

Three Rivers Biodiversity Policy Update including Strengthened Biodiversity Duty



POLICY AND RESOURCES COMMITTEE
26 January 2026

Three Rivers Biodiversity Policy Update

ADE

1 Summary

- 1.1 The purpose of this report is to present the updated Three Rivers Biodiversity Policy following its adoption in July 2024.
- 1.2 Further to this, the report highlights the key updates to the Biodiversity Policy, the creation of the first Strengthened Biodiversity Duty reporting as per the Environment Act 2021, the published Hertfordshire Local Nature Recovery Strategy (LNRS) and updates to the Maple Lodge S106 biodiversity net gain (BNG) plan.

2 Recommendation

- 2.1 That the Policy & Resources Committee recommend Full Council:
 - i) Note the content of the report, updated policy and Strengthened Biodiversity Duty Report
 - ii) Approve the updated Three Rivers Biodiversity Policy
 - iii) Approve the reporting cycle of Biodiversity Duty to be every 5 years and for the Council Biodiversity Policy to be reviewed on the same timeline.

3 Details

- 3.1 The Environment Act 2021 now acts as the UK's framework of environmental protection and includes initiatives that Local Planning Authorities must acknowledge including: Local Nature Recovery Strategies (LNRS), Biodiversity Net Gain (BNG) and strengthened Biodiversity Duty.
- 3.2 Updated Three Rivers Biodiversity Policy
 - 3.2.1 To comply with the strengthened biodiversity duty the council reviewed internal policies and procedures that could affect biodiversity in 2024 and created the Three Rivers Biodiversity Policy. This consolidated and aligned all council and local documents with a focus on biodiversity.
 - 3.2.2 This policy has been developed as an "umbrella policy" to set out the way in which the Council will manage and monitor biodiversity across the district. It should be read in conjunction with the Council's other policies, including the Three Rivers Local Plan Policies, Three Rivers Nature Recovery Strategy, Three Rivers Tree Strategy and the Three Rivers Climate Emergency and Sustainability Strategy.
 - 3.2.3 The Biodiversity Policy will be reviewed in alignment with the production of strengthened biodiversity duty reports. These will be communicated throughout the council via the members information bulletin.
 - 3.2.4 The principal updates to the policy included:
 - An update on the Hertfordshire Local Nature Recovery Strategy and that it will take the place of the Three Rivers Nature Recovery Strategy
 - The inclusion of the first Strengthened Biodiversity Duty report

- Updates relating to the 2024 National Planning Policy Framework (NPPF)
- 3.3 **Strengthened Biodiversity Duty:** (for more information please refer to Appendix B, Strengthened Biodiversity Duty Report)
- 3.3.1 Section 102 of the Environment Act strengthens the duty of local authorities on the topic of biodiversity as originally laid out in the Natural Environment and Rural Communities Act ("the NERC Act").
- 3.3.2 This strengthened biodiversity duty required local authorities and local planning authorities to make a first consideration by 1st January 2024. At Three Rivers, this first consideration was a review of existing strategies and policies which aim to benefit biodiversity and identified further opportunities for investigation.
- 3.3.3 In July 2024, at Full Council, the Three Rivers Biodiversity Policy was unanimously adopted. The policy sought to bring together and align all council and local documents that protect, enhance, and improve biodiversity in the district. The council must now submit reports periodically to consider action that can be taken to protect, conserve and enhance biodiversity to fulfil this Strengthened Biodiversity Duty going forward.
- 3.3.4 The first reporting period commenced 12th February 2024 for major planning applications and 1st April 2024 for all other planning applications and completed on 31st December 2025. The first report must be published within 12 weeks of this. Going forward a Strengthened Biodiversity Report must be published every 5 years as set out in the legislation.
- 3.3.5 Government guidance on the duty reporting outlined content required:
- Information relating to policies, objectives and actions
 - Future actions to be taken complying with the duty
 - Biodiversity net gain information (for local planning authorities only)
- 3.3.6 To summarise in relation to BNG, within this initial period there were a total of 1105 planning applications granted, of which 1080 were exempt from mandatory BNG. A total of 8 biodiversity gain plans have been approved in the period. Of the 8 approved plans, 7 secure the BNG within the application site and 1 has secured the BNG off-site.
- 3.3.7 A breakdown of the expected biodiversity changes from pre-development to the expected post development, show that for area, hedge and water, the minimum 10% net gain is exceeded. Within Appendix B, table 6 due to the averaging calculations there appear to be discrepancies within the percentages; however, this is due to rounding and not considered to be significant differences.
- 3.4 **Hertfordshire Local Nature Recovery Strategy**
- 3.4.1 As per Section 104 of the Environment Act, Hertfordshire the County Council is the designated responsible authority for the Hertfordshire Local Nature Recovery Strategy and have formed the Hertfordshire Nature Recovery Partnership to deliver this. Three Rivers, along with the other districts and boroughs contributed to the strategy
- 3.4.2 This is a link to view the Hertfordshire Local Nature Recovery Strategy - <https://www.hertfordshire.gov.uk/LNRS>

3.4.3 Following County Cabinet approval the LNRS has been 'published' and will be 'launched' in January. Publication is the point at which Local Planning Authorities are required to start to have regard to the LNRS.

3.5 Maple Lodge Section 106 BNG Progress Update

3.5.1 Also included within the July 2024 Three Rivers Biodiversity Policy & BNG update was the following recommendation:

"Approve the use of the Maple Lodge BNG S106 funding being used on Three Rivers District Council owned land as identified in section 6 (Including: Beechen Wood, Coombe Hill Road open space, Berry Lane & Mead Place)."

3.5.2 An independent baseline of these three sites has now been completed against the terms within the S106 agreement. This outlined the baseline units present within the sites and of these, the quantity of "other neutral grassland" units which is the habitat to manage/improve to achieve the uplift to "species rich grassland."

Site	Baseline Area Units	Other neutral grassland	Other neutral grassland condition
Coombe Hill	9.79	9.20	Moderate
Berry Lane	13.61	9.28	Poor
Beechen Wood	10.64	7.55	Mix of moderate & poor

3.5.3 With the baseline of the three sites known, management prescriptions can be considered to be managed and maintained for 25 years as per the S106 agreement. This includes diversifying the species present and favourable long term management included a rotated uncut section each year allowing maximum seed development and dispersal. The council will begin to implement the recommended management prescriptions to achieve the BNG uplift.

3.5.4 It should be noted that this was agreed prior to mandatory BNG; therefore, there are some differences between the Maple Lodge S106 BNG and mandatory BNG. For example, the metric used for Maple Lodge is Version 2 rather than the statutory metric.

4 Options and Reasons for Recommendations

4.1.1 The purpose of this report is to outline the updated legislative duties of the Council under strengthened Biodiversity Duty as part of the Environment Act, 2021. The report also provides an update on the Local Nature Recovery Strategy for Hertfordshire and the progress of the Maple Lodge S106 BNG. Agreement is also sought for the updated Three Rivers Biodiversity Policy.

4.1.2 The report recommends approval of the updated Three Rivers Biodiversity Policy, along with the Strengthened Biodiversity Duty report and future reporting cycles to be 5 years.

5 Policy/Budget Reference and Implications

5.1 The recommendations in this report are within the Council's agreed policy and budgets.

5.2 The recommendations in this report relate to the achievement of the following objectives of the Corporate Framework 2023 – 2026:

5.2.1 where people have access to good quality housing

- 5.2.2 where local infrastructure supports healthy lifestyles and addresses health inequalities
- 5.2.3 that takes action to mitigate and adapt to the climate emergency
- 5.2.4 where local people, organisations and businesses benefit from the prosperity of the district

5.3 The impact of the recommendations on this/these performance indicator(s) is:

- 5.3.1 The Council will comply with the obligations of current legislation – the Environment Act, 2021
- 5.3.2 Developers will be able to operate within the district.
- 5.3.3 Biodiversity will benefit by 10%, there will be no net loss

6 Financial Implications

- 6.1 At this time there are no financial implications to the Council in agreeing the recommendations outlined in the report at section 2.
- 6.2 The delivery of actions within strategies or management plans covered within the Biodiversity Policy have been accounted for within their individual committee reporting procedures.
- 6.3 The Biodiversity Policy is an umbrella policy with no direct costed actions.

7 Legal Implications

- 7.1 To comply with the obligations of the Environment Act the Council must publish a Strengthened Biodiversity Duty report before 26th March 2026. Following this the reporting should take place a maximum of every 5 years.

8 Equal Opportunities Implications

8.1 Relevance Test

Has a relevance test been completed for Equality Impact?	Yes
Did the relevance test conclude a full impact assessment was required?	No

- 8.2 There is a no impact of this report in reference to Equalities. For each individual policy covered by the Biodiversity Policy umbrella, the impact on Equalities is considered through the individual plans and processes.

9 Staffing Implications

- 9.1 The adoption and implementation of the updated Biodiversity Policy is incorporated within current officer workloads within the Leisure & Natural Infrastructure Team.
- 9.2 The Strengthened Biodiversity Duty reporting is incorporated into the current officer workloads within the Leisure & Natural Infrastructure, Development Management and Planning Policy teams.

10 Environmental Implications

Climate and Sustainability Impact Assessment Summary	
Homes, buildings, infrastructure, equipment and energy	0.00
Travel	0.00
Goods and Consumption	0.00
Ecology	3.25
Adaptation	3.00
Engagement and Influence	3
Total Overall Average Score	3.1

- 10.1 The adoption and implementation of the Three Rivers Biodiversity Policy will help ensure the Council's parks, open spaces, woodlands and nature reserves are managed to the highest environmental standards.
- 10.2 The various strands of the Policy will ensure that the natural world is protected within the District and is maintained and enhanced while delivering co-benefits for climate change mitigation and adaptation in-line with the Council's Climate Emergency and Sustainability Strategy.

11 Community Safety Implications

- 11.1 None-specific

12 Public Health implications

- 12.1 A body of evidence is growing which explains the benefit people can experience from contact with the natural world; for example, increased prominence of social prescribing by clinicians for walking or gardening to alleviate symptoms.

<https://www.gov.uk/government/publications/state-of-the-environment/state-of-the-environment-health-people-and-the-environment>

- 12.2 Trees and greenery may boost lifespan; this has been studied for 8 years by Harvard researchers and published.

<https://health.usnews.com/wellness/articles/2016-12-09/the-many-health-benefits-of-trees>

13 Customer Services Centre Implications

- 13.1 None-specific

14 Communications and Website Implications

- 14.1 The relevant pages on the Three Rivers District Council website will be updated with all of the necessary information.
- 14.2 Members will be kept updated via the Members Information Bulletin of any amendments or changes.

15 Risk and Health & Safety Implications

- 15.1 The Council has agreed its risk management strategy which can be found on the website at <http://www.threerivers.gov.uk>. In addition, the risks of the proposals in the report have also been assessed against the Council's duties under Health and Safety legislation relating to employees, visitors and persons affected by our operations. The risk management implications of this report are detailed below.
- 15.2 The subject of this report is covered by the Leisure and Natural Infrastructure Service Plan, Regulatory Services Service Plan, the Planning Policy and Conservation Service Plan and the Legal Elections and Democratic Services Service Plan. Any risks resulting from this report will be included in the risk register and, if necessary, managed within this/these plan(s).

Nature of Risk	Consequence	Suggested Control Measures	Response (tolerate, treat, terminate, transfer)	Risk Rating (combination of likelihood and impact)
The Council fails in its duties under the Environment Act.	Government intervention	Completion of the Biodiversity Duty Reports	Treat	3
The Council is unable to meet the legislative targets of the Act.	Government intervention	Completion of the Biodiversity Duty Reports	Treat	3
Increased workload of Officers across the Council to deliver the requirements	Staff unable to deliver legislative duties	Officers to monitor the impact and provide reports in due course. Cost recovery for specific aspects, e.g. BNG included as Fees and Charges.	Treat	3
Negative public perception from the Council in protecting and enhancing biodiversity.	Increase in complaints, negative press, damage to reputation	Completion of the Biodiversity Duty Reports	Treat	3
Negative Public Perception should the Council fail to fulfil its obligations under the Maple Lodge S106 Agreement	Increase in complaints, negative press, damage to reputation	Communications to the public on proposals and plans for the implementation of the BNG S106.	Treat	6

- 15.3 The above risks are scored using the matrix below. The Council has determined its aversion to risk and is prepared to tolerate risks where the combination of impact and likelihood scores 6 or less.

Very Likely Likelihood ↓ Remote	Low	High	Very High	Very High
	4	8	12	16
Low	Medium	High	Very High	Very High
3	6	9	12	
Low	Low	Medium	High	High
2	4	6	8	
Low	Low	Low	Low	Low
1	2	3	4	
Impact				
Low ----- ➤ Unacceptable				

Impact Score

- 4 (Catastrophic)
3 (Critical)
2 (Significant)
1 (Marginal)

Likelihood Score

- 4 (Very Likely ($\geq 80\%$))
3 (Likely (21-79%))
2 (Unlikely (6-20%))
1 (Remote ($\leq 5\%$))

- 15.4 In the officers' opinion none of the new risks above, were they to come about, would seriously prejudice the achievement of the Strategic Plan and are therefore operational risks. The effectiveness of the management of operational risks is reviewed by the Audit Committee annually.

Background Papers

APPENDICES / ATTACHMENTS

- Appendix A – Updated Biodiversity Policy
Appendix B – Strengthened Biodiversity Duty Report
Appendix C – Sustainability impact assessment
Appendix D – Equality Impact Assessment

