Ribble Valley
Borough Council

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Biodiversity Duty 2024-2026:

First Consideration - Establishing the Baseline

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Policy administration

Policy ownership

For any queries about this policy, please contact the plan owner.

Department	All
Owner	Lyndsey Hayes / Erika Eden-Porter
Committee	Economic Development / Planning & Development Committee

This policy is maintained and published on behalf of Ribble Valley Borough Council. A copy of this policy will be published on the Council Intranet and will be reviewed and updated as stated below.

Version control and review date

Version	Date	Reason for Publication	Approved by Committee / Date	Review Date
V1	20/11/2025	Biodiversity Duty 2024-2026: First Consideration - Establishing the Baseline	Committee Name / Date	See Biodiversity Duty Report (January 2026)

This policy will be reviewed, as a minimum, on an annual basis. However, consideration should be given to reviewing the policy should there be any changes in legislation or guidance. The policy/procedure owner will ensure the document is reviewed as stated.

Equality implications

	Action	Yes / No
An Equality Impact Assessment (EIA) has been completed		
EIA Hyperlink		

Supporting documents or legislation relating to this policy

Please include any supporting documents / legislation
1. The Environment Act 2021
2.. The UK Government Environmental Improvement Plan 2023
3. The Natural Environment and Rural Communities Act 2006 (NERC Act)
4. Guidance Complying with the biodiversity duty - GOV.UK
5. Guidance Reporting your biodiversity duty actions - GOV.UK

Introduction

The Environment Act 2021[1], which received Royal Assent on 9 November 2021, establishes a statutory legal framework designed to enhance and safeguard the natural environment.

In early 2023, the government released the first update to its 25-year Environment Improvement Plan, called the Environmental Improvement Plan 2023[2]. It aims to stop biodiversity loss and help plants and wildlife thrive. Along with actions on climate change, water quality, and nutrient neutrality, the Environment Act 2021 and these plans mark a significant shift in government environmental policy and assign specific responsibilities to local authorities.

In terms of the legal context, the Environment Act 2021, subsequently amended Section 40 of the Natural England and Rural Communities (NERC) Act 2006[3], introduced a strengthened 'biodiversity duty' requiring all public authorities in England to consider what they can do to conserve and enhance biodiversity.

Guidance on complying with the biodiversity duty was published by the Government in May 2023 which, in summary, confirmed that authorities must:

1. Consider what actions it can properly take, consistent with the proper exercise of its functions, to conserve and enhance biodiversity by 1 January 2024.
2. Agree policies and specific objectives based on their consideration as soon as possible after 1 January 2024, and
3. Act to deliver the policies and achieve these objectives and report on them. This is referred to as the "first consideration" and is required to be completed by 1 January 2024.

This report serves as Ribble Valley Borough Council's first consideration establishing a baseline for future updates.

The Biodiversity Duty

The amended NERC Act states that the action which may be taken by authorities to support biodiversity includes, in particular, action for the purpose of:

(a)conserving, restoring, or otherwise enhancing a populations of specific species, and
(b)conserving, restoring, or otherwise enhancing a particular type of habitat.

On 17 May 2023, the Department for Environment, Food and Rural Affairs (DEFRA) issued guidance on how public bodies can meet this enhanced biodiversity duty:

- Complying with the biodiversity duty
- Reporting your biodiversity duty actions

There is no exact legal definition of the requirement to "consider." However, the guidance outlines the actions needed to meet this obligation. The amended NERC Act allows a public body to decide if there is no new action is can properly take. But if action is identified, section 40 1(A) of the Act requires the relevant public bodies "must" then:

[1] The Environment Act 2021
[2] The UK Government Environmental Improvement Plan 2023
[3] The Natural Environment and Rural Communities Act 2006 (NERC Act)

(a) determine such policies and specific objectives as it considers appropriate for taking action to further the general biodiversity objective, and

(b) take such action as it considers appropriate, in the light of those policies and objectives, to further that objective.

The amended NERC Act (s40 1(B)) allows authorities to meet the biodiversity objective by updating existing policies and specific objectives in relation to furthering the general biodiversity objective. Section 40 1(E) and the Biodiversity Duty guidance (January 2024) requires determination of these policies and goals as soon as practicable after their first consideration. Any subsequent considerations must happen within five years of the first consideration, and every five years after that, or more often if needed.

The Environment Act 2021 adds reporting duties for local authorities, including local planning authorities (LPAs). Section 40A of the amended NERC Act requires local authorities and LPAs to publish "biodiversity reports".

The above guidance on reporting biodiversity duty actions states in summary:

- The end date for the first reporting period should be no later than 1 January 2026. After this, the end date of each reporting period must be within 5 years of the end date of the previous reporting period.
- Reports must be published within 12 weeks of the reporting period end date.
- By law, the report must include:
  - a summary of the action taken to comply with the biodiversity duty
  - how the authority plans to comply with the biodiversity duty in the next reporting period and
  - any other information considered appropriate.

- Reports from local planning authorities must also include:
  - a summary of the actions carried out to meet Biodiversity Net Gain (BNG) obligations
  - details of the BNG resulting, or expected to result, from approved Biodiversity Gain Plans and
  - a summary of how the LPA plans to meet BNG obligations in the next reporting period.

The biodiversity report, including the Biodiversity Net Gain (BNG) element, reviews policies and objectives and actions completed and plans future ones. The amended Act allows the Secretary of State to require the report to include specific quantitative biodiversity data by regulation.

Considering the Biodiversity Duty

This report constitutes the Authority's first consideration; the review will take place separately in the form of the Biodiversity Report.

It is based on the idea that local planning involves managing, using, and protecting land in the public interest, as allowed by law. This is done through the Local Plan - a document outlining policies, land allocations, and designations needed to guide development - and through development management, which regulates how development occurs. Land use is central to local planning and development management. Following national planning policies and guidance, this also involves considering:

- Environmental objectives in as so far as they relate to local planning; and
- The impact of proposed development on the natural environment, including habitats, species and biodiversity.

Consideration of natural environment matters is integrated into the planning system. The LPA must review its actions to meet the biodiversity objective in accordance with the amended NERC Act and Environment Act 2021.

Reporting the Biodiversity Duty

This report is the first consideration report, it covers from 1 January 2024 to 1 January 2026 and beyond.

The report will be reviewed annually, starting 1 January each year. Each annual report will review the past 12 months and plan for the next five years. Reports will be published promptly after 1 January, allowing for and following any internal reporting procedures.

In accordance with the above guidance on reporting the biodiversity duty, the report must consider:

- Current policies, objectives and actions.
- How local nature recovery strategies, protected site strategies and species conservation strategies have been considered.
- Future actions over a period of five years from the end of the reporting period.

Applying the Biodiversity Duty

The DEFRA guidance on Complying with the biodiversity duty[4], outlines a clear framework to demonstrate compliance with the biodiversity duty as summarised below.

1. The guidance is clear that: the organisation "must" consider if the following "relevant strategies", introduced by the Environment Act 2021, will affect how it complies with the biodiversity duty:
   - Local Nature Recovery Strategies (LNRSs)
   - species conservation strategies
   - protected site strategies

The guidance states that organisations “must”:

- understand how/if they are relevant to your organisation
- be aware of how these strategies affect land that you own or manage, or actions you could take to conserve and enhance biodiversity
- consider how you could contribute to the strategy, where appropriate.

2. The guidance explains that the action local authorities take for biodiversity will contribute to the achievement of national biodiversity goals and targets, especially those in the Environmental Improvement Plan (EIP23)[5] published in January 2023, sets out government plans for significantly improving the natural environment.

By 2030, the government has committed to:

[4] Complying with the biodiversity duty

[5] The Environmental Improvement Plan (EIP23)

- halt the decline in species abundance
- protect 30% of UK land

By 2042, the government has committed to:

- increase species abundance by at least 10% from 2030, surpassing 2022 levels
- restore or create at least 500,000 ha of a range of wildlife rich habitats
- reduce the risk of species extinction
- restore 75% of our one million hectares of terrestrial and freshwater protected sites to favourable condition, securing their wildlife value for the long term

Actions under this consideration, can include (taken from the guidance):

A commitment to:

(a) Give priority to areas of high biodiversity value, if appropriate.
(b) Develop a strategy, if one does not exist, against which organisational environmental performance can be monitored and reported. Such a document can record the actions planned to be taken to meet organisational biodiversity objectives.
(c) Take a Natural Capital approach to policy and decision making that considers the value of the natural environment for people and the economy.
(d) For the LPA, evidence compliance with requirements under:
    - strategic environmental assessment and sustainability appraisal
    - environmental impact assessment
    - Habitats regulations assessments: protecting a European site

3. Another key area of focus is how the council's land estate can be managed to enhance biodiversity. This encompasses green spaces, blue (water) environments, and the built estate. Within this context, the guidance offers several recommendations, including:
    - Promoting and encouraging nature-based solutions, restoration of natural processes and landscape recovery.
    - Improving habitat.
    - Taking actions to make space for wildlife.
    - Enhancing protected sites in council ownership. The Environmental Improvement Plan 2023 sets the expectation that all public authorities should ensure they have management plans in place by the end of 2023 to support their sites to reach favourable status.
    - Taking actions such as reducing building energy use, reviewing the management of vegetation, and minimising the impact on wildlife arising from building maintenance work.

4. This area of focus relates to actions that enhance nature within Areas of Outstanding Natural Beauty, including support for the development and implementation of National Landscape (formerly AONB) management plans.
5. This area of the guidance highlights initiatives to help the public and stakeholders better understand biodiversity and the importance of conserving and enhancing it.
6. This area addresses the council's internal policies and procedures for staff and facilities. The guidance recommends reviewing the following policies:

    - transport – support sustainable travel to reduce carbon emissions and improve air quality
    - waste – review waste management and recycling processes to reduce water pollution and air pollution from waste transport and landfill

- water – improve water efficiency to reduce the effect water abstraction can have on sensitive habitats and species
- procurement – buy sustainable materials and supplies to reduce the demand on natural resources
- light – make sure the design of artificial lighting minimises effects on nature

7. The final area of focus concerns the preparation and implementation of Biodiversity Net Gain (BNG). While not all of the considerations outlined above will apply to every Local Planning Authority (LPA), they nonetheless offer a valuable foundation for assessing current actions and identifying potential future measures in support of the biodiversity duty.

Meeting the Biodiversity Duty – A Consideration

Applying the above framework offers a clear and structured approach for demonstrating how the Local Authority is fulfilling its biodiversity duty with regards to the first consideration, whilst also aligning with the reporting requirements set out in the guidance.

RVBC has several existing initiatives, strategies and policies that show how we are, and will continue to, meet the biodiversity duty, the council does not have a Biodiversity Strategy, but the following council documents are relevant:

- The Core Strategy (2008-2028) A Local Plan for Ribble Valley Adoption Version which includes a number of policies that seek to conserve and enhance biodiversity
- The Climate Change Strategy (2021-2030) which includes biodiversity and nature-based targets.
- The Council's Corporate Plan (2023-2028) includes the goal Valuing our Place and our Environment - Making the Ribble Valley a place we want to be by creating a safer, stronger, greener, and cleaner Borough, which we will achieve by delivering:
  - an achievable Climate Change Strategy through development of the action plan
  - Working to preserve our countryside, parks, and areas of natural beauty
  - Delivering our Climate Change Action Plan 2025/2026: Theme 2 – Minimising the Council's Emissions.

Ribble Valley's wildlife, ecosystems, and habitats are essential to the wellbeing of our community. The decline of biodiversity impacts daily life in profound ways - from the insects that pollinate our food to the green spaces that support residents' health and quality of life.

The Council plays a pivotal role in safeguarding and enhancing biodiversity by:

- Developing and implementing internal and external policies and strategies
- Administering the planning system responsibly
- Managing land and buildings, including public open spaces, nature reserves, civic buildings, commercial property, and infrastructure
- Engaging proactively with businesses and the wider public
- Conducting research and maintaining accurate information
- Ensuring sustainable procurement of goods and services
- Delivering economic, environmental, and social projects / programmes
- Leading by example

Biodiversity Duty First Consideration Assessment

This report constitutes Ribble Valley Council's first consideration of the actions it can properly take, as local authority, to further the general biodiversity objective (known as the Biodiversity Duty) as required under Section 40 (A1)(1) of the Natural Environment and Rural Communities Act 2006 (as amended)

The table below summarises the Council's current and planned actions that contribute towards the Biodiversity Duty and future actions which will be considered. 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

Table 1 below provides a summary of the actions that benefit biodiversity.

No	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.	**Mainstreaming Biodiversity: Plans, Policies and Strategies** The Council's overall approach 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.	• The Core Strategy (2008-2028) A Local Plan for Ribble Valley Adoption Version which includes a number of policies that seek to conserve and enhance biodiversity • The Climate Change Strategy (2021-2030) which includes biodiversity and nature-based targets. • The Council's Corporate Plan 2023-2027 includes the goal Valuing our Place and our Environment - Making the Ribble Valley a place we want to be by creating a safer, stronger, greener, and cleaner Borough, which we will achieve by delivering: o an achievable Climate Change Strategy through development of the action plan o Working to preserve our countryside, parks, and areas of natural beauty o Delivering our Climate Change Action Plan 2025/2026: Theme 2 – Minimising the Council's Emissions.	1. Identify a corporate lead for co-ordinating and monitoring delivery of Biodiversity actions. 2. New Local plan to include a commitment to conserving and enhancing biodiversity. Making Ribble Valley a place, more ecologically resilient and wildlife rich 3. Identify other plans & strategies when reviewed as an opportunity to incorporate biodiversity where appropriate. 4. Identify opportunities to integrate work on biodiversity with the Councils Climate Change Strategy and subsequent Action plan.
2.	**Positive management of Council owned land and buildings to enhance biodiversity and ensure that existing habitats and species are**	• Management of parks and green spaces for nature including the creation of areas of new habitats such as rewilding and woodlands • Endeavour to plant native and sustainably UK sourced where appropriate and in keeping with landscape character and objective of any management plan for nature reserves (Crosshill and Salthill RVBC own the land but leased to Lancashire Wildlife Trust and the	5. Assess the potential for enhancing small scale habitats on Council owned land and buildings, including nest and roosting boxes 6. Establish a programme of species and habitat surveys to record and monitor the ecological baseline for Council owned/manged land drawing on previous survey work and existing ecological data (i.e. Local Plan Evidence Base and information) and emerging data through the Local Nature

	safeguarded and managed appropriately. 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.	Council manage the tree cover for public safety, which also includes control of ash dieback. • Wildflower planting • Bedding planting largely replaced with herbaceous perennials and pictorial meadows • Reduced the use of herbicides and pesticides • No use of peat • RVBC manages all woodland under its jurisdiction in accordance with appropriate woodland management practices. • We welcome applications for biodiversity enhancement submitted by working partners such as Lancashire County Council Treescapes Team, Ribble Rivers Trust, Lancashire Wildlife Trust and the Beaver Trust to make successful bids for external funding to deliver biodiversity enhancements. • Working in partnership with LCC Highways, RVBC weed sprays and cuts road verges, where site lines become an issue • Beneficial mowing (low-mow and no-mow) management practices in some areas of the borough frequently mown amenity grassland or open spaces are not now being cut for example, at the riverbank opposite Edisford Riverbank Park to the rear of the 3G pitches. The Council is presently consulting with residents about extending this approach in Low Moor. • Ribble Valley Biological Heritage Site and Site of European Importance at Clitheroe Castle includes 16-acres of grounds and a Norman Keep. • Sites of Special Scientific Interest (SSSIs), for example, White Moss SSSI is the best surviving example of an actively growing basin mire in Lancashire.	Recovery Strategy (LNRS) to identify the need for further survey work to fill data gaps. 7. 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 Biodiversity Net gain (BNG)). 8. Work with partners to bid for additional funding to deliver local nature recovery projects on council owned land 9. Scope the potential for additional management and maintenance regimes for our parks and green spaces that maximise potential for biodiversity, carbon storage and sequestration. 10. Assess the condition and review the management of Council owned sites that are protected or designated as being of particular biological importance – LNR and Biological Heritage Sites (BHS). 11. Leading by example: demonstrate the positive role of estate management to businesses, other organisations and the general public. 12. Explore the preparation of a Masterplan for the Castle Grounds which will include biodiversity net gain opportunities i.e. more rewilding.

		• Peatland in Ribble Valley - As part of the Ribble Life for Water project Ribble Rivers Trust is restoring some of the eroding peat gullies at the top of Pendle Hill. The project aims to improve water quality and support wildlife.	
3.	**Planning and Development including Biodiversity Net Gain**	• Ribble valley's LDF 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 also encourages the incorporation of measures to enhance biodiversity where appropriate. 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 • Since January 2024 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. On-site biodiversity enhancements are secured through planning conditions with significant on-site enhancements or off-site contributions secured via planning agreements.	13. Planning policies and Development Management will continue to protect and enhance habitat, species, ecological networks, trees and woodlands, green infrastructure and ensure BNG. 14. Implement BNG and ensuring all relevant planning applications are treated in accordance with the Regulations 15. 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. 16. Explore the available options for monitoring and enforcement of mandatory BNG 17. Seek opportunities for on-site BNG provision where development on Council owned land is coming forward 18. Consider the need for additional resources and expertise

		• To assist the Council in preparing for BNG, planning officers have undertaken training as appropriate • .	
4.	**Improving our knowledge and monitoring of biodiversity.** 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.	• Wildlife and Habitat Surveys • Change in areas and populations of biodiversity importance, including: o Change in priority habitats and species by type and; o Change in areas designated for their intrinsic environmental value including sites of international, national, regional or local significance; o loss of Biological Heritage Sites; o and loss of hedgerows (through planning decisions)	19. Review and update Local Plan biodiversity evidence base as necessary 20. Monitor and record species and habitat surveys for Council owned/manged land drawing on previous survey work and existing ecological data (i.e. 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 21. Continue to monitor implementation of the policies and proposals in the Local Plan
5.	**Projects and Partnerships** Working with others on joint biodiversity related strategies, initiatives, and projects, including	• Member of the Lancashire LNRS Steering Group as a Supporting Authority • Member of Lancashire Local Nature Partnership • Work with statutory agencies and partners including Lancashire Wildlife Trust, The Forestry Commission, LCC and neighbouring Local Authorities.	22. Continue to work in partnership with the Lancashire 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 23. Continue to collaborate with statutory agencies such as Natural England, The Environment Agency, The Canal and Rivers Trust together with partners including The Forestry

	the Lancashire Local Nature Recovery Strategy (LNRS	• Work with partners to secure funding for new woodland planting including the Lancashire County Council Treescapes team and Ribble Rivers Trust • Green Flag – castle ground / blue pennant??	Commission, LCC, Ribble Rivers Trust, Forest of Bowland National Landscape and neighbouring Local Authorities. 24. Continue to support organisations who are working with and supporting communities to improve green spaces, habitat and species diversity. 25. Continue to support the efforts of local and national nature conservation groups such as Lancashire Wildlife Trust and Ribble Rivers Trust.
6.	**Workforce Development** Training and Education for councillors and council employees to ensure that there is a sound understanding of biodiversity across the Council	• Consider achieving Carbon literacy accreditation – training and awareness raising for councillors and staff is an action in the Climate change Action Plan 2025/26 and 2026/27.	26. Raise general awareness, using available guidance and resources. Integrating biodiversity into staff training and, where necessary, providing specific training. For example all staff and Members to complete e.g. Local Government Association (LGA) : Biodiversity for councils 27. Staff to complete the Environmental Awareness module on the Me Learning Portal. 28. Promote opportunities for staff to undertake voluntary conservation work. 29. 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.	**Education, Advice, Awareness and Engagement** Creating a greater awareness of the part everyone can play in supporting	• Promote environmental activities across the borough for schools in partnership with Ribble Rivers Trust, LCC Treescapes Team and RVCAN	30. Continue to pursue funding opportunities for the delivery of community led biodiversity actions.

	nature and biodiversity. Engaging with stakeholders and the public to promote an increased understanding and awareness of biodiversity; to better understand the impact of their actions on nature and wildlife; and deliver community-led biodiversity actions		