



## OPEN REPORT BIODIVERSITY SUB-COMMITTEE

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**Biodiversity Sub-Committee – 13 September 2023**

### **ACTION PLAN FOR NATURE SPECIFICATION**

#### **Report of Director of Regulatory Services**

#### **Report Author and Contact Details**

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#### **Wards Affected**

District-wide

#### **Report Summary**

The report presents a specialist professional services quotation brief for the approval of Members. The resulting action plan will allow the Council to meet the requirements of the enhanced Biodiversity Duty as set out in the Environment Act 2021.

#### **Recommendations**

1. That the specialist professional services quotation brief at Appendix 1 be approved
2. That the funding mechanism for the plan, as set out in paragraph 7, be approved
3. That Council, via the Community and Environment Committee, be requested to approve a supplementary revenue budget in 2023/24 to reflect the proposed expenditure of £58,791 associated with the action plan for nature specification and work to prepare for the delivery of Biodiversity Net Gain (BNG). This would be financed by the transfer of £11,984 from the grants unapplied reserve, £26,807 grant receivable in 2023/24 and £20,000 from the General Reserve

#### **List of Appendices**

Appendix 1 Specialist professional services quotation brief

#### **Background Papers**

None

#### **Consideration of report by Council or other committee**

Yes

#### **Council Approval Required**

Yes – for supplementary revenue budget (recommendation 3)

**Exempt from Press or Public**

No

## **Action Plan for Nature Specification**

### **1. Background**

- 1.1 At a meeting on 26 January 2023 the Council resolved to support the recovery of nature across the Derbyshire Dales.
- 1.2 A report to Council on 16 March 2023 advised Members about the Biodiversity Duty, and set out activities which the District Council has, and is currently undertaking that contributes to meeting the new requirement. It recommended that a plan be prepared which sets out further actions the District Council should undertake to meet the requirements of the newly enhanced biodiversity duty.
- 1.3 At a meeting of the Biodiversity Sub-committee on 19 July 2023 it was agreed that a specification be prepared for a new biodiversity 'action plan'.

### **2. Key Issues**

- 2.1 The quotation brief was prepared following consultation with the officer working group and the Chair of the Sub-committee.
- 2.2 The draft brief has been shared with potential consultant partners by way of 'soft market testing'. Their feedback and indicative costs have been considered in the preparation of the brief.

### **3. Options Considered and Recommended Proposal**

- 3.1 An action plan could be prepared 'in house' but the Council lacks the relevant capacity and expertise to undertake this work.
- 3.2 The recommendation is that the quotation brief is approved and the Council appoints a consultant or consultants to undertake the work in accordance with the timeframes set out below.

### **4. Consultation**

- 4.1 Consultation will be undertaken as part of the development of new projects as appropriate, including revisions to the policies in the emerging Derbyshire Dales Local Plan.

### **5. Timetable for Implementation (proposed)**

- 5.1 13<sup>th</sup> September 2023 – specification approved.
- 5.2 26<sup>th</sup> October 2023 - supplementary revenue budget approved at C&E committee.
- 5.3 November 2023 – Biodiversity Net Gain (BNG) requirements come into force.
- 5.4 23<sup>rd</sup> November 2023 – update report presented to Council outlining what further actions have been and will be implemented in respect of the Biodiversity Duty and for approval of supplementary revenue budget.

- 5.5 By mid December 2023 - consultant partner engaged
- 5.6 January 2024 – consultant partner meets with Officer Working Group and Chair/Vice Chair of Sub-Committee.
- 5.7 13th February 2024 – draft plan presented to Biodiversity Sub-committee.
- 5.8 4<sup>th</sup> April 2024 – final plan presented to Council.
- 5.9 2024 – 2027 – implementation of 3-year plan.

## **6. Policy Implications**

- 6.1 The achievement of the enhanced Biodiversity Duty will require that the District Council give it appropriate level consideration in the revised Derbyshire Dales Local Plan.
- 6.2 Any other policy implications will be considered as part of the development of the action plan and where changes are required, these will be referred to the appropriate policy committee for approval.

## **7. Financial and Resource Implications**

- 7.1 The Council has been allocated a ring-fenced grant of £26,807 for BNG preparation work to be carried out in 2023/24 (notification 27<sup>th</sup> July 2023). In addition, there is £11,984 unspent funding that was carried forward from the 2022/23 grant. This results in total grant funding of £38,791.
- 7.2 The Council has committed to expenditure of £22,365 in 2023/24 via a Service Level Agreement (SLA) for services in relation to BNG. It is proposed that the remaining grant funding of £16,426 be allocated to the preparation of the action plan. This would leave a projected shortfall of c£20k based on the discussions detailed in paragraph 2.2.
- 7.3 It will be necessary to seek approval from Council for a supplementary revenue budget in 2023/24 to reflect the proposed expenditure of £58,791. This would be financed by the transfer of £11,984 from the grants unapplied reserve, the use of grant receivable in 2023/24 £26,807 and £20,000 from the General Reserve. As this expenditure is “one-off”, the General Reserve is permitted under the Council’s Medium Term Financial Strategy. This report includes a recommendation for a referral to full Council to seek approval for this supplementary revenue budget and its financing.
- 7.4 Any additional activities recommended through the plan to support the achievement of the Biodiversity Duty will need to be assessed to ensure that they are capable of fitting within the Medium Term Financial Plan and that consequent staffing requirements are capable of being resourced.
- 7.5 The financial risks associated with the recommendations of this report are assessed as low at present.

## **8. Legal Advice and Implications**

- 8.1 Section 102 and Section 103 of the Environment Act 2021 – brought into effect on 1<sup>st</sup> January 2023 require that in carrying out its functions that the District Council must consider how it will conserve and enhance biodiversity and publish biodiversity reports which summarise action taken to comply with the wider duty.
- 8.2 The legislation requires that the District Council must agree policies and specific objectives based on this consideration and act to deliver those policies and objectives.
- 8.3 Preparation of an action plan will meet these requirements and provide a framework to meet the reporting requirements of Section 103.
- 8.4 There are 2 recommended decisions to be made connected to this report, both of these decisions have been assessed as having a low legal risk.

## **9. Equalities Implications**

- 9.1 The development of any new activities to meet the duty will need to have the Equality implications identified as part of their development.

## **10. Climate Change and Biodiversity Implications**

- 10.1 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 inescapably 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 disastrous impacts of a changing climate, such as flooding and storm surges.

## **11. Risk Management**

- 11.1 The risk of delivery of each action will be assessed as part of the development of the action plan.

### **Report Authorisation**

Approvals obtained from Statutory Officers:-

	<b>Named Officer</b>	<b>Date</b>
Chief Executive		
Director of Resources/ S.151 Officer (or Financial Services Manager)	Karen Henriksen	24/08/2023
Monitoring Officer (or Legal Services Manager)	Kerry France	24/08/2023