites, we are committed to enhancing biodiversity and protecting our archaeological heritage”**.

To achieve our policy, a number of strategies are set out as follows: -

We will

- Work in partnership with internal and external stakeholders to ensure our regulatory obligations with regard to conservation are met and that biodiversity and archaeological heritage interests are considered within our planning and operational activities.
- Appropriately implement the statutory Code of Practice on Conservation, Access and Recreation, in delivering our obligations on conservation under the Water Industry Act 1991.
- Undertake appropriate consultation, and research to inform our operational and land management decisions
- Take into account the interests of sensitive areas, habitats and species where applicable during planning and design stages.
- Implement site-specific habitat and species plans where necessary and applicable.
- Identify opportunities to protect and enhance biodiversity where applicable.
- Promote the development and the sharing of conservation best practice across our Asset Management Alliance partners.
- Share appropriate ecological and heritage data with other interested organisations.
- Maintain and develop positive relationships with the communities we serve and conservation stakeholders.
- Constructively communicate with all our staff, including those employed by our contract partners to ensure that they are aware of and committed to our Conservation Policy.
- Review our conservation actions and practices annually to ensure continuous improvement of the way we deliver our Conservation Policy.
- Review our Conservation Policy and Strategies regularly to ensure continuous commitment to our conservation responsibilities.

### **Discharging Our Biodiversity duties**

This section provides some examples of actual projects, practices, procedures and initiatives to show that that we do to appropriately discharge our biodiversity duties in a way that complies with legislative requirements and our own conservation policy.

## **1. Awareness of legislation and our duties**

### **Training on wildlife crime and legislation**

To raise the awareness of our colleagues across Wales (including those within our contract partner organisations), we have been working with a Wildlife and Environmental Crime Police Officer, from CCW to provide training on wildlife crime legislation. This is an on-going programme. We aim to continue the programme to ensure that our colleagues appreciate our biodiversity duty, the significance of their activities on biodiversity and how they can avoid and minimise any impacts.

Feedback so far has been good. Increasingly, our colleagues are more aware of the importance of SSSIs and European protected sites and the obligations that come with them. This is very essential for us as we own, operate and, sometimes, develop assets within protected sites.

### **Environmental Joint Business Team**

The Joint Business Team is a forum set up to ensure that biodiversity issues, alongside other environmental issues, are discussed and addressed as part of our business operations.

The Joint Business Team consists of representatives from Welsh Water and our main contract partners. Key objectives include

- Integration of environmental and conservation best practice and benefits into the core business.
- Raising awareness and promoting better understanding of conservation and environmental issues throughout the business at all levels.

The team members are also tasked with a duty to regularly and continuously communicate to the rest of the business our biodiversity duty. Initiatives and best practice are uncovered and shared across different partners more constructively via the Joint Business Team.

## **2. Consultation and partnership working with external stakeholders**

### **Consultation guidance notes**

We provide our contract partners with guidance on an appropriate consultation approach. A standard format for consultation and notification letters has also been introduced to give a consistent approach across Wales.

The guidance notes cover operations including day-to-day maintenance, emergency works and consultation on new developments.

The guidance notes also highlight to our colleagues the need to take biodiversity into account in everything we do.

### **Memorandum of Understanding to enable partnership working with stakeholders.**

We recognise that information on biodiversity and archaeological heritage is central to our decision making and that it is important to identify actions needed to comply with relevant environmental legislation.

We are working in partnership with the four Welsh Biodiversity Local Record Centres (LRCs) to develop a Memorandum of Understanding (MoU). This MoU also gives guidance to our contract partners on how they should go about contacting LRCs and why this is an essential part of our consultation process prior to commencing development of projects.

Through the MoU, we also express our commitment to contribute to biodiversity records in Wales where survey work is undertaken for our business.

Apart from Biodiversity data and information, we also take into account possible impacts we may have on the archaeological heritage of Wales. We and the four Welsh archaeological trusts jointly developed a MoU which provides clarity and understanding on how best to integrate heritage issues into the decision making framework of project planning, construction and maintenance. This enables Dŵr Cymru to meet its obligations as a regulated water and sewerage company

The success of these MoUs will be reviewed together with relevant partners, as part of a continuous development process.

### **3. Alternative solution and mitigation measures**

Sometimes it is inevitable, that in providing services to our customers, our operations or a development direct impacts biodiversity. If this is the case, we engage a specialist, and “fit for purpose” person, to identify an alternative solution and/or mitigation measures. We seek to work in partnership with relevant regulators and stakeholders to agree an acceptable solution. By doing so, we minimise as much as possible the impact we have on biodiversity whilst still delivering our duty to provide essential services to our customers.

Recent examples of this include:

- An environmental Action Plan produced to cover the extension of our wastewater treatment works at Cog Moors, South Wales, part of which is a SSSI. Mitigation measures and long term management were identified to ensure the enhancement of the SSSI.
- Alteration of design plans to avoid disturbance to bats on the development of a water treatment work at Capel Dewi, in Carmarthenshire. The development is necessary, to address public health issues. However, with the uncertainty of bat occupancy at the time, we altered the design to avoid potential flight paths and other disturbance. We also proposed to create a potential alternative roosting place for bats to avoid disturbance in the future. Further survey work was also undertaken to clearly identify the exact species of bat present.

### **4. Biodiversity Action Plans**

We aim to contribute towards the biodiversity action plans of local authorities where our sites are. However, on our major reservoir sites such as those in Elan Valley,

Llandegfedd, Llys-y-Fran and Llyn Brenig, we also have specific Biodiversity Action Plans.

We are currently in the process of reviewing these existing plans. We are also planning to identify specific plans for other sites where applicable and appropriate. A new process will be put in place to ensure a constructive and periodic review of all plans. This will help us identify gaps, where we can achieve more for biodiversity and how we can best achieve improved results. As part of this review we will also be looking into direct reporting of Dwr Cymru biodiversity action through BARS.

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