

<b>Impact Assessment completed by:</b>		<b>Responsible officer:</b>	
Lesley Garlick – Planning Officer		Dave Black – Head of Planning, Transportation and Environment	
<b>Date of sign off:</b>	8 <sup>th</sup> September 2014		

## 1. Background

### 1.1 Title:

**North Devon Biosphere Service Review**

### 1.2 Description:

The North Devon Biosphere is an international designation from UNESCO, through the Man and Biosphere (MAB) Programme. In 2002 the World Biosphere Reserve designation was confirmed, centred on Braunton Burrows but extended to cover the entire river basins of the Taw and Torridge in North Devon. A Biosphere has three functions of conservation, sustainable economic and social development and education and research.

The objectives for the Biosphere are delivered through the Biosphere Service with a core team of 4.6FTE staff, based within the Environment Group of the Planning, Transportation and Environment Service.

Since designation there has been an ongoing debate and a series of review processes about how the functions of the Biosphere may best be delivered during a decade of local authority budget restraint. These have resulted in a series of changes in the structure, composition, name, work priorities and practical arrangements for the dedicated staff team. However, a common recent theme has been a need to adapt to reduced funding available from the three local authorities (Devon County Council, Torridge District Council and North Devon Council) and other sources, which has resulted in a gradual contraction of the staff complement.

### 1.3 **Service users:**

The Service delivers the Biosphere Strategy and Action Plan throughout North Devon and Torridge districts and is also responsible for the management of the South West Coast Path National Trail (SWCP) and the Tarka Trail in this area. All residents of the Biosphere benefit from the being part of the Biosphere designated area and the additional resources that are targeted towards delivery of conservation and environmental initiatives, in particular land managers and farmers but also everyone through a better world class environment and higher quality of life.

Users of both the SWCP and Tarka Trail, both residents and visitors, are estimated at over one million per annum ranging from long-distance walkers to local dog-walkers and wheelchair users and young families with pram / pushchairs along the accessible sections.

The governance of the Biosphere include the Biosphere Partnership, an informally constituted body of 30+ organisational stakeholders from throughout northern Devon, who contribute to the decision-making process, as well as being delivery partners for the Biosphere.

### 1.4 **Describe any reasons for change and intended aims and benefits:**

The change seeks to ensure that the Biosphere Service is able to continue to deliver the obligations of its designation, in the context of decreasing local authority budget provision. Currently the three funding local authorities contribute approximately £160k to the core costs of the team but this is likely to reduce by perhaps a third over the next three years.

The aim is to move responsibility for the Biosphere to a third sector organisation, in whole or in part, which through a partnership agreement with the funding authorities will deliver the requirements needed to sustain a Biosphere service. This approach is the preference for the Biosphere Partnership and has been agreed with the other local authority funding partners. The hope is that a third sector organisation will be better placed to find new funding sources to maintain, or even expand, Biosphere related activity.

Under the above scenario, it is likely that management of the SWCP and Tarka Trail would remain with the County Council as highway authority and the budget and staff resource would be transferred to another Group within DCC.

### 1.5 **Overlap with other policies, services etc:**

The Service is one of a number of environmental partnerships hosted by the County Council and previous reviews have considered the degree of synergy and whether there is merit in integrating with other Partnerships. Due to differences in approach, geographical coverage and the wish for independence by others, this has not proved possible.

As noted above, part of the function related to Trail management, currently delivered through the Biosphere Service, has synergies with the Public Rights of Way function within Highways.

**1.6 The following stakeholders have been involved in this assessment:**

A Review Group was established comprising the funding partners (ie Devon County Council, North Devon Council, Torridge District Council and Natural England) and the Chair and/or Vice Chair of the Partnership to represent the Partnership stakeholders.

There has been ongoing engagement and consultation with key local stakeholders throughout the Review process including a dedicated consultation event, with an independent facilitator. This was attended by over 20, representing a range of organisations and individuals. This event was linked to a broader Peer Review process, carried out by a staff member of Dorset County Council, which has provided some helpful independent insight.

Regular reports updating and seeking approvals for the following stages of work have been tabled at Partnership meetings.

Meetings have been held with key members of the funding local authorities.

All the relevant documentation is publicly available on the Biosphere website.

**1.7 The following research or guidance has been referred to, or advice sought, in order to inform the assessment:**

The Review has taken account of guidance from “Programme Devon – Future Service Delivery Models Strategy” and the Devon Commissioning Model.

Advice has been sought from the Business Transformation Team, HR One and Procurement Team in developing the proposals.

Research was undertaken into how other Biospheres and similar environmental partnerships operate elsewhere, regionally, nationally and internationally.

**1.8 Options Appraisal**

Option	Pros	Cons	Cost/Achievability
1. COMPLETE WITHDRAWAL AND DE-DESIGNATE	<ul style="list-style-type: none"> <li>▪ Cost Savings for local authorities</li> <li>▪ Clear unequivocal position</li> </ul>	<ul style="list-style-type: none"> <li>▪ Obligations of designation will not be fulfilled</li> <li>▪ Asset management within Highways will focus on maintenance, not promotion</li> <li>▪ Reputational issues</li> </ul>	<ul style="list-style-type: none"> <li>▪ No longer have a Biosphere function in place.</li> <li>▪ Asset management (SWCP and Tarka Trail) continues through DCC as part of highways authority.</li> <li>▪ Implications for designation with Defra / MAB. Possibly revert to “old-style” Biosphere or complete de-designation</li> </ul>
2. WITHDRAW SERVICE BUT MAINTAIN FUNCTION	<ul style="list-style-type: none"> <li>▪ Cost savings for local authority.</li> <li>▪ Retains designation</li> <li>▪ Clear local ownership which might be strength</li> <li>▪ Community focus</li> </ul>	<ul style="list-style-type: none"> <li>▪ Separating out assets threatens funding for some posts</li> <li>▪ Asset management within Highways will focus on maintenance, Not clear cut</li> <li>▪ Biosphere would remain but be ineffective (ie pre-2003 position)</li> <li>▪ Reputational issues</li> </ul>	<ul style="list-style-type: none"> <li>▪ Withdraw any funding for Service.</li> <li>▪ Independently hosted Partnership to retain responsibility</li> <li>▪ Maintain functions through stakeholders in voluntary Biosphere Partnership and highways authority</li> </ul>

3. DCC HOSTED ie STATUS QUO	<ul style="list-style-type: none"> <li>▪ Minimum change</li> <li>▪ Retain accountability</li> <li>▪ Retains confidence of Partnership ie "Comfortable" option</li> </ul>	<ul style="list-style-type: none"> <li>▪ Weaker, smaller team will need to prioritise delivery</li> <li>▪ Not sustainable as on downward trajectory</li> <li>▪ External funding options restricted</li> <li>▪ Operates within constraints of local auths</li> </ul>	<ul style="list-style-type: none"> <li>▪ Service continues to be hosted by DCC; no change in governance structure or method of operation.</li> <li>▪ Will need to adapt to reduced funding from local auth partners or find new sources of funding to plug gap.</li> <li>▪ Likely that will need to operate with reduced staffing level</li> </ul>
4. DISTRICT COUNCIL HOSTED	<ul style="list-style-type: none"> <li>▪ Greater synergy with DC services eg planning,, parks,</li> <li>▪ Retain accountability</li> <li>▪ Stronger local ownership</li> </ul>	<ul style="list-style-type: none"> <li>▪ Issues as with DCC as host</li> <li>▪ DC focus on transformation agenda</li> <li>▪ Complication of redundancy issue</li> <li>▪ External funding options restricted</li> <li>▪ Operates within constraints of local auths</li> </ul>	<ul style="list-style-type: none"> <li>▪ TDC or NDC take on hosting and staff TUPEed.</li> <li>▪ Will still need to adapt to reduced funding from local auth partners.</li> <li>▪ Will need an Agreement to share liabilities between local auths</li> </ul>
5. INCREASED INTEGRATION OF BIOSPERE AND AONB	<ul style="list-style-type: none"> <li>▪ Staff savings for both Services</li> <li>▪ Improved joint working and efficiency</li> <li>▪ More viable if pursue Option 3 for Biosphere</li> <li>▪ Brings opportunity for communication and understanding</li> </ul>	<ul style="list-style-type: none"> <li>▪ Politically difficult for DCs; felt too soon to be revisited</li> <li>▪ Would need commitment to both services from local auths</li> <li>▪ Perceived loss of identity / independence</li> </ul>	<ul style="list-style-type: none"> <li>▪ Phased integration of staff (eg joint manager / other posts) and governance arrangements (eg combined Exec initially through to single Partnership).</li> <li>▪ Would require single funding agreement between local auths for both Services</li> <li>▪ Needs support of both Partnerships and political mandate</li> </ul>
6. OTHER PUBLIC SECTOR - NATIONAL	<ul style="list-style-type: none"> <li>▪ Synergy and close working with other partners in delivery</li> <li>▪ Link with other Defra bodies</li> </ul>	<ul style="list-style-type: none"> <li>▪ Agencies unlikely to want to pursue</li> <li>▪ Very restricted by agency process and change – not sustainable</li> <li>▪ Strange communication message for a non-statutory designation</li> </ul>	<ul style="list-style-type: none"> <li>▪ Hosted by another statutory agency eg NE, EA or FC</li> <li>▪ Partnership funding from LAs through MoA</li> </ul>
7. OTHER PUBLIC SECTOR - LOCAL	<ul style="list-style-type: none"> <li>▪ Synergy and close working with other partners</li> <li>▪ Political accountability</li> </ul>	<ul style="list-style-type: none"> <li>▪ NPs unlikely to want to pursue</li> </ul>	<ul style="list-style-type: none"> <li>▪ Hosted by another authority eg Dartmoor or Exmoor National Park</li> <li>▪ Partnership funding from LAs through MoA</li> </ul>
8. COMBINATION: PUBLIC SECTOR HOSTING WITH INCREASED ROLE FOR EXTERNAL PARTNER	<ul style="list-style-type: none"> <li>• Builds on existing structures which already in place</li> <li>• Increasingly active role for key constituent bodies within Partnership</li> <li>• Partnership takes leadership role</li> <li>• Help in kind from local auths</li> </ul>	<ul style="list-style-type: none"> <li>▪ Too messy and need clear-cut solution</li> <li>▪ Complication of restructuring of team to deliver core activities.</li> <li>▪ Would require redundancies</li> </ul>	<ul style="list-style-type: none"> <li>▪ Original intention.</li> <li>▪ Reduced service for core essential activities at a minimum level within public sector team ie Partnership support, strategy, etc.</li> <li>▪ External Partner may need development to increase role and deliver desirable activities</li> <li>▪ External partner leading on external funding, project activity and providing added value.</li> <li>▪ Opportunity to progress to Option 10</li> </ul>
9. STRATEGIC PARTNERSHIP ARRANGEMENT	<ul style="list-style-type: none"> <li>▪ Builds on strength of new host body</li> <li>▪ Greater integration with related projects</li> <li>▪ New and increased funding opportunities</li> <li>▪ Potential for support from volunteer network</li> <li>▪ Increased opportunities to promote BR</li> </ul>	<ul style="list-style-type: none"> <li>▪ Staff TUPE issues and liabilities</li> <li>▪ VAT implications</li> <li>▪ More vulnerable to future budget cuts by partner organisation</li> <li>▪ LAs would not commit funding for more than 3 years; likely longer term commitment needed.</li> <li>▪ Identity for Biosphere may be lost</li> <li>▪ Functioning Partnership at risk and may lose confidence</li> <li>▪ Likely political reluctance</li> <li>▪ Skill sets of some organisations may not be right</li> </ul>	<ul style="list-style-type: none"> <li>▪ An external body takes on the management role and develops it through own resources in non-commercial capacity.</li> <li>▪ Partnership funding from local auths through an MoA.</li> <li>▪ Asset management stays with DCC as highway authority</li> <li>▪ BR Partnership committed to closer governance with NIA</li> <li>▪ Potential perception of Exeter bias</li> </ul>
10. SOCIAL ENTERPRISE MODEL	<ul style="list-style-type: none"> <li>▪ Independence from core funding bodies as services and projects diversify</li> <li>▪ Easier access to external funds</li> <li>▪ Local ownership</li> <li>▪ Potential to grow in future</li> </ul>	<ul style="list-style-type: none"> <li>▪ Viability question unless well-resourced through local auths.</li> <li>▪ Vulnerable to future budget cuts by external organisations</li> <li>▪ Will need capacity building for new organisation to support change.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Longer term vision as Biosphere matures</li> <li>▪ Options could be existing Biosphere Foundation model or the Service becomes an independent social enterprise</li> </ul>

	<ul style="list-style-type: none"> <li>▪ Opportunity to bring in other groups eg community energy</li> </ul>	<ul style="list-style-type: none"> <li>▪ Cash flow issues for first major projects.</li> <li>▪ Needs endowment or assets for it to grow from.</li> <li>▪ Staff TUPE issues</li> <li>▪ VAT implications</li> </ul>	<ul style="list-style-type: none"> <li>▪ Potential in longer term for charitable arm</li> <li>▪ Tapering transitional funding from local auths.</li> <li>▪ Could be development from Option 8 if proved successful</li> <li>▪ Likely to require transfer of assets</li> </ul>
11. ESTABLISH NEW CHARITABLE BODY	<ul style="list-style-type: none"> <li>▪ Complete independence</li> <li>▪ New and wider funding opportunities</li> <li>▪ Decreased on-costs / management costs</li> </ul>	<ul style="list-style-type: none"> <li>▪ Need ongoing grant support from local auths, especially initially</li> <li>▪ Need assets to enable finance to be achieved</li> <li>▪ Risky – most Trusts struggle to maintain viability (but also applicable to other options)</li> <li>▪ Charities have onerous requirements</li> <li>▪ Competition with other charitable bodies for funds</li> <li>▪ Staff TUPE issues</li> <li>▪ VAT implications</li> </ul>	<ul style="list-style-type: none"> <li>▪ Create a new charitable body with change led by the Service.</li> <li>▪ Would require transfer of some assets from local auths to support it eg management of SWCP, ownership of TT; parks and open spaces; LNRs;</li> </ul>
12. CONTRACTUAL COMMERCIAL ARRANGEMENT	<ul style="list-style-type: none"> <li>• Only suitable if just maintaining obligations</li> </ul>	<ul style="list-style-type: none"> <li>▪ No added value</li> <li>▪ Perception that more expensive due to management costs</li> <li>▪ Complication of redundancies; liabilities for staff retained</li> <li>▪ Asset management within Highways will focus on maintenance, not promotion</li> <li>▪ Will require ongoing funding</li> <li>▪ VAT implications</li> <li>▪ Staff TUPE issues</li> </ul>	<ul style="list-style-type: none"> <li>▪ Has been investigated previously without result</li> <li>▪ An external body is paid to either host the team or deliver the service as contractual arrangement.</li> <li>▪ Likely to require TUPE staff transfer</li> <li>▪ Require ongoing funding from local authorities</li> <li>▪ Asset management stays with DCC as highway authority</li> </ul>

### Recommended/preferred option(s):

The Options Appraisal was presented to the Biosphere Partnership in June 2014. It was agreed to recommend to the Biosphere Executive to further develop a proposal with a suitable external partner within the parameters set out in Options 8 and 9. Subsequently, these options have been agreed as the preferred approach by senior officers within the three local authorities, with this decision awaiting ratification by members.

## 2. Analysis

### 2.1 Social impacts

#### Giving Due Regard to Equality and Human Rights

The local authority must consider how people will be affected by the service, policy or practice. In so doing we must give due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation
- Advance equality of opportunity and
- Foster good relations.

We must take into account the protected characteristics of age, disability, gender, gender reassignment, pregnancy and maternity, marriage and civil partnership, sexual orientation, race, and religion and belief (where relevant).

This means considering how people with different needs get the different services they require and are not disadvantaged, and facilities are available to them on an equal basis in order to meet their needs; advancing equality of opportunity by recognising the disadvantages to which protected groups are subject and considering how they can be overcome.

We also need to ensure that human rights are protected. In particular, that people have:

- A reasonable level of choice in where and how they live their life and interact with others (this is an aspect of the human right to ‘private and family life’).
- An appropriate level of care which results in dignity and respect (the protection to a private and family life, protection from torture and the freedom of thought, belief and religion within the Human Rights Act and elimination of discrimination and the promotion of good relations under the Equality Act 2010).
- A right to life (ensuring that nothing we do results in unlawful or unnecessary/unavoidable death).

The Equality Act 2010 and other relevant legislation does not prevent the Council from taking difficult decisions which result in service reductions or closures for example, it does however require the Council to ensure that such decisions are:

- Informed and properly considered with a rigorous, conscious approach and open mind, taking due regard of the effects on the protected characteristics and the general duty to eliminate discrimination, advance equality and foster good relations.
- Proportionate (negative impacts are proportionate to the aims of the policy decision)
- Fair
- Necessary
- Reasonable, and
- Those affected have been adequately consulted.

	<b>In what way is this characteristic relevant, or not relevant, to the service, policy or practice?</b>
Age:	No impacts identified at this stage
Disability:	No impacts identified at this stage
Gender/Sex (men and women):	No impacts identified at this stage
Marriage and civil partnership:	No impacts identified at this stage
Pregnancy and maternity:	No impacts identified at this stage
Race/ethnicity:	No impacts identified at this stage
Religion/belief:	No impacts identified at this stage

Sexual orientation:	No impacts identified at this stage
Trans-gender/gender identity:	No impacts identified at this stage
Other (e.g. socio-economic, general health and wellbeing, human rights, safeguarding):	No impacts identified at this stage
<b>Overall degree of relevance to equality:</b>	Low
<b>Geographic areas affected:</b>	<b>Northern Devon</b>

### 2.1.1 Positive impacts:

The Biosphere Service is open and accessible to all regardless of age, gender, disability, race, ethnicity, sexual orientation etc. Measures related to some of the Services it provides eg management of the Tarka Trail, incorporate specific facilities to encourage use by particular sectors eg those with a disability, young families, and the elderly. Participation in events and volunteer activity is encouraged. It is anticipated that these positive impacts will continue at the same level under the proposed new operating arrangements.

### 2.1.2 Negative impacts and mitigations or justification:

The Review may have impacts on the staff currently employed within the Service. The impact of a potential loss of a locally based Service in north Devon, might reduce local access and local identity for the Biosphere. It is hoped to minimise these impacts by developing an alternative model of delivery, working through an external third sector partner.

The work that is undertaken in relation to the Tarka Trail in encouraging access by disadvantaged groups might be impacted, even if this area of the Service remains within the County Council as highway authority. Whilst there is no specific intention to reduce any dedicated activity targeted towards such groups, reducing budgets is likely to result in a greater emphasis on achieving basic maintenance requirements.

### 2.1.3 Neutral impacts:

n/a

## 2.2 Economic impacts

	<b>In what way is this factor relevant, or not relevant, to the service, policy or practice?</b>
Impact on knowledge and skills:	Potential negative impacts
Impact on employment levels:	Potential negative impacts
Impact on local business:	Potential negative impacts

### 2.2.1 Positive impacts:

n/a
-----

### 2.2.2 Negative impacts and mitigations or justification:

<p>In order to achieve the cost savings required a negative impact may be had on the number of staff employed within the Biosphere Service in northern Devon. This will reduce the capacity to advise local businesses and stakeholders in economic development on areas of work related to a sustainable economy and low carbon initiatives. However, it is hoped that this potential impact may be offset to some degree by potential opportunities which may result from the proposed new operating model.</p>
---

## 2.3 Environmental impacts

2.3.1 The policy or practice does not require the identification of environmental impacts using this Impact Assessment process because it is subject to (please select and proceed to Section 2.3, otherwise complete table below):

N/A	Devon County Council's Environmental Review Process for permitted development highway schemes.
N/A	Planning Permission under the Town and Country Planning Act (1990).
N/A	Strategic Environmental Assessment under European Directive 2001/42/EC "on the assessment of the effects of certain plans and programmes on the environment".

	<b>In what way is this factor relevant, or not relevant, to the service, policy or practice?</b>
Reduce waste, and send less waste to landfill:	Potential negative impacts when a reduced Service would have less ability to promote awareness of the "reduce, re-use, recycle" message

Conserve and enhance biodiversity (the variety of living species):	Potential negative impacts if there were insufficient resources to implement a range of biodiversity measures and initiatives.
Safeguard the distinctive characteristics, features and special qualities of Devon's landscape:	Potential negative impacts if there were insufficient resources to implement a range of landscape enhancement and mitigation measures.
Conserve and enhance the quality and character of our built environment and public spaces:	Potential negative impacts if there were insufficient resources to maintain access to the Trails that the Service manages
Conserve and enhance Devon's cultural and historic heritage:	Potential negative impacts
Minimise greenhouse gas emissions:	Potential negative impacts if there were insufficient resources to promote and support carbon reduction measures.
Minimise pollution (including air, land, water, light and noise):	Potential negative impacts through reduced ability to engage in land management initiatives aimed at reducing land and water pollution.
Contribute to reducing water consumption:	Potential negative impacts if insufficient resources to promote benefits of reducing water consumption.
Ensure resilience to the future effects of climate change (warmer, wetter winters; drier, hotter summers; more intense storms; and rising sea level):	Potential negative impacts if insufficient resources to continue measures related to sustainability and low carbon management.
Other (please state below):	

### 2.3.2 Positive impacts:

Dependent upon the priorities and fund-raising / project development skills of the new partner organisation, it is likely that new opportunities which deliver specific environmental benefits will be realised.

### 2.3.3 Negative impacts and mitigations or justification:

Any measure that will impact on the ability of the Service to deliver the Biosphere Strategy will have implications for the environment of northern Devon. There is the potential that the ability of the Service to engage with biodiversity, landscape, energy or climate change initiatives, for example, will be reduced which could lead to negative impacts on the environment. However, it is anticipated that the adoption of the new operating model through a third sector body might generate new opportunities which offset some of these potential negative impacts.

## 2.4 Combined Impacts

### 2.4.1 Linkages or conflicts between social, environmental and economic impacts:

The purpose of the Biosphere Strategy is to deliver an integrated approach to sustainable development with the seven objectives linking social, environmental and economic aspects for providing a world class environment and quality of life in northern Devon.

### 2.4.2 'Social Value' of planned commissioned/procured services:

Any proposed change of governance for the Biosphere should put the Service in a strong strategic position with the potential to realise further savings and generate greater income from the added value that an external partner could bring. At a time when the local authority funding partners need to reduce their contributions to the Biosphere, this represents a pragmatic approach to cost efficiencies and maximising scarce resources which will enable the services for the Biosphere to be continued to be delivered to the benefit of the environment and economy of northern Devon.

### 2.4.3 Potential impacts on partner agencies:

The proposed actions have been discussed, and agreed with, the other two local authority funding partners, North Devon Council and Torrington District Council.

## 3. Actions and risk management

### 3.1 Actions:

Following a procurement exercise during the winter of 2014/15, a preferred partner organisation will be appointed who will deliver the Biosphere Service for three years from April 2015. This will be subject to Contractual and Partnership agreement clearly setting out the governance structure and outputs from the arrangement and the anticipated added value that an external partner will bring.

### 3.2 How will you monitor the actual impacts of recommendations/decisions (consider what service user monitoring and consultation is necessary)?:

Performance standards for the partnership arrangement will be set out in the partnership agreement. These will be monitored by DCC and the other local authority funding partners as well as regular reporting to the Biosphere Partnership comprising the wider stakeholders.

### 3.3 Risk assessment

**Risk 1:** That the Biosphere Service will cease to deliver, or deliver to a reduced level, the Biosphere Strategy and Action Plan to the detriment of the social, economic and environmental interests in northern Devon

**Inherent risk (mark an X in one box).**

The risk **without** mitigating actions in place/prior to any changes.

<b>Severity</b>	Catastrophic	5					
	Major	4					
	Moderate	3				X	
	Minor	2					
	Negligible	1					
				1	2	3	4
			Rare	Unlikely	Possible	Likely	Almost certain

**Likelihood** (in a 5 year timeframe)

**Current risk (mark an X in one box).**

The risk **with** mitigating actions/changes in place.

<b>Severity</b>	Catastrophic	5					
	Major	4					
	Moderate	3					
	Minor	2		X			
	Negligible	1					
				1	2	3	4
			Rare	Unlikely	Possible	Likely	Almost certain

**Likelihood** (in a 5 year timeframe)