

Biodiversity Net Gain Duty Report

January 2024



Derby City Council

Introduction

This is Derby City Council’s first Biodiversity Net Gain Duty Report and covers the period 1 January 2023 to 1 January 2024 and is split into four sections:

- **Section 1** of this report sets out the Council’s policies, objective and actions to enhance and conserve biodiversity and what it has delivered, either alone or in partnership with others, that benefit biodiversity over the reporting year.
- **Section 2** of this report sets out how the Council has considered other strategies.
- **Section 3:** sets out the Council’s future actions.
- **Section 4** summarises the work the Council’s Planning Department has undertaken on Biodiversity Net Gain.

Background

The Natural Environment and Rural Communities Act 2006, (NERC Act 2006) came into force on 30th March 2006 and introduced, in Section 40, a duty on public authorities to conserve biodiversity defined as in relation to a living organism or type of habitat, restoring or enhancing a population or habitat.

The Environment Act, brought into force in November 2021, introduced a wide range of responsibilities in relation to Biodiversity. In particular, section 102, amends the NERC Act by making it a duty to ‘conserve and enhance’ biodiversity in relation to council functions. It also sets out that a local authority must have regard to any relevant Local Nature Recovery Strategies (LNRS) and any relevant species conservation strategies in exercising its functions. Derbyshire County Council have been designated a ‘Responsible Body’ tasked with creating a LNRS for Derbyshire including the city. The County Council, at the time of publishing this first report, have just begun the LNRS process.

Section 103 of the Environment Act states that local authorities will be required to publish biodiversity reports, which summarise the action taken to comply with the duty, and a summary of the authorities plans for complying with the duties over a period of five years – as local planning authority it should include what it has done in relation to biodiversity, information about biodiversity, and a summary of its plans for carrying out the functions over a five year period. The following sections provide the summary required.

Section 1: Our policies, objectives and actions

In this section we are required to explain the policies and objectives we have set to meet our biodiversity duty. Information was taken from the [Council Plan](#), [The Derby City Local Plan Part 1](#) and the Council’s [Climate Change Action Plan](#).

Action	Explanation
1 Ensure that nature recovery and biodiversity net gain is understood across the Council and is embedded into all strategic plans, projects and policies.	To be successful, the delivery of Biodiversity Net Gain has to be embedded in all Council plans and decisions.

Action	Explanation
<p>2 Provide training and resources for councillors and council employees about biodiversity net gain and nature recovery.</p>	<p>There are various levels of training proposed:</p> <ul style="list-style-type: none"> • For all Members, especially those sitting on the Council’s Planning Control Committee • Making senior officers and the Council’s Senior Leadership Network aware of the requirement to deliver Biodiversity Net Gain • For all Planning Officers, especially those in Development Management • For all officers to ensure that BNG is included in all plans and projects.
<p>3 Build on current collaboration between Council services to manage and maintain green spaces for climate change and biodiversity.</p>	<p>The production of this report and work around Biodiversity Net Gain has strengthened links between Council departments and it is essential to broaden and strengthen these links to ensure that BNG is considered in everything the Council does.</p>
<p>4 Ensure that all qualifying development provides a minimum 10% biodiversity net gain in-line with the latest guidance.</p>	<p>At the present time, this is voluntary but will become mandatory in January 2024. In the meantime, a number of major developments have delivered BNG.</p>
<p>5 Work with Derbyshire County Council and neighbouring authorities to create a strategic and consistent approach to biodiversity net gain.</p>	<p>The Council is already a key partner with the County Council through the Natural Capital Study and the Local Nature Recovery Strategy.</p> <p>The Council also works closely with its Housing Market Area partners - Amber Valley Borough Council and South Derbyshire District Council on aligned Local Plans.</p>
<p>6 Ensure that major development provides new open space, allotments and planting for public health and the environment in line with the adopted Derby City Local Plan.</p>	<p>This is an ongoing process as, and when, major planning applications are received by the Council.</p>
<p>7 Continue to implement the policies in the Derby City Local Plan to protect and enhance biodiversity, wildlife sites, Local Nature Reserves and open space.</p>	<p>This is an ongoing process as, and when, planning applications are received by the Council.</p>
<p>8 Implement a rewilding scheme on Allestree Park in partnership with Derbyshire Wildlife</p>	<p>This is a long-term project for the Council and its partners.</p>

Action	Explanation
Trust, Rewilding Britain and The University of Derby	
9 Increase the area of designated Local Nature Reserves within the city.	This is an ongoing aspiration and will be delivered as, and when, opportunities arise.
10 Monitor and report on the number of Local Wildlife Sites are positive conservation management is being, or has been, implemented.	This is a statutory requirement, and we are required to submit the relevant data to DEFRA annually. Based on the latest data, 49.35% of sites are in positive management over the past five years.
11 Identify potential sites on Council owned land which could be used as BNG receptor sites.	The Council considers that it would be beneficial to offer up some of its estate for off-site BNG; widening the choice for developers who cannot accommodate BNG on their development site.
12 Explore changes to management practices to increase biodiversity on parks, green spaces, and verges.	The Council has, in recent years, adopted 'No Mow May'.
13 Reduce the use of pesticides.	This is an ongoing process to assist in nature recovery and resilience
14 Further extend blue corridors for environmental improvements for flora and fauna	A key element of this aspiration is the Our City Our River Project
15 Utilise areas of some parks, highways and other Council land for Sustainable Urban Drainage Systems (SuDS)	Planting trees on the land owned by the Council will provide multiple benefits for biodiversity, climate change adaptation and air quality.
16 Support Friends Groups, volunteers and businesses to undertake tasks and management for the benefit of biodiversity and nature conservation.	These groups play a vital role in maintaining and enhancing our Local Nature Reserves as well as undertaking enhancement projects across the city. It is essential that this partnership working continues and new partnerships are forged.

Section 2: How the Council has considered other strategies?

Derbyshire County Council have been designated the Responsible Body charged with producing the Local Nature Recovery Strategy (LNRS) for the county. At the time of publishing this report, work has just commenced on the LNRS. An officer from the City Council will sit on the Steering Group and a Councillor will sit on the LNRS Board. It is envisaged that the process will take 18 months.

There are no Protected Site Strategies or Species Conservation Strategies in place for the city.

Section 3: The Council's future actions

The following is a list of actions the Council aims to undertake over the next year. This list will be reviewed for the next iteration of this report which will be published on 1 January 2025.

1. Continue to ensure that nature recovery and biodiversity net gain is embedded into all strategic plans, projects and policies.
2. Continue to provide training and resources for councillors and council employees.
3. Ensure that all qualifying development provides a minimum 10% biodiversity net gain in-line with the latest guidance.
4. Procure new software to ensure that helps with the BNG process; from receiving the initial application, assessment and monitoring.
5. Continue with the current service level agreement with Derbyshire Wildlife Trust who will provide ecological support for the Council.
6. Work with Derbyshire County Council to develop a Local Nature Recovery Strategy.
7. Develop a Biodiversity Action Plan for Derby's Parks and green spaces. This will include:
 - a. A reviewing current meadow management practices within the city and explore opportunities to further enhance the floral diversity.
 - b. The creation of five new coronation micro-woodlands across the city, along with complementing existing and new tree planting schemes with Friends groups and partner organisations.
 - c. Exploring additional pond creation and improvements across the city.
8. Continue to ensure that major development provides new open space, allotments and planting in-line with the requirements of the derby City Local Plan Part 1.
9. Write and consult on new policies for green and blue infrastructure, biodiversity and open space in the next Local Plan.
10. Work with Derbyshire County Council to produce a Local Nature Recovery Strategy for Derbyshire.
11. Work with Derbyshire County Council to produce a Biodiversity Net Gain Planning Guidance document.
12. Continue in partnership with Derbyshire Wildlife Trust, Rewilding Britain and The University of Derby to rewild Allestree Park.
13. Continue to explore ways to increase the area of designated Local Nature Reserves within the city.
14. Continue to monitor and report on the number of Local Wildlife Sites in positive conservation management.
15. Build on current collaboration between Council services to manage and maintain green spaces for climate change and biodiversity.
16. Identify potential sites on Council owned land which could be used as BNG receptor sites.

17. Continue to explore changes to management practices to increase biodiversity on parks, green spaces, and verges.
18. Continue to reduce the use of pesticides.
19. Green deprived areas of the city and make best use of the city's existing parks.
20. Continue to deliver environmental improvements along the River Derwent.
21. Utilise areas of some parks for Sustainable Urban Drainage Systems (SuDS)
22. Continue to support Friends Groups, volunteers and businesses to undertake tasks and management for the benefit of biodiversity and nature conservation.
23. Reviewing the Framework of Green Infrastructure (GI) standards set by Natural England and apply to Derby using the GIS structure, creating a baseline data of green and blue infrastructure within the city which will support the development of Biodiversity Net Gain schemes.

Section 4: Biodiversity Net Gain Information

This section provides a brief summary of the work the Council's Planning Department has undertaken over the reporting period to prepare for and help deliver Biodiversity Net Gain.

In April 2023, a [Planning Guidance Document](#) and [Householder Guidance Note](#) was published. The former provided guidance to developers on Biodiversity Net Gain in advance of it becoming mandatory in January 2024 while the latter provided advice on how to include simple measures in every type of development, especially those which aren't required to provide BNG.

Officers have been working closely with colleagues at Derbyshire County Council to create the Natural Capital Study for Derbyshire. This document looks at the baseline habitats across Derbyshire and provides the foundations for the forthcoming Natural Capital Study.

Several training events have been held with Councillors and officers to bring them up to speed with the requirements of The Environment Act, especially the delivery of Biodiversity Net Gain through the submission of planning applications. Further training will be undertaken as new information emerges, especially through the publication of Statutory Instruments, revisions to the National Planning Policy Framework and Planning Practice Guidance is published.

The recently published Local Development Scheme sets out the timetable for the publication of the new Local Plan for Derby. The Plan will contain new policies focussing on Biodiversity Net Gain, Nature Conservation, Blue and Green Infrastructure and the protection of open space.

Derbyshire Wildlife Trust provides important ecological advice for the Council's Planners and officers have negotiated a new Service Level Agreement with the Trust for this to continue.

Since the Environment Act came into force in November 2021, the following three applications were submitted, and approved, where the applicant voluntarily completed Natural England's Metric.

Application Number	Application Details	Total net unit change %		
		Habitat Units	Hedgerow Units	River Units
23/00721/FUL	The Knoll	+1.01	0	0
22/01236/FUL	The Firs	+82.63	0	0
21/02055/FULPSI	Kingsway Hospital	-9.88	0	0
23/00320/FUL	Our City Our River Package 2	-23.82	0	0

New internal processes have been established, within the Planning Service, to help planning officers understand the complexities of how Biodiversity Net Gain will be delivered through the submission of a planning application. New processes include a validation checklist and guidance notes. In addition, a public-facing webpage has been created which will provide links to information about [Biodiversity Net Gain](#).

Planning Officers have worked closely with colleagues in Parks and Leisure to develop a new GIS platform which, once complete, will show the entire Green Infrastructure network in the city. This information will provide a basis for all identifying and assessing future projects and direct the delivery of off-site BNG arising from new developments.

We can give you this information in any other way, style or language that will help you access it. Please contact us on **01332 640807** or **derby.gov.uk/signing-service/**

Punjabi

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Polish

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Urdu

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