



Rushcliffe  
Borough Council



Rushcliffe Borough Council

## Parish and Town Councils and the Biodiversity Duty

13 June 2024

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## The Issue

### Facebook post about a Parish Council in Rushcliffe in May 2023:

“The greens and verges were vandalised by mowing contactors because 5 people moaned about the grass looking untidy and 'demanded' that be cut immediately”.



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Biodiversity is the variety of living organisms; biodiversity has been shown to be decreasing due to the actions of people.

Further details are available from the links provided at the end of the presentation. I will share this presentation.



## The Duty (under Environment Act 2021)

Public authorities who operate in England [including Town and Parish Councils [not clear if this applied to Parish Meetings] must consider what they can do to conserve and enhance biodiversity in England. This means that, as a public authority, you must:

1. Consider what you can do to conserve and enhance biodiversity (at least every 5 years, beginning January 2024).
2. Agree policies and specific objectives based on your consideration.
3. Act to deliver your policies and achieve your objectives.

<https://www.gov.uk/guidance/complying-with-the-biodiversity-duty>

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## Minimum requirement

- There is no requirement for Parish and Town Councils to publish any report on their consideration (Districts and County council must every 5 years)
- If a question was asked at a meeting or if a Freedom of Information enquiry was received, could you answer it?
- **Good practice – discuss and record your consideration of your biodiversity duty in minutes of a meeting (actions already taken, opportunities for further action) and list any policies impacted and actions to be taken.**

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## Potential Actions

- Consider biodiversity in managing the Parish Council's land and buildings (consider mowing (timing and frequency), use of wildflowers, tree works, bird nests / bat roosts, use of herbicide / pesticides etc)
- Include biodiversity policies in your Community Led Plans / Neighbourhood Plans
- Include biodiversity responses when you are commenting on planning applications (Wildlife Mitigation and Enhancement and Biodiversity Net Gain)
- Consider how you can promote biodiversity in any community engagement (including appointing tree wardens) and work with your landowners & residents
- Consider biodiversity needs if creating bylaws
- Carry out an audit or survey of key species and habitats in the parish - this could be presented in a Parish Map or a Biodiversity Action Plan and used for planning.

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## Audit of Parish / town responsibilities

Each parish / town is different therefore there is no 'one size fits all' answer to what actions to take - You would be advised to undertake an audit of your council e.g.:

- What land do you own and what is it used for e.g. playing fields, allotments, recreation areas, burial grounds etc. How do you manage these sites, do they have any value for wildlife, could they be enhanced for wildlife?
- What buildings do you own – do these have potential for protected species (e.g. bats, wild birds), could they be enhanced?
- What contracts may impact on wildlife – e.g. maintenance of sites
- What interested bodies are there e.g. 'friends of' groups, natural history society, gardening society etc – they may be able to help you
- Where can you have influence e.g. planning applications, neighbourhood plans, residents and organisations property (inc. churchyards, schools) etc

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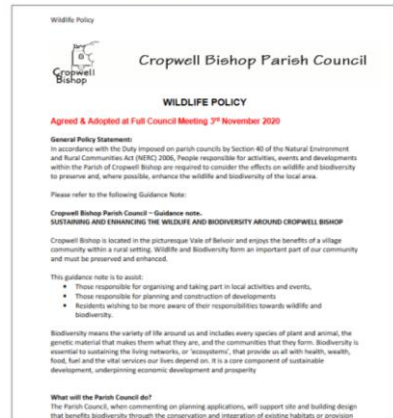
- Consider SAC, NNR, SSSI, LWS, LNR, Ancient trees etc – see <https://www.nottinghamshire.gov.uk/planning-and-environment/local-nature-recovery-strategy/local-habitat-map>
- S 12 Countryside and Wildlife Act Schedules species, Section 41 Species and Habitats of Principal Importance under the NERC Act,
- Locally Priority habitats and Species (Nottinghamshire Biodiversity Action Plan or other local policies - see next slide notes) e.g. hedgehog groups in Keyworth, East Leake and Sutton Bonington. Swift group in Kinoulton
- Non native invasive species



## Consider Creating a Biodiversity Policy or include biodiversity actions in your Environmental Policy

- A **Biodiversity Policy** details how the Council would protect, record, enhance and promote an understanding of biodiversity within the Parish.
- Consider reporting regularly on your delivery of these policy actions.
- You could promote these policies on your webpages and social media to demonstrate your green credentials and to encourage participation.

\* See also <https://www.slcc.co.uk/site/wp-content/uploads/2024/01/Model-biodiversity-policy-January-2024.pdf>



<https://cropwellbishop-pc.gov.uk/omls/wp-content/uploads/2021/02/Wildlife-Policy.pdf.correctedByPAVE.pdf>

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Policies from other organisations:

Rushcliffe Borough Council Nature Conservation Strategy;

Nottinghamshire Local Nature Recovery Strategy;

Nottinghamshire Local Biodiversity Action Plan

Policy sections:

Intro; Legislation and Policy; Aims and Objectives; Actions: -

Planning applications; Land and Property; Local Community; Partners;

Monitoring

**Declare a Biodiversity / Ecological Emergency** see

<https://southcambswb.azurewebsites.net/climate-emergency-and-nature/information-for-community-groups/declaring-a-climate-and-ecological-emergency>

and

<https://www.hackletonparishcouncil.gov.uk/uploads/wildlife-and-biodiversity-policy.pdf>

and

<https://tytherington-pc.gov.uk/wp-content/uploads/2023/02/A-Climate-and-Ecological-Emergency1.pdf>

**Contracts** - biodiversity conditions- see example in SLCC model policy

See also

<https://policy.friendsoftheearth.uk/reports/20-actions-parish-and-town-councils-can-take-climate-and-nature-emergency>

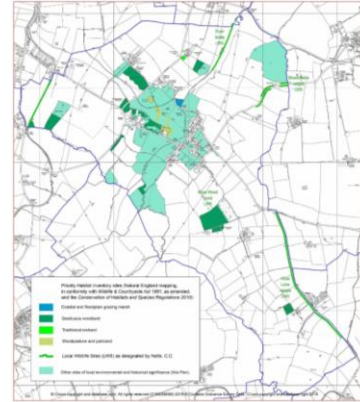
and

<https://beta.southglos.gov.uk/static/c201dd9dbd098069ef8381bf39b85a41/Local-Nature-Action-Plans-guidance-for-town-and-parish-councils.pdf>



## Parish Wildlife Audit / Wildlife Map

As part of its Neighbourhood Plan Colston Bassett undertook a detailed environmental inventory to identify sites that would be put forward for designation as Local Green Spaces or Other Sites of Environmental significance <https://www.rushcliffe.gov.uk/media/q4vdfgti/colston-basset-neighbourhood-plan-adopted-final.pdf> (Section 7.3.5 - 7.3.9 and Appendix 3)



See also

<https://resources.leicestershire.gov.uk/sites/resource/files/field/pdf/2020/6/29/F54-Biodiversity-mapping.pdf>

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Things to consider:

Who; existing knowledge (including designated sites); which habitats and species exists, and which are more important or sensitive, identify threats, set vision

→ Use map to develop actions, protect and enhance with timescales





## Parish and Town Nature Reserves



Bingham Linear Park 2023

Local Nature Reserve (LNR) designation can be given under S21 of National Parks and Access to the Countryside Act 1949, where:

Greater than 2 ha in size, provides public access benefit and the land is owned or in 21-year protected agreement with the authority



Sutton Bonington LNR, 2022



Keyworth Meadow , KPC 2023

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LNR status can be designated by higher tier authorities or by parishes / towns by delegation from higher tier authorities

Consider sources of funding – planning gain (S106), grants, parish precept, crowd funding, legacies etc



## Byelaws

“Byelaws are local laws made by a local council under an enabling power contained in a public general act or a local act requiring something to be done – or not done – in a specified area... If validly made, byelaws have the force of law within the areas to which they apply”. <https://www.gov.uk/guidance/local-government-legislation-byelaws>

- Powers to make byelaws applicable to parish councils include:
  - Public walks and pleasure grounds (Public Health Act 1875, s164)
  - Open spaces and burial grounds (Open Spaces Act 1906, s12 and s15)
  - Burial grounds and crematoria (Open Spaces Act 1906, s9 and s10; Local Government Act 1972 s214 and s 214(6))
  - Allotments (Small Holdings and Allotments Act 1908, s23 and s28)
  - Local Nature Reserves (National Parks and Access to the Countryside Act 1949, s20 & s21)

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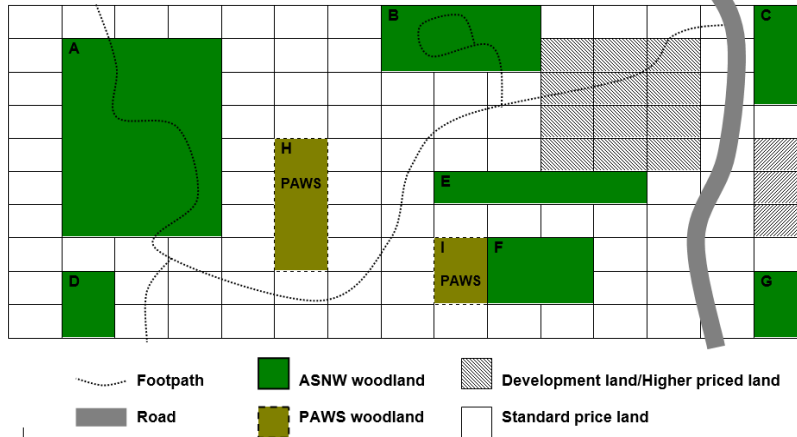
LNR model bylaws

<https://assets.publishing.service.gov.uk/media/5a75a5f5ed915d506ee806c2/LNR-byelaws-model.doc>



## Exercise

- On which 10 squares would you plant trees



Taken from training  
provided by Leic CC  
/ LWT

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## Useful links

- <https://www.gov.uk/guidance/complying-with-the-biodiversity-duty>
- <https://www.nottinghamshire.gov.uk/planning-and-environment/local-nature-recovery-strategy>
- <https://nottsbag.org.uk/>
- <https://www.rushcliffe.gov.uk/environment/outdoors/nature-conservation/>
- <https://resources.leicestershire.gov.uk/roads-and-travel/parishes-and-communities/biodiversity-information-for-parishes-and-communities>
- [https://www.bbowl.org.uk/sites/default/files/2020-08/Parish\\_Wildlife\\_Toolkit.pdf](https://www.bbowl.org.uk/sites/default/files/2020-08/Parish_Wildlife_Toolkit.pdf)
- <https://www.slcc.co.uk/site/wp-content/uploads/2023/05/GN-124-Environmental-Planning-Guidance-31-May-2023.pdf>
- <https://www.slcc.co.uk/site/wp-content/uploads/2024/01/Model-biodiversity-policy-January-2024.pdf>

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