



OPEN
COMMUNITY & ENVIRONMENT COMMITTEE

Community & Environment Committee
30 July 2024

NATURE DELIVERY PLAN

Report of the Director of Community & Environmental Services

Report Author and Contact Details

Ashley Watts Director of Community and Environmental Services
01629 761367 or ashley.watts@derbyshiredales.gov.uk

Wards Affected

District Wide

Report Summary

The report presents a Nature Delivery Plan for 2024 to 2027. This new Nature Delivery Plan provides a framework for actions which will allow the Council to comply with the statutory duty.

Recommendations

1. That the Nature Delivery Plan for 2024 to 2027 be approved
2. That Council be recommended to approve additional revenue budget (2025/26) to reflect the proposed expenditure of £30,000 associated with the delivery of the actions set out in the Nature Delivery Plan

List of Appendices

Appendix 1 Nature Delivery Plan
Appendix 2 Supplementary Information

Background Papers

26 January 2023 (minute number 276/22) the Council resolved to support the recovery of nature across the Derbyshire Dales.

16 March 2023 (minute number 346/22) a report was brought before Council that set out a first consideration of biodiversity action. This first consideration detailed activities that the District Council has undertaken and is currently undertaking that contribute to meeting the new Biodiversity Duty.

At the Biodiversity Sub-committee meeting on 19 July 2023, it was agreed that a specification be prepared for a new biodiversity 'action plan'.

At the Biodiversity Sub-committee meeting on 13 September 2023 Members approved the specification and a budget to commission the plan.

The specification received further approval at the of 26 October 2023 Community & Environment Committee and Council on 14 December 2023.

Consideration of report by Council or other committee

A draft of the plan was presented at the Biodiversity Sub-Committee on the 18 April 2024 and was further discussed at the Biodiversity Working Group on the 26 June 2024

Council Approval Required

Yes

Exempt from Press or Public

No

Report Title

1. Background

- 1.1 The Natural Environment and Rural Communities Act 2006, (NERC Act 2006) which came into force on 30 March 2006 introduced in Section 40 a duty on public authorities to conserve biodiversity defined as in relation to a living organism or type of habitat, restoring or enhancing a population or habitat.
- 1.2 The Environment Act brought into force in November 2021 introduced a wide range of responsibilities in relation to biodiversity some of which will fall directly to the County Council to implement but others of which fall to the District Council.
- 1.3 Section 102 amends the NERC Act 2006 by now making it a Biodiversity Duty for a public authority to conserve **and enhance** biodiversity in relation to its functions – it also sets out that a local authority must have regard to any relevant Local Nature Recovery Strategy (LNRS) and any relevant species conservation strategy.
- 1.4 Section 103 requires local authorities to publish biodiversity reports which summarise action taken to comply with the wider duty – these should include what has been done in relation to biodiversity, information about biodiversity, and a summary of plans for carrying out the functions over a five-year period.
- 1.5 In addition, the Environment Act introduces mandatory ‘Biodiversity Net Gain’ (BNG) requirements which set a minimum of 10% BNG from development sites from January 2024. This was introduced in two parts, both of which are now in force.
- 1.6 At a meeting on 26 January 2023 the Council resolved (minute number 276/22) to support the recovery of nature across the Derbyshire Dales. The Council acknowledged that:
 1. We are experiencing a nature crisis and the UK Government has recently committed to the COP15 requirements to address this. We recognise that with 41 per cent of wild species in decline nationally, and 15 per cent facing extinction:
 - a) Nature is in long term decline, and the requirement to take action to reverse this is urgent.
 - b) Nature provides us with vital support systems (‘ecosystem services’), and severe declines in biodiversity are undermining nature’s productivity and adaptability, posing excessive uncertainty for our economies and wellbeing.
 - c) A thriving natural environment underpins a healthy, happy, prosperous society.
 - d) The nature crisis and the climate emergency are intrinsically linked. The impacts of the climate crisis are driving nature’s decline, while restoring nature provides a wide variety of cost-effective benefits to mitigate and adapt to the impacts of climate change, such as through reducing the risk of flooding in our towns and villages.
 - e) Many of our areas of work across the district have an impact on nature, and we have responsibilities to make decisions to protect and enhance it.

To support the recovery of nature across the Derbyshire Dales, this council commits to:

Nature and climate

1. Develop and implement a Derbyshire Dales Nature Recovery Strategy and ensure it underpins all planning, development, and land management decisions, including the Local Plan.

As part of this, the council will:

- a) Develop a Nature Recovery Network map to prioritise sites within the ecological network to provide a strategic base for the creation of a Nature Recovery Network.
- b) Increase space for wildlife and commit to the long-term maintenance and expansion of the Nature Recovery Network.
- c) Use the Nature Recovery Network map to inform the selection of Biodiversity Net Gain projects within the region.
- d) Maintain a commitment to achieve a net-gain to biodiversity across all development, meeting the Environment Act requirement of 10% biodiversity net-gain, ensuring compliance with the most up to date scheme from Defra.
- e) Improve the landscape's resilience to climate change, employing nature-based solutions to mitigate and adapt to the impacts of climate change on the District, including carbon storage and sequestration, managing flood risk, improving water quality, and sustaining vital ecosystems.
- f) After satisfying safety and visibility priorities, and building on the work of our Biodiversity Project, develop greenspace management regimes to maximise potential for biodiversity, carbon storage and sequestration.
- g) Carry out a carbon audit of DDDC countryside and open space sites to establish how carbon storage/sequestration could be improved.
- h) Adopt a peat-free policy for all council contracts and suppliers.
- i) Aim to achieve favourable condition on all council-managed protected and designated nature sites (e.g. SSSIs (Site of Special Scientific Interest), LNRs (Local Nature Reserves), LWSs (Local Wildlife Sites)) by 2030.

People, health, and wellbeing

2. Improve access to nature by following the Natural England 'Nature Nearby' Accessible Natural Greenspace Guidance

Regard will be given to:

- Areas with high levels of physical health problems.
- Areas with high levels of mental health problems.
- Areas where the amount and quality of accessible natural greenspace is below Natural England's targets.

Strategic planning and development

3. Embed nature's recovery into all strategic plans, including the Local Plan, and all policy areas, not just those directly related to the environment. Ensure the LNRS is well understood across the authority and complements other relevant plans and strategies.

4. Integrate the targets, objectives, and outcomes of this motion, i.e. the biodiversity strategy and action plan, with those outlined in the Derbyshire Dales Carbon Reduction Plan, to ensure measures to tackle climate issues do not contravene the principles of enhancing biodiversity. Wherever possible, the council will invest in nature-based solutions to climate change to tackle the nature crisis and climate emergency together.

5. Provide training and resources for councillors and council employees about the ecological emergency.

Collaboration, monitoring, and accountability

6. Identify a council employee as the designated lead for coordinating council operations in relation to the ecological emergency

- 1.7 To meet the enhanced Biodiversity Duty local authorities were required to complete a first consideration of what action to take for biodiversity by 1 January 2024 and agree policies and objectives soon after this.
- 1.8 A report was presented to Council on 16 March 2023 that set out this first consideration – detailing activities that the District Council has undertaken and is currently undertaking that contribute to meeting the new Biodiversity Duty. The Council noted the additional requirements in relation to the new Biodiversity Duty, past and current activities in relation to biodiversity and requested that a further update be presented to Members by no later than 30 November 2023 setting out what further actions have been and will be implemented in respect of the Biodiversity Duty (minute number 346/22).
- 1.9 At a meeting of the Biodiversity Sub-committee on 19 July 2023 it was agreed that a specification be prepared for a new biodiversity 'action plan' which sets out further actions the District Council should undertake to meet the requirements of the newly enhanced duty for the period 2024-2027.
- 1.10 At a meeting of the Biodiversity Sub-committee on 13 September 2023 Members approved the specification and a budget to commission the plan. The specification received further approval at the Community & Environment Committee of 26 October 2023 and Council on 14 December 2023.
- 1.11 Following a tender process SLR Consulting were appointed to produce the plan in early February and a draft was presented to the Biodiversity Sub-committee on 18 April 2024. The plan has now been finalised and is attached at Appendix 1 of this report.

2. Key Issues

- 2.1 The plan identifies five key themes:
 - Council Workstreams – areas the District Council has direct control over

- Development and BNG – areas that are subject to planning legislation
 - Flooding
 - Agriculture
 - Ecotourism.
- 2.2 It sets out two main objectives that link to these themes. The Council will play a leading role in delivering these objectives –
1. The biodiversity duty will become embedded into Council practices and the District Council will become leaders in championing nature conservation and enhancement.
 2. By 2027, the Council will have revised Local Plan policies on nature conservation and enhancement.
- 2.3 The plan also sets three goals. The Council will act in a facilitating or supporting role in the delivery of these by developing close working partnerships with key stakeholders -
1. By 2027, each catchment will be enhanced for biodiversity and flood resilience.
 2. The Derbyshire Dales District farms will showcase regenerative farming practices and collaborative habitat restoration and creation.
 3. The Derbyshire Dales will become a hub for responsible and accessible nature tourism.
- 2.4 Table 7.1 on page 38 of the plan summarises the key recommended actions as indicators (specific, quantifiable actions) which can be taken to deliver these objectives and goals. It provides a framework for reporting on our actions which will allow the Council to publish biodiversity reports which summarise action taken to comply with the statutory duty.
- 2.5 The resource required to deliver the objectives is indicated in the same table. Many of the actions can be delivered using existing internal resource and expertise within the Council however it should be noted that undertaking this work will increase the workload of areas of the Council that may already be under significant pressure.
- 2.6 Indicator 5a ‘By October 2025, all land owned by the District Council will be subject to a baseline assessment’ requires external expertise to develop and deliver.
- 2.7 The costs of this piece of work are dependent on how much land is assessed and a recommendation is made that land which is considered to present the greatest opportunity for enhancement should be prioritised in a phased approach. These field-based assessments need to be undertaken by a suitably qualified ecologist between May and September. Subject to approval of the revenue budget a specification for these assessments will be developed and a procurement exercise carried out so that they can begin in spring 2025. As part of these assessments appropriate Council staff will be offered the opportunity to accompany the surveyor, providing the opportunity for them to continue to develop their expertise.
- 2.8 It should also be noted that indicator 5b ‘Management and monitoring plans will be in place for all District Council land for the period 2026 to 2027’ will also require similar external expertise and that there will be an ongoing cost to successfully delivering these plans. It may be that the type of specialist management required cannot be undertaken by existing Council staff or that additional or new equipment is required. Any costs associated with these plans would need to be brought back to Council for approval by members.
- 2.9 The plan also includes a guidance note on Biodiversity Net Gain (BNG). This provides guidance for developers when they are considering BNG during the planning process. Developers will be directed to the plan which

defines key areas for habitat creation and enhancement. The supplementary information document provides a list of species recorded within Derbyshire Dales which are internationally important, nationally important and locally important.

- 2.10 It is important to note that the plan does not seek to replicate the work being undertaken as part of the production of LNRS. When it is published the LNRS will meet many of the aims of the original Council motion described in 1.6.
- 2.11 LNRSs are a new system of spatial strategies for nature recovery, legislated for in the Environment Act 2021. Each strategy will agree priorities for nature recovery and the wider environment and propose actions in the locations where they would have the most impact in helping to deliver those priorities. Derbyshire County Council have been appointed as the responsible authority to produce the Derbyshire LNRS which will include the Derbyshire Dales.
- 2.12 The LNRS will –
 - Inform the rollout of Biodiversity Net Gain, by helping to guide where offsite habitat is created and enhanced
 - Provide important evidence that local planning authorities will need to consider when revising Local Plans
 - Be considered as part of the Council’s statutory duty to take action, consistent with your functions, to conserve and enhance biodiversity
- 2.13 The LNRS legislation requires that responsible authorities involve all Local Planning Authorities, including National Park Authorities, and Natural England (collectively termed ‘supporting authorities’) in the preparation process.

3. Options Considered and Recommended Proposal

- 3.1 Option One – that the plan be approved.
- 3.2 Option Two – that the plan is not approved. This presents the risk that we do not comply with the legislation and are unable to demonstrate how we have acted to comply with the wider duty. It also means that several Corporate Plan priorities would not be achieved.

4. Consultation

- 4.1 Through the production of the plan SLR have consulted with several stakeholders including – Derbyshire Wildlife Trust, Derbyshire Biological Records Centre, Derbyshire County Council and the Peak District National Park Authority.
- 4.2 An online consultation ran from the 14 June 2024 to the 28 June 2024 publicised on social media. The purpose of this consultation was to ask for residents’ views on the general importance of biodiversity to them, areas of focus and potential partnerships rather than presenting an opportunity to comment on the draft plan. This received 192 responses summarised below.
- 4.3 The biodiversity of the Derbyshire Dales is important to 93% of respondents. The general theme of responses focused around –
 - building on green fields or flood plains. Biodiversity loss mitigation in all planning applications for new housing (e.g., swift bricks in new homes, wildlife corridors)

- mowing regimes and sowing of wildflower seed, management of shared spaces (e.g. parks) for nature
- concerns around site lines on unmown verges/areas, particularly for cyclists
- making sure areas managed for nature are 'joined up' and not isolated.
- importance of education and how the Council can engage with the general public/schools/community groups/landowners. Joint projects to increase ownership of nature. Lead by example
- avoid use of pesticides
- clearing and protecting rivers
- (native) tree planting, hedgerow planting
- protect areas from tourism (dogs, wildfires, trampling)
- more public orchards and allotments
- prosecution of fly tippers, environmental damage, cutting down of protected trees, removal of hedgerows
- grants for people to rewild their land
- restore bogs
- reduce run off from farmlands, change agricultural practices, support farmers to diversify
- tackle excessive and unnecessary exterior lighting
- invest in natural flood risk management

5. Timetable for Implementation

- 5.1 Table 7.2 on page 43 shows phasing of objectives, goals and actions through the plan period to 2027.
- 5.2 In relation to Objective One 'The biodiversity duty will become embedded into Council practices and the District Council will become leaders in championing nature conservation and enhancement' the timetable is as follows:
- By the end of 2024, all appropriate District Council staff, Councillors and sub-contractors will have read and understood this plan and undertaken basic biodiversity training and all District Council plans, policies, strategies, procedures, or decisions will consider biodiversity.
 - By March 2025, the website will be updated to increase visibility and collate all relevant information to this plan and the District Council's biodiversity duty.
 - By October 2025, all land owned by the District Council will be subject to a baseline assessment.
 - From 2026 – 2027 Management and monitoring plans will be in place for all District Council land.
 - By March 2025, all District Council homes will be appropriately enhanced for nature.
- 5.3 In relation to Objective Two 'By 2027, the Council will have revised Local Plan policies on nature conservation and enhancement' the current local development scheme anticipates adoption of the revised local plan in 2026.

6. Policy Implications

- 6.1 The production of the plan links to the Corporate Plan aim of ‘a thriving environment in the Derbyshire Dales’ specifically -
- Commission a fundamental review of the Council’s opportunities to conserve and enhance biodiversity
 - Develop a biodiversity implementation plan to respond to the recommendations of the review

7. Finance and Resource Implications

- 7.1 The actions identified in the plan are a proportionate response to the requirements of the enhanced duty given that there is no dedicated additional resource in the Council to deliver these actions. Where delivery of these actions is likely to have resource implications these have been highlighted in the key issues section of the report.
- 7.2 It will be necessary to include the proposed additional expenditure of £30,000 to the Council’s Medium Term Financial Plan, to ensure there is budget from 2025/26 onwards to fund an ecologist to carry out the assessments of land in the Council’s ownership.
- 7.3 Service level agreement exists between the District Council and Derbyshire Wildlife Trust in relation to the BNG in the assessment of planning applications.

8. Legal Advice and Implications

- 8.1 Section 102 and Section 103 of the Environment Act 2021 – brought into effect on 1 January 2023 require that in carrying out its functions that the District Council must consider how it will conserve and enhance biodiversity and publish biodiversity reports which summarise action taken to comply with the wider duty.
- 8.2 The legislation requires that the District Council must agree policies and specific objectives based on this consideration and act to deliver those policies and objectives.
- 8.3 Preparation of this plan meets these requirements and provide a framework to meet the reporting requirements of Section 103.
- 8.4 The actions identified within the plan can be delivered under existing powers. There are not considered to be any legal risks or implications in approving the plan.
- 8.5 Any future formal partnerships to deliver identified actions would be subject to the necessary legal due diligence.
- 8.6 There are not considered to be any data protection implications resulting from the approval of the plan.

9. Equalities Implications

- 9.1 There are not considered to be any equality implications of the recommendations of this report.

10. Climate Change and Biodiversity Implications

- 10.1 Nature based solutions are a significant part of the response to limiting climate change. Climate change is a significant cause of biodiversity loss and so the two crises are inescapably linked.
- 10.2 Improving biodiversity can support efforts to reduce the effects of climate change. Conserved or restored habitats offer the potential to both reduce and remove emissions by enhancing the ability of ecosystems to sequester carbon dioxide or reverse the decline of an ecosystem so that it no longer emits harmful greenhouse gas emissions and once more becomes a 'net sink' of carbon. Resilient ecosystems can also reduce the disastrous impacts of a changing climate, such as flooding and storm surges.

11. Risk Management

- 11.1 There is the risk that where delivery of the objectives requires additional resource from areas of the Council that may already be under significant pressure e.g., the Clean and Green team, these objectives will not be met.
- 11.2 In order to achieve indicator 8 'By 2027, the District Council will have invested in at least three community-led biodiversity projects' requires buy in into those projects in the community. The support for the current biodiversity projects and the results of the consultation suggest that this risk is low.
- 11.3 In relation to the development and BNG objectives, the revised local plan is subject to independent scrutiny at an examination in public and any strengthened biodiversity policies must be found to be sound at that inspection.
- 11.4 Delivery of the goals is dependent on the development of close working relationships with key stakeholders. There is a risk that these relationships may not develop if insufficient resource is available with the Council.

Approvals obtained from Statutory Officers:

	Named Officer	Date
Chief Executive	Paul Wilson	09/07/2024
Financial Services Manager)	Gemma Hadfield	09/07/2024
Monitoring Officer	Helen Mitchell	2 / 7 / 2024