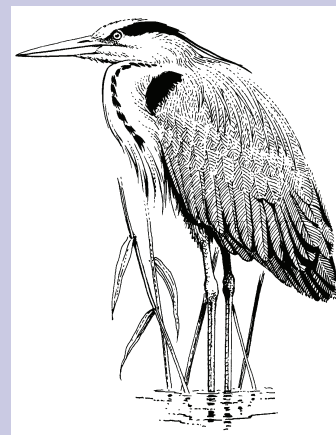




The Natural Environment and Rural Communities Act 2006 (NERC)

The Natural Environment and Rural Communities Act 2006 (NERC) was the Act of Parliament that established Natural England by merging English Nature, the Rural Development Agency and the Countryside Agency.

In addition to this the Act makes provision in respect of biodiversity, pesticides harmful to wildlife and the protection of birds, and in respect of invasive non-native species. It alters enforcement powers in connection with wildlife protection, and extends time limits for prosecuting certain wildlife offences. It addresses a small number of gaps and uncertainties which have been identified in relation to the law on sites of special scientific interest. And it amends the functions and constitution of National Park authorities, the functions of the Broads Authority and the law on rights of way.



The Sections of the Act that are relevant to the IDB are detailed below and the Conservation Policy has been amended to take in this act.

Part 3 - Biodiversity

40 Duty to conserve biodiversity

Every public authority 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. In complying with subsection public authorities must have regard to the United Nations Environment Programme Convention on Biological Diversity of 1992. (Defra has issued guidance for public authorities on biodiversity and it can be viewed on www.defra.gov.uk/wildlife-countryside/biodiversity/index.htm.)



Part 4 - Sites of Special Scientific

55 Offences in connection with SSSI's

This addresses a small number of gaps and uncertainties which have been identified for sites of special scientific interest ("SSSIs"). **Specifically it creates a new offence for certain authorities including Internal Drainage Boards to permit the carrying out of an operation which damages an SSSI without reasonable excuse. It also creates a related offence of intentionally or recklessly destroying or damaging an SSSI's flora, fauna, or geographical or physiographical features without reasonable excuse. An Authority can be fined up to £20,000 if found guilty of such an offence. However, the Act still recognizes that emergency works can be undertaken as long as Natural England is notified to as soon as practicable.**

Part 9 -Miscellaneous

100 Byelaws relating to land drainage

Section 100 amends byelaw-making powers relating to flood defence and the drainage system more generally, so that they can take environmental matters into account.