

North East Derbyshire District Council

Environment Scrutiny Committee

09 September 2024

Actions that the Council is taking in respect of its duty to further the biodiversity objective.

Report of the Assistant Director for Planning

Classification: This report is public

Report By: Assistant Director of Planning.

Contact Officer: David Thompson
david.thompson@ne-derbyshire.gov.uk

PURPOSE / SUMMARY

To inform Members of the action that the Council is taking to comply with its responsibilities under the Environment Act 2021 to further the general biodiversity objective.

RECOMMENDATIONS

1. That Members note the contents of the report.

IMPLICATIONS

Finance and Risk: Yes No

Details:

On Behalf of the Section 151 Officer

Legal (including Data Protection): Yes No

Details:

On Behalf of the Solicitor to the Council

Staffing: Yes No

Details: Resources required to ensure that Council is meeting its obligations under the Environment Act in relation to developing policies and specific objectives for taking action to further the general biodiversity objective and to report on progress.

On behalf of the Head of Paid Service

REPORT DETAILS

1 **Background** *(reasons for bringing the report)*

- 1.1 To re-cap the discussion at the November 2023 meeting of the Committee, the Environment Act (2021) states that public authorities (including Councils) have a duty to “*from time to time consider what action the authority can properly take, consistently with the proper exercise of its functions, to further the general biodiversity objective*”.
- 1.3 The legislation requires public bodies to take a strategic approach to determine policies and specific objectives for taking action to further the general biodiversity objective.
- 1.4 Section 103 of the Act requires local authorities to publish biodiversity reports which summarise action taken to comply with the duty along with a summary of the authority’s plans for complying with the duty over a period of five years.
- 1.5 In relation to the obligations placed on developers, proposals for larger new developments have been required to demonstrate a biodiversity net gain of 10% as a result of the scheme from February 2024. For qualifying smaller scale developments, the same requirement came into force from April 2024.

2. **Details of action that the Council is taking.**

- 2.1 Cabinet approved the first Biodiversity Report for the district in January 2024. A copy of the report is attached as appendix 1 of this report. This report includes an assessment of the various adopted strategies that the Council had in place at that time and how each of these contributes to the enhancement of biodiversity. The primary documents being the Local Plan, the Climate Change Strategy and the Council Plan.
- 2.2 It then goes on to list the actions that formed the ‘first considerations’ work required by the regulations that support the 2021 Act. The identified actions are as follows:
 1. Assess the current state of biodiversity in the district;
 2. Produce a Strategic district-wide Action Plan relating to Biodiversity;
 3. Review viability of delivering 10% net gain on allocated sites that do not have an extant planning permission;
 4. Consider a ‘call for sites’ for land available in the district for net gain ‘offsetting;’

5. Establish a 'bank' of land for biodiversity enhancement where 10% net gain is not possible on a development sites (both Council assets and privately owned land);
 6. Participate in the development of the Derbyshire Local Nature Recovery Strategy (LNRS); and
 7. Consider biodiversity enhancement policies as part of the Local Plan Review
- 2.3 Part 3 of the report sets out the broad tasks involved in achieving each of the above actions and allocates a year for target completion across the 5 year period of the programme.
- 2.4 The Estates team are currently compiling a list of Council owned assets that the planning team have given advice on to suggest that the development potential of the particular site is low. After a review of the planning position by officers, some of those sites could be put forward as part of the call for sites process that is likely to happen later this year. The call for sites opportunity would be advertised publicly and would hopefully flag up privately owned sites within the district.
- 2.5 All of the land that is presented via the call for sites process will need to be assessed for its suitability for habitat creation and enhancement. This will involve ecologists undertaking site surveys and referring to mapping data to ensure that land that will facilitate connections between existing areas of the same habitat are prioritised, in order to achieve the maximum biodiversity benefit.
- 2.6 This assessment work will be undertaken by the Derbyshire Wildlife Trust (DWT). The Council has a Service Level Agreement with DWT in relation to specialist input into planning applications and some strategic planning matters. As part of a separate procurement, DWT have been appointed to provide the ecology expertise necessary to support the Council in achieving the above actions.
- 2.7 DWT are currently working with officers to design the questions that will be used to ensure that those sites registered through the call for sites process are ones that have some likelihood of achieving biodiversity enhancement.
- 2.8 DWT are also running a Nature Recovery Network (NRN) model which uses electronic data to evaluate existing habitat, species, landscape and designated site data within and around the district, including data held by the Derbyshire Biological Records Centre. The assessment will also include a review of relevant local and national policies and existing biodiversity action plans, as well as identifying where the existing NRN of habitats corridors exists.
- 2.9 The data collated by the NRN model allows an assessment of the permeability of the existing landscape and the identification of the strategic significance of open, wooded and wetland habitat creation and restoration opportunities across the county, ensuring an evidence-led, strategic approach to nature's recovery. This data can then be focussed to a district scale, drawing specific boundaries to identify the most strategically significant areas for habitat creation based on

the present habitats and land-uses within that area, with a buffer region applied to account for cross-boundary connectivity.

- 2.10 The NRN model is currently underway and the assessment phase will follow. The assessment is proposed to coincide with the call for sites process and will include identifying strategic gaps and developing an evidence base to make informed conclusions on the suitability of those sites that do come forward.
- 2.11 That evidence and the suitability of the sites that are presented through the call process will need to be verified via on site surveys. The timing of that survey work is influenced by the breeding season and the draft programme is to undertake this survey work from March/April 2025.
- 2.12 Taking the above points together, officers are working towards the evidence base to underpin actions 1-5 above being largely completed by early summer 2025.
- 2.13 In relation to the formation of a 'bank' of land (action 5), the call for sites process is a way of encouraging sites to come forward in a way that allows the strategic assessment regarding biodiversity enhancement to be made and to consider those sites that could be allocated in the next iteration of the Local Plan for this purpose. However, the call process is not the only way that land for the purpose of biodiversity offsetting could come forward.
- 2.14 Officers are aware of interest in 2 sites as locations for habitat 'banks' and are at the early stage of exploring these. Both sites do have planning histories that potentially affect the condition of the land and raise issues about works necessary before a baseline assessment could be undertaken. The discussions are at a very early stage but members will be updated should proposals for these sites develop.
- 2.15 Officers continue to be actively engaged in the Derbyshire wide Local Nature Recovery Strategy (LNRS), for which the County Council are the Responsible Authority. A District and Borough Supporting Authorities group has been established and has met on a few occasions to discuss the early development of the LNRS.
- 2.16 The process is at pre-consultation stage and some stakeholder engagement events are proposed during September, including one in Hasland and one in Ashover that will focus on areas that cover this district. DWT are also directly engaged in the LNRS process and have seen the high level work that has been undertaken to date that describes the area covered by the LNRS and an emerging structure for the document.

3 Reasons for Recommendation

- 3.1 To ensure that Members are aware of the actions that officers are taking to ensure that the Council is meeting its duties in relation to the enhancement of biodiversity.

4 Alternative Options and Reasons for Rejection

4.1 None relevant.

DOCUMENT INFORMATION

Appendix No	Title
1	Published Biodiversity Report
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet you must provide copies of the background papers)	