



**Melton
Borough
Council**

Biodiversity Duty - First Consideration Report 2024

DRAFT

Key policy details

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1 Introduction

When originally enacted, Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 required that ‘every public authority must, in exercising its functions, have regard, as far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity’.

The Environment Act 2021 then amended Section 40 of the NERC, to further strengthen the ‘duty’ placed on local authorities. Planning Practice Guidance for complying with the biodiversity duty, sets out that:

‘public authorities who operate in England must consider what they can do to conserve and enhance biodiversity in England. This is the strengthened ‘biodiversity duty’ that the Environment Act 2021 introduces.

This means that, as a public authority, you must:

- *Consider what you can do to conserve and enhance biodiversity.*
- *Agree policies and specific objectives based on your consideration.*
- *Act to deliver your policies and achieve your objectives’.*

To meet its biodiversity duty public authorities should have completed a ‘first consideration’ of what action to take for biodiversity by 1st January 2024 and then agree policies and objectives as soon as possible after this date. Agreed actions should then be reconsidered within five years of completion of this ‘first consideration’ with subsequent rolling reconsiderations at a frequency of no longer than every five years.

Local authorities (excluding parish councils) and local planning authorities must publish a biodiversity report which documents the policies and actions carried out to comply with the biodiversity duty. The end date of your 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

2 Initiatives, strategies and policies

Whilst the strengthened biodiversity duty is a relatively new requirement, the Council has a number of existing initiatives, strategies and policies that show how it is, and will continue to, meet the biodiversity duty

The full list of initiatives, strategies and policies are set out in **Table 1**, however a summary list of the overarching documents are set out below:

- Corporate Strategy (2024-2036) sets out the Council's long-term ambitions for the next 12 years and includes the vision statement to be recognised as clean, green, and attractive; well on our way to becoming a net zero borough, to be delivered through specific objectives and actions in the Corporate Delivery Plan (2024-2028).
- The Melton Local Plan (2011-2036), adopted October 2018, includes a number of objectives and policies that seek to protect and enhance the natural environment and biodiversity within the borough. A partial Local Plan review is underway, including updates to some of these environmental policies.
- Climate Change Strategy (2024-2036), adopted June 2024, supports tackling climate change alongside protecting and enhancing the natural environment; these issues are co-dependent given biodiversity will suffer from the impacts of climate change, but also has a mitigating effect.

In addition to the above, the Council has an agreement with Leicestershire County Council to provide ecology and biodiversity advice for all relevant development proposals, which includes advice to the Council on Biodiversity Net Gain (BNG) in accordance with mandatory requirements. Furthermore, in collaboration with the Council, the County Council is producing a Local Nature Recovery Strategy (LNRS) for Leicestershire, Leicester and Rutland, which will identify the most valuable areas and priorities for nature recovery alongside wider environmental goals.

The Council manages some parks and green spaces and 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. Whilst we are planning areas for improving biodiversity in our parks and open spaces it is important to consider what else can be done in order to fulfil the Biodiversity Duty and make Melton Borough more ecologically resilient and wildlife rich.

Table 1

Document / work area	Relevant initiatives / strategies / policies already in place	Summary
Corporate Strategy 2024 - 2027		Cherish and celebrate our villages and rural heritage, delivering on the Rural Capital of Food and maximising investment in our waterways, canals, walkways and green infrastructure
		Be recognised as clean, green, and attractive; well on our way to becoming a net zero borough
Corporate Delivery Plan 2024 - 2028	Making the borough cleaner, safer and greener	Develop and implement Country Park Masterplan secure Green Flag Award Establish 'Pride in Place' group to improve environmental quality
	Improving the town centre	Develop and implement a design guide to improve the design, aesthetics and environment of the town centre
	Securing the right infrastructure to enable sustainable growth	Explore opportunities with partners to support investment in waterways and green infrastructure
	Ensuring Planning Policy and Development support sustainable growth	Complete Local Plan Review and respond to updated National Planning Policy Framework (NPPF)
	Delivering a net zero borough	Adopt Climate Change Strategy
Local Plan (2011-2036)	Strategic Objective 19	Reduce the risk of flooding and avoid development in areas prone to flooding.
	Strategic Objective 20	Protect and enhance the natural environment and biodiversity.
	Strategic Objective 22	Protect and manage the use of natural resources and mitigate activities that cause their loss or degradation.
	Strategic Objective 23	Prepare for, limit, and adapt to climate change and promote low carbon development.
	Policy SS3 – Sustainable Communities	In rural settlements outside the main urban area, the Council will seek to protect and enhance existing services and facilities and will support

(unallocated sites)	sustainable development proposals. Specific criteria requires development proposals to respect ecological, heritage and biodiversity features and where appropriate provide mitigation to prevent any potential harm.
Policy SS4 – Melton South Sustainable Neighbourhood (Strategic Development Location)	Strategic site policy which requires the protection and enhancement of important areas of biodiversity (habitats and species).
Policy SS5 – Melton North Sustainable Neighbourhood	Strategic site policy which seeks to retain and mitigate any potential harm to biodiversity areas and provide a coherent biodiversity and green infrastructure network.
Policy EN2 – Biodiversity and Geodiversity	Policy seeks to achieve net gains for nature and proactively seek habitat creation as part of new development proposals. Development proposals will protect and enhance biodiversity, ecological networks and geological conservation interests throughout the borough and beyond its boundaries.
Policy EN3 – The Melton Green Infrastructure Network	Strategic approach to the delivery, protection and enhancement of green infrastructure within the borough. New or enhanced green infrastructure corridors and assets should make provision for biodiversity opportunities, including incorporating trees, shrubs and other natural features within new developments.
Policy EN4 – Areas of Separation	Policy to protect areas of separation to avoid coalescence, retain highly tranquil landscapes and safeguard settlement character.
Policy EN5 – Local Green Space	Policy to protect designated Local Green Space, to avoid harm to key features, value and functionality, and to protect character.
Policy EN7 – Open Space, Sport and Recreation	Seeks to protect existing open space, sport and recreation provision within the borough, and provide new or enhanced facilities to meet the needs associated with new development.
Policy EN8 – Climate Change	Overarching policy requiring development proposals to demonstrate

		how mitigating and adapting to climate change has been considered.
	Policy EN9 – Ensuring Energy Efficient and Low Carbon Development	Major new development is required to demonstrate how the need to reduce carbon emissions has influenced the design, layout and energy source used, including how the design incorporates opportunities for cooling through tree planting and landscaping.
	EN10 – Energy Generation from Renewable and Low Carbon Sources	Consideration of renewable and low carbon energy proposals in the context of sustainable development and climate change. Criteria takes account of designated nature conservation, geodiversity or biodiversity assets, including potential impact on ancient woodland and veteran trees.
	EN11 – Minimizing the Risk of Flooding	Policy to ensure development does not increase the risk of flooding and seek to reduce flood risk to other areas. Where appropriate, measures to reduce flood risk should provide local amenity and biodiversity benefits.
	EN12 – Sustainable Drainage Systems	Policy to achieve surface water management through incorporation of SuDS, including through provision of green infrastructure and native tree planting.
	IN3 – Infrastructure Contributions and Community Infrastructure Levy	Policy to secure necessary infrastructure and/or developer contributions to local infrastructure to deliver sustainable communities. Provision of SuDs should aim to create amenity space, enhance biodiversity and contribute to a network of green and blue spaces.
	D1 – Raising the Standard of Design	Policy requires all new development to be of high quality design. Specific criteria relates to existing trees, hedges and landscaping, and references Building for Life 12 requirements and principles of ‘Active Design’, which consider biodiversity impacts and opportunities for enhancement.
Climate Change Strategy (2024-2036)	Key Area for Action Natural Environment and Farming	Support Leicestershire County Council to develop and adopt a Local Nature Recovery Strategy and action plan
		Explore opportunities to work with the local community to develop a plan to ‘green’ Melton Mowbray town centre

		<p>and key settlements in the borough; to reduce emissions, be more climate resilient and explore a community suggestion to become a 'bee friendly' town</p>
		<p>Encourage all landowners to adopt more nature and climate friendly land management practices. Including actions that can be done at small scales, in local parks and green spaces, in streets, gardens and around workplaces, such as creating new wildflower habitats.</p>
		<p>Promote natural water management measures that can benefit nature and improve climate resilience by reducing flood and summer drought risks.</p>
		<p>Ensure new development works well with its natural environment and that it delivers biodiversity net gains. Ensure local planning approaches also work well to support farm building modernisation and retrofitting which can help farmers reduce their environmental impacts.</p>
Local Nature Recovery Strategy (Due for sign off July 2025)		<p>LCC and partners are developing a LNRS to co-ordinate a response to biodiversity loss across Leicestershire, Leicester and Rutland. It will identify existing priorities and plans from across core sectors to agree priorities and measures that can be delivered alongside or in support of existing measures</p>
Environmental Services		<p>When a council owned tree becomes dead, diseased or dangerous, we may have to fell the tree. Where possible, we try to leave dead wood safety in place in wooded areas to provide an additional habitat.</p>
		<p>We are strengthening our tree inspection and maintenance schedule to ensure we give them the best chance of surviving for as long as possible</p>
		<p>We have reduced the use of pesticides by no longer using them as part of our general maintenance schedule in Melton Country Park or our cemeteries.</p>

		We are currently reviewing measures to treat and remove an invasive plant located in one of our parks which is contributing to the erosion of a river bank.
		We are in the process of creating a wildflower meadow at Melton Country Park to create an additional habitat.
		We are in the process of drafting an open spaces and play area policy/strategy to help prioritise a scheduled programme of improvements and replacement of equipment across the borough of Melton.
		Developing a programme of environmental community clean up days; developing and implementing the Country Park Masterplan to secure Green Flag Award & establishing a 'Pride in Place' group to improve environmental quality.
<i>Partners</i>		We work in partnership with Friends of the Melton Country Park
		We work in partnership with Melton in Bloom to create planted areas around the town centre.
Corporate Assets		Acquiring and disposal of land

3 Further Action

A Biodiversity Duty Plan will be required to:

- Outline across all functions of the Council, what we are doing and planning to do to conserve and enhance biodiversity
- Form the basis for the Biodiversity Duty Reporting.
- Ensure that we are able to demonstrate how we are meeting the Biodiversity Duty from the policy level through to strategy, processes and practices
- Describe any specific projects that contribute to meeting the Biodiversity Duty