

RESPONSE TO THE BIODIVERSITY DUTY

January 2024

INTRODUCTION - STATUTORY DUTY

Under the 2021 Environment Act, public authorities (including town and parish councils) operating in England must consider what they can do to conserve and enhance biodiversity.

Government guidance published on 17 May 2023 clarifies that, as a public authority, town and parish councils must:

- consider what they can do to conserve and enhance biodiversity.
- agree policies and specific objectives based on their consideration.
- act to deliver their policies and achieve their objectives.

Town and parish councils, unlike other authorities, are not obliged to publish a report on their actions, but the [Government guidance](#) required all public authorities to complete their first consideration of what action to take for biodiversity by 1 January 2024 (though this is not being policed for town and parish councils). They were required to agree their policies and objectives as soon as possible after this and must then reconsider the selected actions within five years of completing their previous consideration, or more frequently if they choose.

To comply with the guidance, town and parish councils could as a minimum:

- have biodiversity as an agenda item for a meeting (if not already, as soon as possible).
- note what action they are already taking to conserve and enhance biodiversity.
- agree what further steps they should take to conserve and enhance biodiversity.

Such steps may include:

- reviewing what biodiversity or nature recovery plans are already in place from other local authorities, e.g. potential for jointly-supported wildlife corridors.
- making contact with local voluntary groups working on nature conservation.
- carrying out a biodiversity audit of council landholdings and/or the whole council area, potentially involving residents in a [“BioBlitz”](#)
- gathering expert advice on possible actions in support of biodiversity, such as from [Caring for God's Acre](#) and the [Eco Church initiative](#) in respect of churchyards
- drafting an action plan that covers action that the council will take itself as well as support for the actions of other local bodies.

Whatever action is agreed, as a minimum local councils could ensure they address biodiversity concerns when commenting on planning applications.

All these steps may inform an agreed biodiversity policy for which a model example is attached, with acknowledgement to Stondon Parish Council. Guidance for town and parish councils on developing a [local nature action plan](#) has been published by South Gloucestershire Council, as well as a [field guide](#) for those with little or no ecological background.

MODEL BIODIVERSITY POLICY

BACKGROUND

In accordance with the duty imposed on town and parish councils by Section 40 of the Natural Environment and Rural Communities Act 2006, updated by Section 102 of the Environment Act 2021, **[insert council name]** (hereinafter referred to as the Council) which has any functions exercisable in relation to England must 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.

This duty also means that town and parish councils can spend funds in conserving biodiversity.

DEFINITION

According to Defra (Biodiversity 2020), biodiversity is the variety of all life on Earth. It includes all species of animals and plants – everything that is alive on our planet.

Biodiversity is important for its own sake and has its own intrinsic value. A number of studies have shown this value also goes further. Biodiversity is the building block of our 'ecosystems' that in turn provide us with a wide range of goods and services that support our economic and social wellbeing. These include essentials such as food, fresh water and clean air, but also less obvious services such as protection from natural disasters, regulation of our climate, and purification of our water or pollination of our crops. Biodiversity also provides important cultural services, enriching our lives.

AIMS AND OBJECTIVES

The object of this policy is to work towards conserving and enhancing the biodiversity of the Council's area.

The Full Council and any committees of the Council will consider sustainability, environmental impact and biodiversity when making decisions and will develop and implement policies and strategies as required.

In particular, the Council will aim to improve the biodiversity of the area in the following ways:

- consider the potential impact on biodiversity represented by planning applications.
- manage its land and property using environmentally friendly practices that will promote biodiversity.
- support local businesses and council operations in the adoption of low impact / nature positive practices.
- encourage and support other organisations within the **parish / town** to manage their areas of responsibility with biodiversity in mind.
- support residents and local organisation activities to enhance and promote biodiversity.

ACTIONS

Planning applications

The Council will:

- when commenting on planning applications, support site and building design that benefits biodiversity through the conservation and integration of existing habitats or provision of new habitats.

- support protection of sensitive habitats from development and will consider whether the development would mean the loss of important habitats for wildlife in respect of all applications.
- consider what each proposed development might make in terms of biodiversity net gain.
- include policies in support of biodiversity within the neighbourhood plan.

Land and property management

The Council will:

- carry out a biodiversity audit of its landholdings.
- consider the conservation and promotion of local biodiversity with regard to the management of its open spaces. This will include adopting beneficial practices with regarding to cutting and removal of vegetation, application of chemicals and timing of maintenance work, paying attention to the Government's [regulations for plant protection products](#).
- take special care in the specification of grounds maintenance contracts to ensure that the work, whilst reaching acceptable standards, does not harm the natural environment **[see a case study example from Stratfield Mortimer Parish Council at Appendix A]**.
- source sustainable materials when procuring supplies for the Council's use
- consider biodiversity issues and the implementation of changes when managing its buildings.

Local community

The Council will:

- raise public awareness of biodiversity issues, including through its website and newsletters.
- engage with local businesses and residents regarding biodiversity in the community and how members of the community can assist and make a difference.
- where feasible, involve the community in biodiversity projects on its land including for example tree planting, wildflower meadows, birdbox making.

Partners

The Council will work in partnership with other organisations to protect, promote and enhance biodiversity within the council area.

It will review any local nature recovery strategies, species conservation strategies, or protected site strategies in respect of local Sites of Special Scientific Interest (SSSIs) and consider how it may become more involved in implementing the strategies' recommendations.

MONITORING

This policy was adopted on **xx** (Minute reference **yy**) and will be reviewed in two years or sooner should legislation dictate / each year at the Annual Meeting. A summary of how the policy has been implemented will be published annually, with reference to the original biodiversity audit to show progress.

DRAFT MODEL ACTION PLAN

SITE / OBJECTIVE	ACTION	OUTCOME	TARGET (Years)	REPORTING / PUBLICITY
Whole council area	Raise local awareness of biodiversity.	Gain local support for action.	Ongoing	Newsletter, social media, website
Protect and support biodiversity	Encourage suitable planting to support biodiversity.	Connect & diversify habitats to meet the needs of a variety of wildlife species	Ongoing	Mapping
Cemetery / churchyard	<p>Additional planting</p> <p>Maintain and renew bird boxes as required.</p> <p>Adopt a plan to support wildlife and diversity whilst maintaining the site in a way which enables visitors to experience quiet and calm remembrance.</p> <p>Leave leaf litter and dead vegetation wherever possible as a habitat for invertebrates.</p>	<p>Increased diversity of habitats and food sources</p> <p>Increased cover for invertebrates, reptiles, amphibians and small mammals.</p> <p>Encouraging insects particularly butterflies and bees.</p>		
Recreation ground	<p>Sympathetically maintain hedging.</p> <p>Leave some areas unmown.</p> <p>Only use environment friendly pesticides where absolutely necessary and only in ideal weather conditions.</p>	<p>Food sources and cover</p> <p>Encourages insects.</p> <p>Sustain and enhance natural habitats.</p>		
Common / other open spaces	<p>Adopt a management plan.</p> <p>Encourage residents to remove litter and pick up after their dogs.</p> <p>Work with the county council on verge management, favouring biodiversity but noting which areas may need cutting for highway safety.</p> <p>Encourage residents to adopt areas to look after, making it clear what is expected e.g. peat free compost and no chemicals.</p>	<p>Sustain and enhance natural habitats.</p> <p>Protecting habitats</p> <p>Protecting/enhancing habitats</p> <p>Regular attention.</p>		

SITE / OBJECTIVE	ACTION	OUTCOME	TARGET (Years)	REPORTING / PUBLICITY
The Built Landscape	<p>Ensure that planning consultations are considered against the requirements of the Neighbourhood Plan</p> <p>Encourage hedgehog/small animal highways with permeable boundaries</p>	<p>Protecting/enhancing habitats</p> <p>Extending habitats.</p>	Ongoing	
Increase community awareness of biodiversity	<p>Ask residents for their views on what they would like to be done to conserve biodiversity within the parish.</p> <p>Raise awareness of the importance of gardens as habitats for wildlife, with possible actions highlighted in the parish magazine.</p> <p>Create a page on the parish council website for photographs / information / links</p> <p>Encourage local farmers to contribute.</p> <p>Provide seed bombs / bulbs etc. for residents' use.</p> <p>Discourage floodlighting.</p>	<p>Engagement/ownership of biodiversity</p> <p>Promote biodiversity.</p> <p>Promote biodiversity.</p> <p>Promote biodiversity.</p> <p>Extending habitats.</p> <p>Protect nocturnal animals.</p>	Ongoing	Neighbourhood plan consultation
Support Community Projects	<p>Support hedge/tree planting in any appropriate areas.</p> <p>Work in partnership with the school to develop young people's awareness of the environment around them.</p> <p>Consider events and offer volunteering opportunities to support biodiversity, working with local organisations.</p>	<p>Extending habitats.</p> <p>Promote biodiversity.</p> <p>Promote biodiversity.</p>		

APPENDIX A – Case Study Example courtesy Stratfield Mortimer Parish Council

THE FAIRGROUND GROUNDS MAINTENANCE CONTRACT SPECIFICATIONS

The contract is for three years with the option to break at the end of each year.

A price for each of the items listed below for the site should be given.

A schedule of rates to cover labour and equipment and an indication of the annual uplift in price should also be given.

General requirements in respect of specification

1. Normally between March and October.
2. Tasks specified to be carried out 2 or 3 times a year, must be suitably spaced and meet with the Clerk's approval.
3. The Contractor will be responsible for reinstating any areas of grass, plants or property that are damaged.
4. During periods when ground conditions of any part of the site are too wet to cut without causing damage the Contractor shall cease grass cutting and inform the Clerk. The contractor to resume work as soon as possible and bring the grass to the specified standard.
5. Where moles are present, the contractor shall brush the mole hills into the sward before grass cutting commences.

Work specification for the maintenance of Mortimer Common Fairground and War Memorial

Area A, the Grazing area (Excluding areas B & G):

Individual uncollected cut during the year, as requested by the Clerk.

Area B, up to 7 metre border of the grazing area:

Year 1 left uncut; Years 2 & 3 one third cut annually in rotation, to form scallops, arisings removed.

Area C, wildlife area:

One cut in September, rough cut by hand (hand lawnmower) and all arisings removed.

Area D, the remaining recreation area and war memorial, excluding the cricket pitch and outfield (**Area E**), the woodland (**Area F**), but including the children's play areas, pond areas and pathways through area C:

Mow as often as required to keep the grass 25mm-50mm. Strim up to fences, trees, the road edge and equipment.

Hedges and ditches along Windmill Road and Hammonds Heath and hedges on the western boundaries:

Annual cut in October.

The Plan

The areas referred to above are shown on the attached plan. It is important to note that the plan is indicative only and should not be relied on to price this specification.

Key

Area A is the grazing area which is only cut when requested by the Clerk.

Area B are the scalloped edges to the grazing area which will be formed by adopting the specified cutting regime.

Area C is a wild life area which is maintained to allow animals and reptiles to move between the two ponds.

Area D is the bulk of the fairground which needs to be cut to amenity standards. There are numerous items of play equipment etc. in this area.

Area E is the outfield to the cricket square and the square itself. The maintenance of this area does not form part of this contract.

Area F is rough woodland which borders Hammonds Heath. The maintenance of this area does not form part of this contract.

Area G is the boundary to the ecological strip of the fairground. This does form part of the grazing area but has been shown separately in order to emphasise the need to carefully cut this area and not destroy the young hedging plants that exist here.

Area H is an ecological area. The maintenance of this area does not form part of this contract.

The **Red dashes** on the plan indicate paths through Area C which are cut to the same specification as for Area D

The **Green wavy lines** indicate the extent of the hedges that are to be cut.

IMPORTANT:

For information about contracting terms with SMPC:

<https://www.stratfield-mortimer.gov.uk/contracting-with-us>

Together with your quotation, the Parish Council will also require:

- details of staff qualifications (NPTC certification)
- confirmation of your employers and public liability insurance
- a method statement of how the works would be carried out in a safe manner, considering the nature of the site
- confirmation that the works would be complete within agreed timeframe
- relevant experience and references from people in the local area would be useful.

Payment Terms:

In line with the Council's Financial Regulation point 5.3, on receipt of the Contractor's invoice the Council will review the work. If the Contractor receives no feedback on the invoice, the invoice will be paid in full as per the agreed payment term.

Should the Council advise the Contractor that the work has not been carried out, or not to specification required, the payment will be held until the work is reviewed and addressed.

Should the work not be addressed within an acceptable period that is subject to both party agreement, the Council will consider and agree any further action to be taken.

Changes to Payment Terms are subject to amendments agreed to the Council's Financial Regulations.

Quotations to be sent to: ***[council email address]***

Queries can be directed to email above or calling the council office.