

# **Charnwood Borough Council's Biodiversity Duty**

**First considerations of the  
fulfilment of our statutory  
duty to the conservation and  
enhancement of biodiversity**

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# Introduction

This report has been reproduced in partial fulfilment of Charnwood Borough Council’s statutory duty as a public body under Section 40<sup>1</sup> of the Natural Environment and Rural Communities Act 2006 (NERC act) as amended by section 102 (1c)<sup>2</sup> of the Environment Act 2021 (Environment Act).

The NERC act as amended confers an enhanced biodiversity duty upon public authorities which includes a requirement to consider what action can properly be taken to further the conservation and enhancement of biodiversity. The duty includes a requirement to periodically report on actions taken in fulfilment of the duty commencing with a “First Consideration Report” of the duty due to be completed by January 1 2024.

The public authority biodiversity duty has been in place since the passage of the NERC Act in 2006 but has been enhanced by amendments to that Act introduced by the Environment Act. Accordingly, this report includes a summary of Charnwood Brough Council’s ongoing actions to conserve biodiversity as well as a consideration of how the enhanced duty could be implemented in future.

## Policies, Objectives and Actions

Charnwood Borough Council is a Local Planning Authority and a landowner responsible for the management of public open space and nature reserves throughout the authority area. To date, policies objectives and actions for biodiversity have been primarily concerned with managing the impact of development upon biodiversity and land management for conservation on its own estate.

The Council has also adopted policy and taken action in response to Climate Change, This report will focus on aspects of that work which relate specifically to biodiversity conservation.

### Existing Policy

#### Climate Strategy

The Council has adopted a Climate Change Strategy 2023-2030<sup>3</sup> which includes a commitment for the Council to become Carbon Neutral by 2030.

#### Planning and Development

Local Planning policy is currently set out in the adopted Core Strategy<sup>4</sup> which sets out five core policies of policies relevant to biodiversity conservation including policies for:

- High Quality Design CS2

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<sup>1</sup>[https://www.legislation.gov.uk/ukpga/2006/16/section/40#:~:text=40Duty%20to%20conserve%20%5BF1and%20enhance%5D%20biodiversity&text=%5BF2\(A1\)For%20the,functions%20in%20relation%20to%20England.](https://www.legislation.gov.uk/ukpga/2006/16/section/40#:~:text=40Duty%20to%20conserve%20%5BF1and%20enhance%5D%20biodiversity&text=%5BF2(A1)For%20the,functions%20in%20relation%20to%20England.)

<sup>2</sup> <https://www.legislation.gov.uk/ukpga/2021/30/section/102/enacted>

<sup>3</sup> [https://www.charnwood.gov.uk/pages/climate\\_change\\_strategy](https://www.charnwood.gov.uk/pages/climate_change_strategy)

<sup>4</sup> <https://www.charnwood.gov.uk/pages/corestrategydpd>

- Landscape and Countryside CS11
- Strategic Green Infrastructure CS12
- Biodiversity and Geodiversity CS13
- Sustainable Construction and Energy CS16

The Core Strategy, and in particular CS13 is supported by Biodiversity Planning Guidance<sup>5</sup> which explains the Council's approach to using Biodiversity Impact Assessment tools (BIA) to measuring the impact of development upon biodiversity, securing appropriate mitigation and where necessary offsite compensation.

The Council has produced a New Local Plan<sup>6</sup> which is currently under examination. Once adopted this will introduce a raft of new policies which either reference or are specifically focussed on biodiversity, including:

- Place based policies LUA1-SC1 inclusive
- Flood Risk management CC1
- Sustainable Drainage CC2
- Renewable and Low Carbon Energy CC3
- Sustainable Construction CC4
- Green Wedges EV2
- Charnwood Forest and the National Forest EV4
- River Soar and Grand Union Canal EV5
- Conserving and Enhancing Biodiversity and Geodiversity EV6
- Tree Planting EV7
- Open Spaces Sports and Recreation EV9
- Air Quality EV11

Policy EV6 introduces a requirement for development proposals to demonstrate 10% biodiversity net gain. It is expected that this requirement will apply to those development types currently proposed for exemption from mandatory net gain, either during the transitional period or beyond.

#### Open Spaces

The Open Space Strategy 2013-2028<sup>7</sup> sets out a vision, aims and objectives for open space in Charnwood which include standards for open space provision and objectives to meet specific identified need for open space provision, including semi-natural open space, across the Borough.

Objectives for open space management are to be found in open space typologies set out in the 2017 Open Space Assessment Study<sup>8</sup> and in site specific management plans for designated sites, including Local Wildlife Sites (LWS) and Local Nature Reserves (LNRS).

<sup>5</sup> [https://www.charnwood.gov.uk/pages/biodiversity\\_planning\\_guidance](https://www.charnwood.gov.uk/pages/biodiversity_planning_guidance)

<sup>6</sup> [https://www.charnwood.gov.uk/pages/charnwood\\_local\\_plan\\_2021\\_37](https://www.charnwood.gov.uk/pages/charnwood_local_plan_2021_37)

<sup>7</sup> [https://www.charnwood.gov.uk/files/documents/open\\_spaces\\_strategy\\_2013\\_20281/Open%20Spaces%20Strategy%20Final%20Version](https://www.charnwood.gov.uk/files/documents/open_spaces_strategy_2013_20281/Open%20Spaces%20Strategy%20Final%20Version)

<sup>8</sup> [https://www.charnwood.gov.uk/files/documents/open\\_spaces\\_assessment\\_study\\_2017\\_prepared\\_by\\_nortoft/Charnwood%20Open%20Space%20Assessment%20-%20Final%20Report.pdf](https://www.charnwood.gov.uk/files/documents/open_spaces_assessment_study_2017_prepared_by_nortoft/Charnwood%20Open%20Space%20Assessment%20-%20Final%20Report.pdf)

## Current Objectives

### Climate

As part of the Climate Change Strategy the Council has developed a Carbon Neutral Plan<sup>9</sup> with the objective of becoming carbon neutral by 2030. The terms of reference for the Climate Action Board tasked with overseeing the implementation of the Carbon Neutral Plan includes the oversight and management of air quality and biodiversity strategies.

### Planning and Development

The main objective for planning and development in Charnwood is the successful implementation of relevant planning policy, in particular CS13; as set out in the Council's Biodiversity Planning Guidance.

Having implemented its approach to managing the ecological impact of development over a number of years, and as set out in the biodiversity planning guidance, the Council has accumulated and begun to disburse a significant fund for biodiversity offsetting. A key objective is to continue to allocate this fund in the most effective way to ensure the delivery of robust biodiversity offsetting projects which both provide lasting and effective ecological compensation and which help to meet other complementary strategy objectives such as; improved flood management, carbon sequestration and improved community access to nature.

Following the publication of Environment Act secondary legislation the planning Services team will work to ensure that our systems procedures and overall approach aligns with the requirements of this legislation.

### Open Spaces

*Amenity Space management:* As a result of a research project supported by Natural England seedcorn funding<sup>10</sup>, the Council intends to implement a trial of a reduced mowing regime to reduce fuel use and increase the biodiversity associated with amenity open space management. Implementation of Low Frequency Mowing regime in amenity public open space March 2024.

*Nature reserve management:* The Council is in working with Natural England towards new Local Nature Reserve (LNR) and SSSI designations for existing Council nature reserves. Biodiversity objectives for designated sites are captured by site management plans. For LWSs these include a commitment to ensuring that LWS selection criteria continue to be met, and for the Outwoods SSSI that the entire site within the Council's control achieves favourable status.

Habitat enhancements form part of current management of several of the Council's flagship nature reserves, including; the removal of conifers in two areas of ancient woodland; Booth Wood and the Outwoods SSSI, and; bramble scrub clearance around Dishley Pool to increase the coverage of neutral grassland.

At other reserves and on other Council land opportunities have been identified for hedge laying including:

- Stonebow Washlands

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<sup>9</sup> [https://www.charnwood.gov.uk/pages/2030\\_carbon\\_neutral](https://www.charnwood.gov.uk/pages/2030_carbon_neutral)

<sup>10</sup> Nature P.O.Sitive final report (2021)

- Old Railway line, Loughborough
- Boundary Road shelter belt, Mountsorrel
- Abberton Way/A512 shelter belt, Loughborough

Tree planting: The Council's work to increasing tree coverage across the Borough includes an annual event to give away 4000 free native saplings to local residents and community groups<sup>11</sup>.

## Current Actions

### Climate

A Climate Action Board was established in May 2022 and reformed as the Climate Action Board in November with revised terms of reference following the declaration of a Climate Emergency<sup>12</sup>, also in November 2023. The board has a budget of £550,000 allocated in the Capital Plan to fund feasibility studies and other preparatory work.

A motion was passed by Council on 4<sup>th</sup> Sept 2023 calling on Leicestershire Local Government Pension Scheme to Divest from Fossil Fuel Investments.

The Council has undertaken a mapping of its carbon footprint which includes an allocation for includes sequestration from tree planting.

The Council operates a Green Rewards Scheme for staff members to encourage behaviours which improve sustainability in the workplace and at home. These include actions for nature, such as growing a wildlife patch. All actions are recorded and participants win prizes for taking part.

### Planning and Development

The process of assessing planning applications to ensure the provision of biodiversity net gain where appropriate, in accordance with the Core Strategy and NPPF is ongoing. There is a well-established procedure for consulting on the ecological impact of planning proposals in accordance with Local Validation Criteria<sup>13</sup> and Biodiversity Planning Guidance.

The Council has recently provided face to face training for elected members and development management officers in BNG.

The Council's Borough wide habitat survey data is being updated to UKHab to make it compatible for use with the DEFRA metric.

The Council continues to work with a number of partners to identify robust and secure projects for the delivery of BNG within the Borough.

<sup>11</sup> [https://www.charnwood.gov.uk/news/2023/11/03/itrs\\_a\\_tree\\_mendous\\_giveaway](https://www.charnwood.gov.uk/news/2023/11/03/itrs_a_tree_mendous_giveaway)

<sup>12</sup> [https://www.charnwood.gov.uk/news/2023/11/14/councillors\\_declare\\_climate\\_emergency\\_and\\_commit\\_to\\_taking\\_action\\_to\\_tackle\\_global\\_warming](https://www.charnwood.gov.uk/news/2023/11/14/councillors_declare_climate_emergency_and_commit_to_taking_action_to_tackle_global_warming)

<sup>13</sup> [https://www.charnwood.gov.uk/pages/validating\\_planning\\_applications](https://www.charnwood.gov.uk/pages/validating_planning_applications)

Work is underway to produce a supplementary planning document (SPD) for biodiversity which will explain our approach to implementing relevant planning policy in the context of the new provisions of the Environment Act. This will replace the existing Biodiversity Planning Guidance.

#### Open Spaces

*Habitat management:* The Council is responsible for the management of approximately 375Ha of open space across the Borough, representing around 1.3% of the Borough's total area. This includes management of natural and semi natural open space including one SSSI, three Local Nature Reserves (LNR) and an additional 6 sites designated as Local Wildlife Sites (LWS).

*Volunteer work:* The Council runs a weekly "Green Gym" for local volunteers and also facilitates regular corporate days for local businesses to take part in conservation management on Council Wildlife reserves. The Council's green space management contractor Idverde has a Key Performance Indicator committing it to providing a minimum of 7500 volunteer hours per annum.

*New planting:* £44K of offsetting funding has recently allocated towards the management of 7Ha of new Community Woodland in Hathern on Council owned land.

An additional £4.5k has been allocated for a small-scale offsetting project to be led by Queniborough Parish Council.

As a part of sedcorn funding from Natural England<sup>14</sup> the Council has supported one Parish Council (Cropston and Thurcaston) to plant and manage a new woodland on land leased to the Parish by the Borough Council.

Partnership work: CBC is a partner of the Charnwood Forst Regional Park<sup>15</sup> and is working closely with key members of the project to promote the unique cultural and heritage features of the area. A significant part of this work is raising awareness of and access to nature.

#### Air Quality

The Council reports annually on air quality status within the Borough in fulfilment of it's duties under Part IV of the Environment Act 1995 (as amended). This includes monitoring of three Air Quality management Areas.<sup>16</sup>

#### Housing Repairs Team

As part of a major program of roofing work a suite of bat surveys and mitigation for work is in progress for a significant part of the Council's housing stock.

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<sup>14</sup> Nature P.O.Sitive Final Report (2021)

<sup>15</sup> <https://resources.leicestershire.gov.uk/environment-and-planning/local-partnerships/charnwood-forest-regional-park>

<sup>16</sup> <https://www.charnwood.gov.uk/pages/airpollution>

# Consideration of Other Strategies

The Council recognises that the new obligations for local authorities which follow from the Environment Act reflect the intention set by the Government's 25-year environment plan to improve our natural environment not just for its own sake but as a cornerstone of human wellbeing, and social justice. The Council shares the Government's understanding, as expressed in the 25-year environment plan that improving the natural environment can also have the consequence of building natural capital and increasing ecosystem services, for the benefit of society as a whole. For example; i) by carefully planning how we increase the coverage of natural habitats we can help improve people's access to nature and therefore their ability to realise the health benefits of doing so, ii) Also, strategic planting can be used to realise local improvements in air quality.

The Local Nature Recovery Strategy for Leicestershire is in development and being led by the County Council. Charnwood Borough Council has been an active partner in the early development of this strategy and will continue to work with the County Council as the full strategy is developed. Having established an approach to BNG in advance of the creation of the LNRS the Council's Biodiversity Planning Guidance explains how the current approach anticipates the LNRS with reference to existing relevant data and local strategies, including:

- Borough Wide Phase 1 Habitat Survey, showing the distribution of habitats with conservation interest across the Borough
- Distribution of statutory and non-statutory sites for wildlife conservation
- The Leicester, Leicestershire and Rutland Biodiversity Action Plan (BAP)<sup>17</sup>
- Living Landscapes: Charnwood Forest, and Soar and Wreake valleys<sup>18</sup>

The Council's approach to securing onsite ecological mitigation for development is informed by the National Forest Planting guidance<sup>19</sup> which is a material consideration for planning decisions in the National Forest Area.

The Council is an active member of the Leicester, Leicestershire and Rutland Air Quality Forum and Leicestershire's air Quality and Health Partnership.

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<sup>17</sup> <https://www.lrwt.org.uk/about-us/caring-wild-places/biodiversity-action-plan>

<sup>18</sup> <https://www.lrwt.org.uk/about-us/caring-wild-places/living-landscapes>

<sup>19</sup> <https://www.nationalforest.org/about/partner-with-us/developers-and-planners>



# Future Actions

## Climate Change

The Climate Change Board has undertaken to establish a Biodiversity subgroup in order to produce a Council wide biodiversity strategy. First actions for this group will be:

- Agree membership and terms of reference for the group
- Conduct a scoping study across all Council departments for the Biodiversity Strategy
- Produce or source a suitable template and data parameters for future reporting
- Prepare future reports of actions towards the Council's statutory biodiversity duty

## Planning and Development

The following are suggested as actions for completion within the transition period for Mandatory BNG, IE April 2024:

- Apply to become a Responsible Body.
- Develop or purchase a GIS based system for monitoring the delivery of BNG.
- Project the potential costs and revenue arising from monitoring of BNG.

The following are suggested for completion within the next 12-18 months;

- Complete a new biodiversity SPD and subject it to public consultation with a view to adoption following the adoption of the Draft Local Plan
- Review the key indicators for the monitoring of local plan policies relevant to biodiversity following the adoption of the local plan.

The following actions will be ongoing:

- Disburse existing offsetting monies via offsetting projects either on Council land or with relevant strategic partners.
- Use experience and lessons from offsetting provision using existing funds to develop new potential offsetting projects which complement the LNRS and other relevant strategies.

## Open Spaces

Develop an understanding of new opportunities to support Parish and Town Councils within the Borough

Complete a management plan for Hathern Community Woodland

Identify additional opportunities for the Council to deliver BNG on its own estate, in collaboration with partners, including the Great Central Railway.

Formalise new statutory designations for key Council owned nature reserves.

Identify and pursue opportunities to address shortfalls in semi-natural open space provision by biodiversity offsetting.

Consider implementing additional recommendations of Natural England funded seedcorn projects<sup>20</sup>

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<sup>20</sup> Where there's a Willow final report (2023)

Consider conducting further discreet feasibility studies to complement the seedcorn funded projects and identify additional opportunities for BNG and community engagement with nature within the Council's own estate.

#### Air Quality

Notwithstanding occasional and localised exceedances there has been consistent and established compliance with minimum statutory standards within the three air quality management areas. Consequently, the Council is considering a revised and updated approach to air quality management. Inevitably this will respond to the National Air Quality Strategy pursuant to the Environment Act 2021, which was published in 2023 and includes a framework for local authority delivery<sup>21</sup>.

#### General

The first full reporting period ends on January 1<sup>st</sup> 2026, with the report publishing deadline 12 weeks after that. DEFRA has committed to providing further information about reporting requirements in the future. It is important that this is disseminated to relevant colleagues and departments as soon as it becomes available to enable relevant information to be recorded and collated in a timely fashion. This will help to enable accurate and efficient reporting. The Biodiversity Working Group will ensure that the reporting requirements will be disseminated within the Council at the earliest opportunity following its release by DEFRA.

This First Considerations report presents a rapid assessment of current policies, objectives and actions that contribute to the enhanced Statutory Biodiversity Duty. As such it provides a basis for future discussion and scoping for a comprehensive Biodiversity Strategy for the Council. It is proposed that following the acceptance of this report that preparatory work is begun within the sub-group and relevant colleagues with a view to commencing the drafting of a formal strategy from May 2024.

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<sup>21</sup> <https://www.gov.uk/government/publications/the-air-quality-strategy-for-england>