

The Biodiversity Duty: First Consideration of Actions

Burnley's wildlife, ecosystems and habitats are vitally important to us all, as the loss of biodiversity affects our lives in many ways, from the insects that pollinate our food to the green spaces that enhance our resident's health and wellbeing. The Council has a key role to play in conserving and enhancing biodiversity, through:

- Developing and implementing external and internal policies and strategies
- Administering the planning system
- Managing land and buildings including public open space, nature reserves, civic buildings, commercial property and infrastructure
- Engaging with business and the public
- Conducting research and managing information
- Procurement (goods and services)
- Implementing economic, environmental and social projects/programmes
- Leading by example

The Government has introduced an enhanced duty for public authorities to conserve **and enhance** biodiversity in the exercise of their functions. It also sets out that a local authority it must have regard to any relevant Local Nature Recovery Strategy (LNRS) and any relevant species conservation strategy. This enhanced duty requires formal demonstration of compliance. The Council is required by the Act to need to have completed their first consideration of the actions that they can take to further the biodiversity objective (to conserve and enhance biodiversity) by 01 January 2024.

The Government issued guidance (May 2023) to help demonstrate what is required by local authorities to comply with the enhanced Biodiversity Duty.

The Guidance on Complying with the Biodiversity Duty advises *“that if the Council already has a strategy that monitors environmental performance, you can include your biodiversity actions as part of this. Consider creating a new document if you do not have a suitable existing strategy. In it, you can record the actions you plan to take to meet your biodiversity objectives”*.

Whilst this is a new requirement, the Council does have several existing initiatives, strategies and policies that show how we are, and will continue to, meet the biodiversity duty. These are listed in the table below. Burnley does not have a Biodiversity Strategy but the following council documents are relevant:

- The Local Plan (2012-2032) which includes a number of policies that seek to conserve and enhance biodiversity
- The Climate Change Strategy (2022-2026) which includes nature-based targets (Theme 5)
- The Green Infrastructure Strategy (2013-2031) which identifies strengthening Burnley's network of core local biodiversity sites (BHSs) and the important areas of connectivity between as a priority.
- The Council's Strategic Plan (2023) includes actions for “Places” that contribute towards delivering biodiversity enhancements.

There are biodiversity related partnerships and strategies which the Council contribute to as key partners, including the Lancashire Local Nature Partnership and most notably the Local Nature Recovery Strategy (LNRS) which is another new requirement introduced by the Environment Act 2021. The core purpose of LNRS is to reverse the ongoing decline of biodiversity and nature. These collaborative, locally led and evidence-based spatial strategies aim to help restore and link up habitats so that species can thrive. The LNRS will be produced by Lancashire County Council with a timetable that has yet to be established. LCC has been fully engaged with Burnley and the other districts (as Supporting Authorities and members of the LNRS Steering Group), Natural England and other partners in the developing LNRS process. The Strategy will agree priorities for nature's recovery; map the most valuable existing areas for nature; and map specific proposals for creating or improving habitat for nature and wider environmental goals.

Separate to the Biodiversity Duty, The Environment Act introduces mandatory requirement for a minimum of 10% 'Biodiversity Net Gain' (BNG) from development sites from January 2024 (amended from November 2023) to "ensure that new developments enhance biodiversity and create new green spaces for local communities to enjoy." BNG will be measured using DEFRA's biodiversity metric; the habitats will need to be secured for at least 30 years. BNG means at least 10% when compared to the site's original biodiversity value. BNG will be achieved through the creation for new habitats and the enhancement of existing habitats both on-site, off-site or in combination. Where developers do not own or control suitable sites then off-site biodiversity credits can be purchased. On 29 November 2023 DEFRA published BNG Regulations and draft planning practice guidance. Officers are currently working through the legislation and guidance to ensure that the appropriate development control processes and procedures are in place to assess, measure and secure the required BNG on planning applications submitted in line with the updated timetable. The adopted Local Plan requires developments to maintain and actively enhance biodiversity in order to provide net gains where possible. However, at the present time, this is not quantified. The introduction of the new statutory obligation therefore quantifies the minimum level of net gain required.

The Council manage over 550 hectares of parks and green spaces including six Green Flag Parks. The Council's Greenspaces and Amenities Service is delivering a number of key actions to meet the biodiversity duty including tree planting programmes; adopting management and maintenance regimes for our parks and open spaces that are beneficial to biodiversity and currently 221 of the 550 hectares are managed as semi-natural landscape. The service is planning areas for improving biodiversity in our parks and open spaces: the conservation and enhancement of biodiversity is integral to our Green Flag Management Plans. However, it is important to consider what else can be done in order to fulfil the Biodiversity Duty and make Burnley more ecologically resilient and wildlife rich.

With regards to the Climate Emergency, nature based solutions are a significant part of the response to limiting climate change. Climate change is a significant cause of biodiversity loss and so the two crises are inextricably linked. Improving biodiversity can support efforts to reduce the effects of climate change. Conserved or restored habitats offer the potential to both reduce and remove emissions by enhancing the ability of ecosystems to sequester carbon dioxide or reverse the decline of an ecosystem so that it no longer emits harmful greenhouse gas emissions and once more becomes a 'net sink' of carbon. Resilient ecosystems can also reduce the impacts of a changing climate, such as flooding and storm surges. To maintain the importance and focus on these related but separate emergencies, they will be addressed and presented separately.

An officer working group will be formed to consider future (short and medium term) actions and an appropriate way of measuring, monitoring and reporting them, which may include the preparation of a Biodiversity Action Plan. The actions should focus on current activities, identifying opportunities to enhance these and seeking new opportunities particularly partnership arrangements and potential future resource requirements and funding opportunities.

The table below summarises the Council's current and planned actions that contribute towards the Biodiversity Duty and future actions which will be considered going forward. Inclusion of any future actions at this stage does not mean that any commitment has been made to take action, it simply signals that these are areas that will need to be reviewed as part of the process of agreeing an appropriate way forward.

Biodiversity Duty First Consideration Assessment

Item	Objectives for meeting the Biodiversity Duty	Preliminary Assessment of current and planned actions that contribute towards meeting the objectives and policies (either alone or in partnership)	Future actions for consideration for the first biodiversity reporting period 2024-2026.
1.	<p>Mainstreaming Biodiversity: Plans, Policies and Strategies</p> <p>The Council's overall approach to meeting The Biodiversity Duty is to mainstream biodiversity, ensuring it is embedded into all Council Services, strategic plans, policies and decision making, not just those directly related to the environment.</p>	<ul style="list-style-type: none"> • Strategic Plan 2023 – Actions under “Places” contribute to the biodiversity duty • Climate Change Strategy (2022-26) incorporates biodiversity through the adoption of nature-based actions under Theme 5. • Biodiversity already embedded in Local Plan (2012-32) and SPDs - Planning for Health SPD and Air Quality Management SPDs • Biodiversity already embedded in Green Infrastructure Strategy (2013-2031); Green Space Strategy (2015-25); and Green Flag Management Plans • Procurement Strategy (2023-28) includes sustainable procurement 	<ul style="list-style-type: none"> • Identify a corporate lead for co-ordinating and monitoring delivery of Biodiversity actions • Strategic Plan update (2024) to include a commitment to conserving and enhancing biodiversity the borough's biodiversity (under “Places”) making Burnley, as a place, more ecologically resilient and wildlife rich. • Biodiversity impacts of decisions taken by Council are not formally considered; potential to incorporate high-level biodiversity impact assessments (where appropriate) into committee reports. • Identify other plans & strategies when reviewed as an opportunity to incorporate biodiversity where appropriate, including Green Infrastructure (GI) Strategy and Green Spaces Strategy. • Identify opportunities to integrate work on biodiversity with the Councils Climate Change Strategy.

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2.	<p>Positive management of Council owned land and buildings to enhance biodiversity and ensure that existing habitats and species are safeguarded and managed appropriately.</p> <p>To maximise the potential of the Council's estate - buildings, parks, open spaces, watercourses and tree stock etc to conserve and enhance biodiversity, whilst balancing their multifunctional needs.</p>	<ul style="list-style-type: none"> • Management of parks and green spaces for nature including the creation of areas of new habitats such as wildflower meadows and woodlands • Native and sustainably UK sourced trees and plant species are used in new planting • Wildflower planting • Bedding planting largely replaced with herbaceous perennials and pictorial meadows • Reduced the use of herbicides and pesticides • No use of peat • Beneficial mowing (low-mow) management practices • Beneficial woodland management practices as set out in Tree Management Policy (2021) • Making successful bids for external funding to deliver biodiversity enhancements, for example the Climate Action Fund • As part of the Council's Rethinking Parks programme, an area of 76 hectares of formerly frequently mown amenity grassland is now being managed as urban wildflower meadows. Altogether, 40% of Burnley's open space is now being managed as low intensity, semi-natural greenspace in the form of woodlands, meadows and waterbodies 	<ul style="list-style-type: none"> • Assess the potential for enhancing small scale habitats in Council owned land and buildings, including nest and roosting boxes, green walls, green or brown roofs • Establish a programme of species and habitat surveys to record and monitor the ecological baseline for Council owned/managed land drawing on previous survey work (Burnley Wildlife and Habitat Survey 2017) and existing ecological data (ie Local Plan Evidence Base and information held by LERN) and emerging data through the LNRS to identify the need for further survey work to fill data gaps • Using the data above, assess the potential for creating new and/or enhanced spaces for nature recovery, and movement between, within our parks and open/green spaces (links with the LNRS and BNG). See Bristol's example Nature Recovery Leaflet (bristol.gov.uk) • Review and implement the Council's Rethinking Parks Programme (CC Strategy action by March 2026) • Bid for additional funding to deliver local nature recovery projects on council owned land • Scope the potential for additional management and maintenance regimes for our parks and green spaces that maximise potential for biodiversity, carbon storage and sequestration. • Assess the condition and review the management of Council owned sites that are protected or designated as being of particular biological importance – Local Nature Reserves and Biological Heritage Sites). Where required, prepare and implement Conservation Management Plans.

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		<ul style="list-style-type: none"> • 35 meadow sites have been surveyed (2022) for species diversity to inform future management • Preparation of a Masterplan for Towneley Park which will include biodiversity net gain opportunities being explored 	<ul style="list-style-type: none"> • Leading by example: demonstrate the positive role of estate management to businesses, other organisations and the general public.
3.	Planning and Development including Biodiversity Net Gain	<ul style="list-style-type: none"> • Burnley's Local Plan addresses biodiversity through a number of its policies including those for the conservation of designated and protected international, national and local sites, habitats and species of importance. It seeks to protect and enhance ecological networks and to protect and enhance green infrastructure generally including open spaces. It also includes a policy related to protecting specific trees and trees on development sites. Moreover, it requires developments to maintain and actively enhance biodiversity in order to provide net gains where possible. These policies are considered and applied to all relevant developments across the borough and are central to the determination of applications for planning permission. • Protection and maintenance of the most valuable trees and woodland in the borough through the imposition and assessment of Tree Preservation Orders • The Council has a Service Level Agreement with Greater Manchester Ecology Unit (GMEU) for ecology advice including the assessment of planning applications in relation to ecological impacts and net gains in biodiversity • Biodiversity Net Gain, as calculated using the Defra approved biodiversity metric, is sought through negotiation on planning applications in accordance with Policy NE1. On-site biodiversity enhancements are secured through planning conditions with off-site contributions via planning agreements. 	<ul style="list-style-type: none"> • Planning policies and Development Management will continue to protect and enhance habitat, species, ecological networks, trees and woodlands, green infrastructure and ensure BNG. • Implement BNG and ensuring all relevant planning applications are treated in accordance with the Regulations • Extend SLA with GMEU for enhanced services in relation to mandatory BNG including the assessment of eligible planning applications to ensure that assessment of mandatory BNG proposals are accurate, achievable and, where needed, off site measures have been identified. • Explore the available options for monitoring and enforcement of mandatory BNG • Scope the potential for a Council owned strategic BNG site within the borough where habitats could be created and/or enhanced, funded through the sale of BNG units to developers in need of them to achieve the required net gain for their developments. • Consider the need for additional resources and expertise

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		<ul style="list-style-type: none"> • Preparation for the implementation of mandatory 10% biodiversity net gain (BNG) is ongoing • To assist the Council in preparing for BNG, planning officers have attended BNG meetings, workshops, and seminars provided by the Planning Advisory Service, DEFRA, Natural England, and Derbyshire County Council 	
4.	<p>Improving our knowledge and monitoring of biodiversity</p> <p>Understand the existing extent and condition of our habitats and species to inform actions to increase their quality, diversity and extent; enable the impact of Council activities to be measured; and identify any new threats and opportunities across the borough.</p>	<ul style="list-style-type: none"> • The Local Plan Evidence Base provides an ecological baseline, identifying key species and habitats including those on Council owned/managed sites. This is supported by GIS mapping data. All studies are published on the Council's website Ecological Studies - burnley.gov.uk • Burnley Wildlife and Habitat Survey (Golder Associates 2007): Phase One Habitat Survey of all Biological Heritage Sites (43 in total) and other sites of known or potential nature conservation value within the borough. The survey identified a number of sites considered worthy of BHS status. • Annual monitoring information on biodiversity related policies is included in the Council's Annual Monitoring Report and includes the loss of protected open space to development. • Contribute to Lancashire Environment Record Network (LERN) via specific agreement with Lancashire County Council for the provision of data and services. 	<ul style="list-style-type: none"> • Review and update Local Plan biodiversity evidence base as necessary • Establish a programme of species and habitat surveys to record and monitor the ecological baseline for Council owned/managed land drawing on previous survey work (Burnley Wildlife and Habitat Survey 2017) and existing ecological data (ie Local Plan Evidence Base and information held by LERN) and emerging data through the LNRS to identify the need for further survey work to fill data gaps. • Scope the potential for increasing the amount of land designated as Local Nature Reserve (LNR) in the borough (aiming to meet the Natural England target of at least one hectare of LNR per 1,000 people) • Continue to monitor implementation of the policies and proposals in the Local Plan

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5.	<p>Projects and Partnerships</p> <p>Working with others on joint biodiversity related strategies, initiatives, and projects, including the Lancashire Local Nature Recovery Strategy (LNRS)</p>	<ul style="list-style-type: none"> • Member of the Lancashire LNRS Steering Group as a Supporting Authority • Member of Lancashire Local Nature Partnership • Support Parks Friends Groups and organisations working with and supporting communities to deliver projects that enhance biodiversity • Work with statutory agencies and partners including Lancashire Wildlife Trust, The Forestry Commission, LCC and neighbouring Local Authorities. • Work with partners to secure funding for new woodland planting including the Pennine Lancashire Treescapes Project (PLanT) which delivered 45 new woodlands with 16,000 native woodland trees and created 5 new community orchards in 2022; and Beat the Street Tree Planting Initiative (2023-28) which will plant 22,000 woodland trees and the Forestry Commission Urban Tree Challenge Fund which will plant 100 large specimen trees on urban sites 2023 - 2025. 	<ul style="list-style-type: none"> • Continue to work in partnership with the County Council (and other Lancashire Authorities) to develop the Local Nature Recovery Strategy, which will provide a strategic overview of the habitats throughout the County; and ensuring the LNRS is well understood across the Council and complements other relevant plans and strategies • Continue to collaborate with statutory agencies such as Natural England, The Environment Agency, The Canal and Rivers Trust together with partners including The Forestry Commission, LCC and neighbouring Local Authorities. • Continue to support organisations who are working with and supporting communities to improve green spaces, habitat and species diversity such as Parks Friends groups, Trees for Burnley, Offshoots, Groundwork. • Continue to support the efforts of local and national nature conservation groups such as Lancashire Wildlife Trust, Lancashire Peat Partnership and Ribble Rivers Trust.
6.	<p>Workforce Development</p> <p>Training and Education for councillors and council employees to ensure that there is a sound understanding of biodiversity across the Council</p>	<ul style="list-style-type: none"> • Carbon literacy accreditation achieved. 	<ul style="list-style-type: none"> • Raise general awareness, using available guidance and resources. Integrating biodiversity into staff briefings and, where necessary, providing specific training. For example all staff and Members to complete e-training such as the Biodiversity e-learning for councils Local Government Association • Remind staff of volunteering policy and opportunities to undertake voluntary conservation work.

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			<ul style="list-style-type: none"> • Additional specialist training for staff involved in the management and/or maintenance of Council owned sites of particular local importance for habitats and/or species
7.	<p>Education, Advice, Awareness and Engagement</p> <p>Creating a greater awareness of the part everyone can play in supporting nature and biodiversity.</p> <p>Engaging with stakeholders and the public to promote an increased</p>	<ul style="list-style-type: none"> • Burnley: an Outdoor Town is providing events and activities including outdoor education activities and work with schools • Supporting volunteering through Friends Groups and other initiatives that involve local communities in biodiversity projects such as Burnley’s Volunteer in Parks Initiative and Beat the Street Tree Planting project • Burnley Green Activities Project (Climate Action Fund) 2023: a programme of volunteer activities to deliver nature based solutions to climate change including tree and woodland planting and the creation of wildflower meadows 	<ul style="list-style-type: none"> • Examine the scope to increase awareness by incorporating biodiversity messages into a wide variety of interactions and communications with stakeholders and the public (ie the importance of avoiding the use of pesticides and artificial grass in gardens). • Create a dedicated Council webpage(s) for Biodiversity. • Increased interpretation (boards, leaflets, posters, guided walks etc). • Incorporating biodiversity in the advice provided to business to increase their environmental profiles.

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	<p>understanding and awareness of biodiversity; to better understand the impact of their actions on nature and wildlife; and deliver community-led biodiversity actions.</p>	<ul style="list-style-type: none"> Environmental activities for schools are delivered at Towneley in partnership with River Ribble Trust and Newground Offshoots 	<ul style="list-style-type: none"> Recognition of Biodiversity in the Burnley Business Awards as an additional criteria in the Environmental Excellence Award or as a separate award. Continue to pursue funding opportunities for the delivery of community led biodiversity actions.