



**SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL**



# **Environment Overview & Scrutiny Committee**


12 December 2023

Report of Councillor Patsy Ellis &  
Councillor Rhys Baker, Cabinet  
Members for Environment and Waste

## **Update on local authority biodiversity duties**

### **Report Author**

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### **Purpose of Report**

To provide both an update on local authority biodiversity duties as set out by the Environment Act 2021 as well as an overview of the Council's remit to improve biodiversity.

### **Recommendations**

**It is recommended the Environment Overview & Scrutiny Committee:**

- 1) Notes the Council's new biodiversity duties as set out by the Environment Act 2021.**
- 2) Requests that the Cabinet Members for Environment and Waste review the Council's plans to deliver biodiversity improvements.**
- 3) Adds an update on the Council's Biodiversity Action Plan to the Committee work plan.**

### Decision Information

Does the report contain any exempt or confidential information not for publication?

No

What are the relevant corporate priorities? (*delete as appropriate*)

Clean and sustainable environment

Which wards are impacted?

All wards

## 1 Implications

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, safeguarding, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

### ***Finance and Procurement***

- 1.1 There are no direct financial implications associated with the recommendations within this report.

Completed by: Richard Wyles, Deputy Chief Executive and s151 Officer

### ***Legal and Governance***

- 1.2 Local authorities have a duty to consider how to conserve and enhance biodiversity in their areas. This report considers the Council's plans to deliver biodiversity improvements in order to ensure compliance with the Environment Act 2021.

If there are any recommendations, actions or feedback from the Environment Overview and Scrutiny Committee meeting on how to move forward before the 1 January 2024 deadline, they should be reflected in a Non-Key Decision by the relevant Cabinet Member which would be published on the Council's website.

Completed by: James Welbourn, Democratic Services Manager and Deputy Monitoring Officer

### ***Climate Change***

- 1.1 Biodiversity loss is also driven by the impacts of climate change. There is potential for some of the measures to improve biodiversity to also help provide adaptation

measures for a changing climate, which will need to be carefully considered as the Council develops a more detailed programme of action to restore and create habitat and develop supporting policy.

Completed by: Serena Brown, Climate Change and Sustainability Officer

## **2 Background to the Report**

- 2.1 England is widely considered to be one of the most nature depleted countries in the world, given historic and ongoing declines in biodiversity. A recently published analysis by the State of Nature Partnership states that since 1970, UK species have declined, on average, by 19% and that nearly one in six species are threatened with extinction in Great Britain. The impacts of land use and agricultural management and of climate change have been some of the principal drivers of this long term decline in the health of our natural environment.
- 2.2 The Environment Act 2021 sets out new environmental duties for public authorities in England. A key focus in the Environment Act is around biodiversity and what public authorities must do to consider how to conserve and enhance biodiversity in their areas. This covers both our duties as a local authority, as well as local planning authority in South Kesteven. As a public authority, the Council must:
1. Consider what we can do to conserve and enhance biodiversity
  2. Agree policies and specific objectives based on our consideration
  3. Act to deliver policies and achieve our objectives
- 2.3 Under the Environment Act public authorities must now consider and report on what action the Council intends to take for biodiversity across the authority, no later than 1 January 2024. Following this initial consideration, the Council must agree policies and objectives as soon as possible, take action, and prepare the first formal Biodiversity Report no later than 1 January 2026. This process must then be repeated every five years.
- 2.4 The Environment Act 2021 also requires the preparation and publication of Local Nature Recovery Strategies (LNRSs). Lincolnshire County Council are responsible for delivering the Greater Lincolnshire LNRS. These new spatial strategies are designed to guide action for nature recovery to help achieve the targets set out in the Government's Environmental Improvement Plan (see background papers). Lincolnshire County Council are working with the Greater Lincolnshire Nature Partnership (GLNP) to deliver the strategy and also to produce a local habitat map which is a tool used to show areas of existing habitat and areas of opportunity to recover nature across Greater Lincolnshire. The completed LNRS is expected to be delivered in late 2024.

- 2.5 At the same time, the Council is planning to deliver a district-wide Trees and Woodland Strategy which will set out the current level of tree canopy cover in the district, highlight main areas of opportunity to increase tree and woodland and set out what role the Council can play in facilitating that.
- 2.6 There is not a dedicated Tree Officer at the Council nor does the Council have the specific arboricultural expertise needed to produce a full Strategy. Officers have therefore commissioned a consultancy company, Treeconomics, to assist with the development of a full Strategy. Work is currently ongoing regarding this and the finalised Tree and Woodland Strategy will be presented to the Environment Overview and Scrutiny Committee in March 2024. This will be following a full public consultation and an opportunity for Councillors to feed into the Strategy through an organised Stakeholder Workshop, both of which are to take place in early January.
- 2.7 Both the development of the new Trees and Woodland Strategy and new legal duties around biodiversity need input from across the Council. Currently, there is no one officer who has a remit of biodiversity strategy and delivery, or of tree and woodland strategy and delivery. In order to support these areas, the formation of an officer-led working group has recently been undertaken. This working group has begun to meet regularly to work on the Council's policies and objectives around biodiversity and includes officers from the following teams and departments:
- 1) Planning Policy
  - 2) Development Management
  - 3) Grounds Maintenance
  - 4) Parks and Open Spaces
  - 5) Property and Assets
  - 6) Projects, Policy and Performance
  - 7) Economic Development
- 2.8 The Biodiversity Officer Working Group aims to achieve the following objectives:
- Understand the current health of the natural environment in the district and identify areas of improvement.
  - Set out the Council's remit to influence the natural environment and improve biodiversity.
  - Consider the Council's role as a local planning authority and the new expectations for Biodiversity Net Gain (BNG) for new developments.
  - Consider the Council's role as a local authority and the specific actions and projects we intend to implement to improve biodiversity.
- 2.9 Key partners for the delivery of these objectives will include: Lincolnshire County Council, neighbouring district Councils, and the Greater Lincolnshire Nature

Partnership. Other wider partners the Council will engage with include: Lincolnshire Wildlife Trust; Woodland Trust; Forestry Commission; National Trust; Large land owners/developers; Town/parish councils; Friends of groups; Community groups.

- 2.10 This report sets out the Council's initial consideration of what action can and is to be taken for biodiversity in order to meet the 1 January 2024 deadline as set by the Department for Environment, Food and Rural Affairs. The Committee is therefore asked to provide feedback on this report, prior to the setting of agreed policies and specific objectives around biodiversity to take place after the new year.

- 2.10.1 An update is also provided below on each team / department and their remit to influence the natural environment and improve biodiversity, as well any relevant projects currently underway. This forms the Council's initial consideration of what action can, and is, to be taken for biodiversity. For ease of reading, it is divided into seven subsets:

Subset one: Planning Policy

- 2.11 As a local planning authority, the Council is obligated to protect and enhance biodiversity through the planning system and the Planning Policy team will play a key role in biodiversity objectives going forward.

- 2.12 The Local Plan Review is scheduled to be published for public consultation in winter 2023. South Kesteven District Council is working in partnership with environmental bodies such as the Wildlife Trust, Greater Lincolnshire Nature Partnership, Natural England and other stakeholders to produce this. The Local Plan Review will include strengthened policies to protect, enhance and increase biodiversity. Policies include:

2.13 **Protecting Biodiversity & Geodiversity**

This emerging policy focuses on the enhancement of ecological networks and the delivery of a net gain on development proposals. It focuses on the protection of sites designated internationally, nationally or locally for their biodiversity and geodiversity, species populations, and habitats identified in the emerging Local Nature Recovery Strategy Lincolnshire and other policy.

2.14 **Biodiversity Opportunity and Delivering Measurable Net Gains**

This emerging policy references the national requirement to deliver a minimum of 10% biodiversity net gain on qualifying development sites. The policy is based on emerging evidence set out within *Biodiversity Net Gain in Greater Lincolnshire - A Framework Approach*, which is a joint study led by the Greater Lincolnshire Environment Partnership. The policy also references Biodiversity Opportunity Mapping which has been produced by the Greater Lincolnshire Nature Partnership (and covers Lincolnshire) to inform Local Plan policy, Local Plan

development site selection, and for use in the determination of planning applications.

**2.15 Green Infrastructure**

This emerging policy seeks to maintain and improve the district's Green Infrastructure network through enhancing, creating and managing space within and around settlements that are well connected to each other and the wider countryside. Development Proposals will be required to have regard to the district's Green Infrastructure Mapping; and relevant national evidence such as Natural England's Green Infrastructure Framework.

**2.16 Climate Change**

The inclusion of Climate Change policy within the emerging Local Plan seeks to take a proactive approach to mitigate and adapt to climate change, taking into account biodiversity.

2.17 To inform the Local Plan, a number of relevant evidence-based documents have been prepared (referenced above) and will be published alongside the Local Plan consultation. These include:

- Biodiversity Opportunity Mapping
- Green Infrastructure Mapping
- Climate Change Study
- Sustainability Appraisal – supports the Local Plan by the evaluating the social, economic and environmental impacts of policies and strategies
- Habitat Regulations Assessment – a process that determines whether the development plan could negatively impact upon European protected sites

**Subset two: Planning Development Management**

2.18 The Development Management service area of the Council will be responsible for assessing and determining planning applications and their associated Biodiversity Net Gain plans to ensure they are legally compliant with The Environment Act 2021. This is due to be implemented for major developments in January 2024 and for developments delivering under 10 dwellings from April 2024.

2.19 It is expected that there will be potential for open spaces across the district to be used as Biodiversity Net Gain sites, most notably unimproved grassland areas. Lincolnshire Wildlife Trust are able to provide in depth guidance to the Council on which interventions would be needed on different types of site.

2.20 Furthermore, the Council's Development Management team continues to work in line with the National Design Guide (NDG) which includes relevant guidance around nature. The Council's existing Design Guide Supplementary Planning Document (SPD) contains many sections relevant to biodiversity.

- 2.21 Timescales for the Council's proposed updated Design Code show that completion is expected in 2025, with three stages of public engagement to be undertaken before then. Public engagement will involve biodiversity and climate change issues. The final Design Code is expected to feature 'Nature' and climate change related issues in some capacity, as structured on the NDG referenced above.
- 2.22 The Council's Development Management team also continues partnership work with Lincolnshire County Council in relation to the Lincolnshire Development Road and Sustainable Drainage Design Approach and accompanying specification and construction technical guide. This provides guidance in relation to tree planting and biodiversity measures.

The Development Management team will continue to explore development sites with potential across the district. Specific focus will be given to 'green' sites which describe a development with great potential for on-site Biodiversity Net Gain opportunities.

#### Subset three: Grounds Maintenance

- 2.23 There are opportunities for the Council's Grounds Maintenance teams to increase biodiversity, primarily through adapting and changing landscape maintenance regimes to a more nature-positive approach.
- 2.24 Re-wilding schemes are highly effective ways to protect and restore biodiversity. An existing re-wilding success has been at Tattershall Drive, Market Deeping. This area, which is designated for the public to see, is an example of a sustainable balance between recreation use and conservation in a public open space. Between the General Fund and Housing Revenue Account, there are over 1.2km<sup>2</sup> of grass and 13km of hedges which are maintained predominantly for recreation and amenity value.
- 2.25 There are potentially more sites throughout the district, albeit smaller in size to Tattershall Drive, which could be assessed for re-wilding in a similar fashion. Additionally, a change in the management of hedges could create more habitat for small mammals and invertebrates, similar to the approach UK agriculture is taking to increase biodiversity in farm hedgerows.
- 2.26 Hedgerows provide vital resources for mammals, birds, and insect species. As well as being an important habitat in their own right, they act as wildlife corridors allowing dispersal between isolated habitats. Management practices are crucial to the maintenance of a healthy hedge beneficial to wildlife. Potential changes to current maintenance practices which could contribute to biodiversity gain include refraining from cutting hedge bottoms and leaving brambles and nettles at the edges of grassed areas.
- 2.27 Particular practices could also be introduced: for example coppicing, where stems are cut just above the ground and which can provide a new lease of life to seriously damaged hedgerows. The timing of management is important to get the best from a hedge and avoid disturbance to animals breeding or over-wintering.

The cutting cycle will determine the availability of fruits and flowers in a hedge; typically a cycle of two to three years is most beneficial for wildlife.

- 2.28 It should be noted that any changes will need significant political buy-in, as local residents and Councillors need to be in full support of the change in land use. Members of the public have become accustomed to hedges being cut square, with neat sides and no protruding ground vegetation whatsoever. Therefore, the major obstacle to any changes to the hedge maintenance regime will be a lack of public support, as there will be a noticeable change to the local aesthetics.

#### Subset four: Parks and Open Spaces

- 2.29 There are opportunities for increasing biodiversity within Council-owned parks and open spaces, in addition to what has already taken place. Queen Elizabeth Park in Grantham in particular is an area with significant scope to introduce and maintain further biodiversity measures.
- 2.30 A further identified site for the introduction of biodiversity improvement measures is Grantham Cemetery. Currently, the Community Payback Team (Probation Service) carry out composting for the Council at this location. The result of this is that 100 per cent of green waste is retained on site and any compost is used to maintain grave sites. Composting has many proven benefits to biodiversity, primarily through increasing the nutrient content and biodiversity of microbes in soil. Composting could be extended to other open spaces as an opportunity to increase biodiversity at little to no cost.
- 2.31 Log pile habitats could be introduced in the Council's managed parks. The introduction of log piles can support a multitude of different insects, provide a refuge and hunting ground for small mammals, reptiles and amphibians, and shelter for over-wintering and hibernating wildlife. Log piles can be created by incorporating deadwood to make habitat piles and through creating intentionally bare patches of ground to be colonised by invertebrates.
- 2.32 Bat boxes are also due to be installed in all three Grantham Parks. These have been funded through the Witham Sleas Blue Green programme, a European Regional Development Fund project.
- 2.33 There are further opportunities for the Council to engage with the Friends of groups to encourage further monitoring and recording of wildlife within the Council's parks and open spaces. Friends of groups already conduct this, for example an 'otter cam' operates within the River Witham in Wyndham Park.

#### Subset five: Property and Assets

- 2.34 There is a task to compile of a register of parks and open spaces across the Council's portfolio, to comprehensively review which areas could be designated as wildlife / biodiversity areas.
- 2.35 The implementation of wildlife corridors and biodiversity features in any new major building projects or schemes within South Kesteven can be reviewed where feasible.



- 2.36 Thirdly, promoting the need to make parks and open space accessible to the public and developing knowledge of wildlife and habitat (an example of this is the Changing Places facilities the Council is currently developing around the district and at Wyndham Park to make the site more accessible).
- 2.37 Fourthly, establishing a nature centre for the district would be a positive asset and a publicly visible promoter of knowledge and as well as a vehicle to encourage resident interest in nature and biodiversity. Through joint collaboration with the Parks and Open Spaces Team, the introduction of nature-positive and educational activities for members of the public could be facilitated through a nature, for example tree walks.
- 2.38 A final consideration is the introduction of sympathetic management of the Council's parks, open spaces and water courses to promote wildlife and biodiversity. Waterways can provide wildlife habitats and biodiversity in urban areas. The Council could look into the development of a management strategy to promote the existing watercourses it owns or manages across the portfolio. One example of this which has been considered is the investment and management of the Grantham Canal.

#### Subset six: Economic Development

- 2.39 There is an opportunity to engage with businesses across the district who may wish to provide corporate sponsorship for activities supporting biodiversity and tree planting.

#### Subset seven: Projects, Policy and Performance

- 2.40 Corporate Project Officers continue to explore funding opportunities for the facilitation of biodiversity-focused projects. This comes following the successes of Witham Sleas Blue Green Project, which was completed earlier this year and created and improved river environments across Grantham, enhancing habitat and creating a more sustainable environment for wildlife and residents to enjoy. Overall, 5.00 hectares were conserved and 7.05 hectares of habitat were improved for many protected bird, invertebrate and fish species and varieties.
- 2.41 Corporate Project Officers will lead on the facilitation of the Coronation Living Heritage Fund which was recently awarded to the Council to support local tree planting projects across the district. The funding will be used to provide grants to local people and groups to establish community orchards and increase the district's tree canopy cover. Completion of the project is expected in early March 2025.
- 2.42 The Council's Policy Officer will continue to monitor the relevant policies in relation to biodiversity and ensure strategic alignment between all biodiversity projects and the Council's Corporate Plan. Key Performance Indicators will be established alongside any agreed biodiversity policies and activities.

### **3 Key Considerations**

- 3.1 The Environment Act 2021 requires all public authorities in England to consider what they do to conserve and enhance biodiversity, with an initial report to be submitted by the Council no later than 1 January 2024. The Council must then agree policies and objectives as soon as possible, take action, and prepare the first formal Biodiversity Report no later than 1 January 2026. This process must then be repeated every five years.
- 3.2 This report sets out the Council's initial consideration of what action can be taken for biodiversity in order to meet the 1 January 2024 deadline. The Environment Overview and Scrutiny Committee is therefore asked to provide feedback on this report, prior to the setting of agreed policies and specific objectives to take place after the new year.
- 3.3 It should be noted that any ambitions agreed around biodiversity improvement will need support from local residents and Ward Members.
- 3.4 Any ambitions are also subject to existing available budgets as no new burdens funding has been allocated as part of the new biodiversity duties under the Environment Act. All policies, objectives and plans are also subject to existing officer knowledge and specialism as the Council does not currently employ a Biodiversity Officer nor Tree Officer.

### **4 Other Options Considered**

- 4.1 There is now a statutory obligation for the Council to consider and report on what actions it is to take to conserve and enhance biodiversity, therefore no other options were considered.

### **5 Reasons for the Recommendations**

- 5.1 Public authorities in England must consider what they can do to conserve and enhance biodiversity in their area. This is the strengthened 'biodiversity duty' that the Environment Act 2021 introduces. This report sets out the Council's initial consideration of what action can and should be taken for biodiversity, in order to meet the 1 January 2024 deadline set by the Department for Environment, Food and Rural Affairs.

### **6 Background Papers**

- 6.1 *Environment Act 2021* – Government legislation, available online at:  
<https://www.legislation.gov.uk/ukpga/2021/30/contents/enacted>

- 6.2 *Environmental Improvement Plan 2023: First revision of the 25 Year Environment Plan* – Government published paper, available online at:  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1168372/environmental-improvement-plan-2023.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1168372/environmental-improvement-plan-2023.pdf)
- 6.3 *Biodiversity Net Gain for local authorities* – Local Government Association Planning Advisory Service, available online at :  
<https://www.local.gov.uk/pas/topics/environment/biodiversity-net-gain-local-authorities>
- 6.4 *Greater Lincolnshire Local Nature Recovery Strategy* – webpage, available online at:  
<https://www.glincolnshire.org.uk/>
- 6.5 *Lincolnshire Development Roads and Sustainable Drainage Design Approach - 2021 edition* – Lincolnshire County Council, available online at:  
<https://www.lincolnshire.gov.uk/downloads/download/62/development-road-and-sustainable-drainage>

## **7 Appendices**

- 7.1 Appendix A – Presentation from 6<sup>th</sup> November Biodiversity Officer Working Group meeting.