

Rutland County Council

Initial considerations regarding Biodiversity Duty

December 2023

1. Background

The Environment Act 2021 introduced a strengthened 'biodiversity duty' which requires all public authorities in England must consider what they can do to conserve and enhance biodiversity.

Rutland County Council (RCC) as a public authority, must:

1. Consider what they can do to conserve and enhance biodiversity.
2. Agree policies and specific objectives based on their consideration.
3. Act to deliver the policies and achieve these objectives.

There is a need to consider and report on what action RCC intends to take for biodiversity no later than 1 January 2024 – this is our first consideration.

Following this initial consideration, RCC must agree those policies and objectives as soon as possible after, take action and prepare the first formal Biodiversity Report no later than 1 January 2026, thereafter, being repeated every five years.

Action that RCC takes for biodiversity will contribute to the achievement of national goals and targets on biodiversity as well as contributing to local policies with respect to biodiversity.

The Environmental Improvement Plan (EIP23), published in January 2023, sets out government plans for significantly improving the natural environment.

By 2030, the government has committed to:

- halt the decline in species abundance
- protect 30% of UK land

By 2042, the government has committed to:

- increase species abundance by at least 10% from 2030, surpassing 2022 levels
- restore or create at least 500,000 ha of a range of wildlife rich habitats
- reduce the risk of species extinction
- restore 75% of our one million hectares of terrestrial and freshwater protected sites to favourable condition, securing their wildlife value for the long term

2. Biodiversity Report

Local authorities (excluding parish councils) must write and publish a biodiversity report.

For local authorities and local planning authorities, the end date of the first reporting period should be no later than 1 January 2026.

After this, the end date of each reporting period must be within 5 years of the end date of the previous reporting period. RCC must publish all reports within 12 weeks of the reporting period end date.

By law, the biodiversity report must include:

- a summary of the action RCC has taken to comply with the biodiversity duty
- the policies and objectives RCC has set to meet our biodiversity duty
- the actions RCC has completed, either alone or in partnership with others, that benefit biodiversity
- Explain how RCC has taken account of local nature recovery strategies, protected site strategies and species conservation strategies
- Set out how RCC plans to comply with the biodiversity duty in the next reporting period (five years)
- Set out the actions RCC has carried out to meet biodiversity net gain obligations
- Provide details of biodiversity net gains resulting, or expected to result, from biodiversity gain plans RCC have approved
- Detail how RCC plans to meet biodiversity net gain obligations in the next reporting period
- Any other information RCC considers appropriate

The required information can be provided in any way that RCC deems appropriate – Defra have provided a template report structure which is available here:

[Reporting your biodiversity duty actions - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/reporting-your-biodiversity-duty-actions)

DEFRA provides within the above template for reporting a suggestion of the additional information that a local authority could include. This information is optional – an example of some of the suggestions includes:

- A summary of how the authority can affect biodiversity, both positively and negatively.
- A summary of what the local authority, has achieved in the reporting period:
 - actions we've taken to conserve and enhance biodiversity
 - achievements resulting from our actions
 - actions we plan to take in the next reporting period
- Expand on mandatory reporting by explaining how RCC policies, objectives and actions have contributed to conserving, restoring or enhancing biodiversity.
- Local planning authorities can include information on how complying with the biodiversity net gain obligations relates to other obligations.
- Add quantitative data to the report which can help to monitor and evaluate the results of actions, examples of quantitative data are provided in the template.
- Describe if land owned or managed by the local authority is identified in local nature recovery strategies.

- Describe what has been done to raise awareness, educate and promote biodiversity action.
- Explain how measurement, monitoring and evaluation of actions has been undertaken and assessed regarding effects on biodiversity.
- Any relevant environmental assessments we're responsible for, such as the strategic environmental assessment of the local plan, or local transport, minerals, or waste plans.
- Report on any significant trends or areas of concern found.
- Explain main achievements for biodiversity over the reporting period.
- Explain what the main challenges are expected to be over the next 5 years.

3. Potential RCC functions relevant to the biodiversity duty

Land and property:

There will be a need to consider how the land that we manage could conserve and enhance biodiversity.

The Council is encouraged to review management policies for all landholdings and consider how it will determine the current biodiversity value and monitor success of any changes to management. These areas are valuable to biodiversity as they create habitats for wildlife and 'nature corridors' that connect existing habitats. This allows species to move between habitats, maintain or increase populations and be more resilient to climate change.

Protected sites:

Sites that owned or managed may be protected by other legislation. For example:

- sites of special scientific interest (SSSI)
- special areas of conservation or special protection areas (SAC or SPA)
- national nature reserves (NNR)
- local nature reserves and local sites (LNRs and SINCs)
- Ramsar sites (wetlands of international importance)

The Council needs to be aware of any land ownership within these protected sites and will need to have a plan in place to conserve and enhance biodiversity on this land.

The Environmental Improvement Plan sets the expectation that all public authorities should ensure they have management plans in place by the end of 2023 to support their protected sites to reach favourable status. Authorities should produce those plans and work actively with Natural England and others to identify and implement the actions needed to improve site condition.

Planning Services and Biodiversity Net Gain (BNG):

BNG is an approach to development or land management that aims to leave the natural environment in a measurably better state than it was beforehand.

Future development projects (apart from exempt developments) will need to achieve a 10% biodiversity net gain. This will be on a phased rollout with major developments being mandatory from January 2024, with minor developments and National Strategic Infrastructure Projects (NSIPs) being brought into the system at later dates.

As a Local Planning Authority, RCC will need to demonstrate how it has achieved BNG through the reporting period.

The preparation of the new Rutland Local Plan provides an opportunity to ensure that policies are in place to protect biodiversity making clear links with other Local Plan objectives including Climate Change, green infrastructure, health and wellbeing and flood management.

Protected Landscapes:

RCC should consider its role in relation to:

- sites of special scientific interest (SSSI)
- special areas of conservation or special protection areas (SAC or SPA)
- national nature reserves (NNR)
- local nature reserves and local sites (LNRs and SINCs)
- Ramsar sites (wetlands of international importance)

as part of the biodiversity duty. Improving nature in such areas is an action that can enhance and conserve biodiversity.

Educate, advise and raise awareness:

Increasing understanding of biodiversity and why it is important to conserve and enhance it can form part of the duty. This can encourage land managers, businesses and the general public to take action to benefit biodiversity.

Policies, objectives and actions, could include:

- including the public in projects to improve biodiversity
- feature biodiversity in public or internal communications
- use libraries and museums to raise awareness of biodiversity
- putting information boards in green spaces or offering guided walks
- including biodiversity considerations in advice for internal and external clients and service users
- educating staff on the biodiversity actions and why they're important
- raising public awareness of how gardens can support biodiversity

Review internal policies and processes:

Local authorities have internal policies and processes for staff and facilities that could affect biodiversity. RCC can consider how such policies may affect biodiversity and seek to review and improve outcomes. Policies for the following could be considered:

- transport – support sustainable travel to reduce carbon emissions and improve air quality
- waste – review waste management and recycling processes to reduce water pollution and air pollution from waste transport and landfill
- water – improve water efficiency to reduce the effect water abstraction can have on sensitive habitats and species
- procurement – buy sustainable materials and supplies to reduce the demand on natural resources
- light – make sure the design of artificial lighting minimises effects on nature

Ecological data - Local Environmental Record Centre:

The Local Record Centre covering the area of Rutland is the Leicestershire and Rutland Environmental Records Centre (LRERC). LRERC has an important role in assisting RCC in meeting both its statutory duties in relation to environmental data, but also holds much of the data needed to understand our duty, monitor change, and provide data for the purposes of the biodiversity duty report.

There will be need to understand where other sources of data in relation to the duty exist and how best to gather these data into the future reports. Environmental assessment regulations require monitoring of the effects of development plans and projects. The results of this monitoring could be used as a source of environmental data.

Local Nature Recovery Strategy:

Local Nature Recovery Strategies (LNRSs) are a new mandatory system of strategies under the Environment Act 2021 that apply to certain geographical areas, ensuring that opportunities to recover nature are joined-up.

They are primarily aimed at landowners, farmers, local authorities and environmental groups and will map the most valuable existing areas for nature establish priorities, and map proposals for specific actions to drive nature's recovery and wider environmental benefits.

The strategies do not force the owners and managers of the land identified to make any changes. Instead, the Government is encouraging action through, for example, opportunities for funding and investment.

The Council is an active partner in the development of the LNRS for Leicestershire, Leicester and Rutland.

The LNRS will go further than other policies already at play in Leicestershire, Leicester and Rutland by bringing together landscape scale, multifaceted approaches focused on preserving, conserving and enhancing nature and meeting other environmental objectives such as climate change, flood mitigation and improved air and water quality.

Across the Leicestershire, Leicester and Rutland local nature recovery strategy area, less than 1% of the area has a high biodiversity score. Also approximately only 6% of the area is covered by woodland, compared to the national average of 13%.

4. Current RCC position

Now is an ideal opportunity to assess what policies, objectives and action are currently in place and being undertaken which will contribute towards the biodiversity duty. We can then identify where there are critical gaps and determine what further work is needed around policy, objectives and action and assess how easily we can report on current and future action to streamline the statutory reporting process.

The table below sets out some of the key work areas with clear links to the biodiversity duty, a summary of current action and where further work is needed.

Summary of current work/action that would contribute to the biodiversity duty

Work area	Detail	Current position	Initial assessment of further work/action needed
<p>Planning policy</p>	<p>Current adopted Local Plan planning policy for biodiversity. Additional policies in place to protect and enhance the natural environment, with specific policy related to Rutland Water (Ramsar site). Preparation of new RCC Local Plan to update policies with respect to biodiversity</p>	<p>Preferred Options Local Plan out for public consultation (Regulation 18) – sets out new draft policy with respect to biodiversity and other related issues, supported by up to date evidence base. Will be supported by Sustainability Appraisal and Habitat Regulations Assessment</p> <p>Full updated biodiversity study undertaken. The main outputs from the studies are reports covering:</p> <p>a) A Phase 1 Habitat Survey for the County of Rutland presented as a GIS layer, with each habitat polygon given status (LWS, SSI, etc) a standard habitat code, date of survey and date of digitising, grid ref etc</p> <p>b) An Extended Phase 1 Habitat Survey of the main</p>	<p>Take account of all comments made through the public consultation in order to prepare a Submission Local Plan, including any potential further revisions to planning policies with respect to biodiversity.</p> <p>Undertake further public consultation (Regulation 19) and submit plan for public examination.</p> <p>Adopt Local Plan following public examination.</p>

		<p>towns and Local Services Centres in Rutland, including a set of target notes cross-referenced to the GIS layer is needed, on a spreadsheet or in the GIS attribute table</p> <p>c) A Non-technical biodiversity report including statistical analysis, summary and conclusions of findings of the habitats assessments, guidance and recommendations for policy and strategy to inform the preparation of the new local plan.</p> <p>Supporting Local Nature Recovery Strategy led by Leicestershire CC as the responsible body.</p> <p>Working with Leicestershire CC including the LRERC on a Service Level Agreement (SLA) regarding ecological advice and support service.</p>	
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Development management	Determination of planning applications in accordance with current wildlife legislation and policy.	Ecology advice service to be delivered through SLA with Leicestershire CC including the LRERC providing technical advice.	BNG is a new area of work requiring further input in terms of the reporting structure and requirements. Secondary legislation and guidance recently provided and to be assessed prior to introduction from January 2024.
Grounds maintenance	<p>A new Ground Maintenance contract which will go live from 1st January. Under the new contract, most urban grass (grass within town and village boundaries) is to be cut six times per annum. This is a reduction on the previous ten cuts, the reduction provides additional biodiversity benefits and was supported by public consultation. Rural verges (those outside of town and village boundaries) are to be cut three times per annum. Specific proposals are in place with regards to Protected Verges and SSSI verges.</p> <p>The cutting of the SSSI verges has recently been discussed with Natural</p>	Implement new contract from 1 st January 2024	Review contract

	England and this is their approved regime.		
Regulatory functions	Land Drainage Consents Public Rights of Way (PROW) orders Hedgerow removal notices Tree Preservation Orders (TPOs)	Input from ecologists may be required as part of consent process	Review need for ecologist input
Highways	Capital schemes Maintenance	Ecology advice may be requested in rare cases depending on circumstances.	Need to investigate a way of screening any highways works to consider when ecology advice is needed.
Local Nature Recovery Strategy	RCC is an active partner in the preparation of the Leicestershire, Leicester and Rutland local nature recovery strategy. The responsible authority is Leicestershire County Council, along with Leicester City Council and Rutland. These strategies will be developed with stakeholders to map important habitat areas where there is an opportunity	Draft strategy to be produced for consultation summer 2024.	Final version to be produced following consultation.

	to improve the local environment to guide BNG.		
Tree loss	Ash dieback (<i>Hymenoscyphus fraxineus</i>) is not yet considered a concern at policy level. A new tree policy and tree strategy is being discussed at senior level.	A new tree policy and tree strategy is being discussed at senior level. In some cases, diseased trees can increase biodiversity potential as these are retained, where reasonable - the dying or dead tree is likely to be highly valuable to many species of fungi, bugs, and birds.	Dependent on progress to develop new tree policy and tree strategy
Working with volunteers and communities	Projects working with volunteers and community groups.	RCC Street Scene and Forestry Officer work with volunteer groups to allow them to improve wildlife habitats. This includes churchyards where the number of grass cuts and the amount of land that is cut may be reduced, and planting trees to improve wildlife.	Consider scope to expand opportunities for working with volunteers and community groups.
Raising Awareness	Use of RCC communications to promote opportunities to increase biodiversity	Ad hoc use of communications and social media	Consideration of a more strategic and structured approach to communications and media.

