

Biodiversity Policy

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Three Rivers Biodiversity Policy

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 outlined in section 4, including the Three Rivers Local Plan Policies, Three Rivers Tree Strategy, the Three Rivers Climate Emergency and Sustainability Strategy and the Local Nature Recovery Strategy for Hertfordshire.

1 Introduction

1.1 The state of nature in the UK has been declining at a rapid rate in the last century, due to habitat loss or fragmentation, intensification of agriculture and climate change to name a few. In response to this issue the UK Government published its 25 Year Environment Plan in 2018, with an ambition to improve the environment within a generation. In 2023, this plan was revised, creating the Environmental Improvement Plan, which set out the following targets:

“By 2030, the government has committed to:

- 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.”

1.2 It is hoped that, by taking the above actions, nature will be restored, and environmental pollution will be reduced. At a local level, the Three Rivers Biodiversity Policy seeks to consolidate and align all council and local documents that protect, enhance, and improve biodiversity to ensure clarity and a consistency of approach.

2 Principles & Purpose

2.1 Three Rivers District encompasses an area of approximately 89 km² (34 square miles) formed of a complex mix of landscapes and habitats both urban and rural, woodland, grassland, wetland, and freshwater habitats. A total of 76% of the district is designated Metropolitan Green Belt, aiming to limit urban sprawl into rural areas by preventing inappropriate development.

2.2 Throughout the District there are a range of protected sites for nature including Sites of Special Scientific Interest (SSSI's), Local Nature Reserves (LNR's), local wildlife sites and the Chilterns National Landscape. However, the

protection and enhancement of the natural world cannot only take place within these protected areas, the connectivity of habitats is just as vital as the quality of the habitat. Therefore, opportunities for biodiversity to thrive also must be considered within smaller open spaces, for example streets, gardens and hedges.

2.3 The Corporate Framework, adopted in 2023, sets out the vision for the Council which includes:

"We want Three Rivers to be a district that takes action to mitigate and adapt to the climate emergency."

2.4 This element of the vision directly correlates to the protection and enhancement of the natural environment within the district. In 2019, the Council declared a Climate Emergency, acknowledging that mitigation alone is not sufficient, adaptability and resilience are equally critical to the future of the district. The benefits of increasing and protecting biodiversity are therefore two-fold as the natural world can prosper while also sequestering carbon, increasing shading, and filtering pollutants out of the environment.

3 Legislation & Obligations

3.1 A suite of legislation on the topic of biodiversity applies in the UK. Some of the most prominent legislation is highlighted below.

This list is not exhaustive, is subject to change and expansion, the Council will endeavour to ensure all legislative obligations are fulfilled.

3.2 Environment Act, 2021

3.2.1 The Environment Act sets out measures to ensure that there are no gaps in environmental governance following the UK's exit from the European Union (EU), where previously environmental law and policy had been derived from the EU. Within the Act, Part 6 relates to Nature & Biodiversity and Part 7 covers Conservation Covenants. The elements of the Act most relevant to this policy include:

A. Biodiversity Net Gain (BNG)

BNG is an approach to development aiming to leave biodiversity in a quantifiably better state than it previously was. In England, BNG is now mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Therefore, unless an exemption applies, developers must now deliver a 10% net gain in biodiversity, meaning that development will result in an increase in biodiversity (quality/quantity) than there was before.

B. Local Nature Recovery Strategies (LNRS)

Section 104 of the Environment Act introduces Local Nature Recovery Strategies covering the entirety of England they set priorities for nature

recovery and geographically specific actions. Three Rivers District is included within the Hertfordshire Local Nature Recovery Strategy where the county council are the responsible authority for the strategy area. Please see section 5 for further information.

C. Strengthened Biodiversity Duty

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"). This strengthened biodiversity duty requires local authorities to consider action that can be taken to protect, conserve and enhance biodiversity. Please see Appendix B: Three Rivers District Council Strengthened Biodiversity Report, 2026 for further information.

D. Conservation Covenants

Introduced by part 7 of the Environment Act, conservation covenants are legal agreements between a landowner and designated responsible body. The covenant must be both for the public good with a conservation purpose. Conservation covenants must have aim to conserve either the natural environment or archaeological, architectural, artistic, cultural, or historic interest.

3.3 Town & Country Planning Act

3.3.1 The Town and Country Planning Act 1990, provides the legal framework for the planning system in England and Wales. It concerns spatial and development planning at both a local and national scale. Some examples of issues covered within the Act are:

- Responsibilities of the local planning authority
- Control of Development (for example planning permission, determination of applications and appeals)
- Enforcement of planning legislation
- Local Plan preparation

3.3.2 In addition, the Act also includes tree protection, both in the form of Tree Preservation Orders (TPOs) and for trees within a Conservation Area.

3.4 Wildlife & Countryside Act

3.4.1 The primary legislation protecting the natural world in Great Britain is the Wildlife and Countryside Act 1981 covering plants, animals, and habitats. Formed of four parts and broken down in 17 schedules as an overview, the act covers:

- Wildlife, its protection and preventing the introduction of non-native species;
- Nature conservation and establishment of protected designated areas;
- Public rights of way; and
- Other miscellaneous provisions.

3.4.2 The Act has since been amended and supplemented by several additional pieces of legislation all to protect the natural world. Each protected area has its own relevant legislation which supports the protection of land; for Sites of Special Scientific Interest this is the Wildlife and Countryside Act 1981 whereas for Local Nature Reserves it is the National Parks and Access to the Countryside Act 1949.

3.4.3 There are five Sites of Special Scientific Interest and nine Local Nature Reserves within the district.

4 Three Rivers District Council's Relevant Associated Policies

4.1 Three Rivers Development Management Policies

4.1.1 This document (adopted in 2013) details the Council's policies for development in the district and how they should be applied in the assessment and determination of planning applications.

4.1.2 Within the Development Management Policies is:

4.1.3 DM6 Biodiversity, Trees, Woodlands, Watercourses and Landscaping.

The policy sets out requirements that "Development must conserve, enhance and, where appropriate, restore biodiversity through:

- a) Protecting habitats and species identified for retention.
- b) Providing compensation for the loss of any habitats.
- c) Providing for the management of habitats and species.
- d) Maintaining the integrity of important networks of natural habitats, and
- e) Enhancing existing habitats and networks of habitats and providing roosting, nesting, and feeding opportunities for rare and protected species.

Linked habitats are important in allowing species to adapt and respond to circumstances. Development must not result in fragmentation or isolation of wildlife habitats and should seek opportunities for habitat connectivity with the wider landscape."

4.2 Three Rivers Nature Recovery Strategy

4.2.1 Written in 2022, the Three Rivers Nature Recovery Strategy addressed the authority's approach to nature conservation, habitat management and enhancement in response to the ecological emergency that accompanies the climate emergency currently being faced. The strategy identified and prioritised actions ahead of the creation of the Hertfordshire Local Nature Recovery Strategy and Strengthened Biodiversity Duty reporting. With the Hertfordshire Local Nature Recovery Strategy now in place, it will supersede and replace the Three Rivers Nature Recovery Strategy.

4.3 Three Rivers Tree Strategy

4.3.1 The Three Rivers Tree Strategy, written in 2022, assesses the council's roles and responsibilities as a landowner, regulator, and advocate for trees. The value of trees, woodlands and hedges as wildlife corridors is highlighted within the strategy facilitating wildlife to move between habitats.

4.4 Three Rivers Climate Emergency & Sustainability Strategy

4.4.1 The Three Rivers Climate Emergency & Sustainability Strategy, 2023 updated from 2021 to reflect changes at international, national, and local level, to policy, technology, and experience. The strategy focuses on what the council and its partners are doing and plan to do within the parameters of the current legal, financial, regulatory, and technological frameworks, under which we must operate to deliver substantial carbon emission reductions. Within the strategy multiple actions reinforce the value of the natural world to the adaptation, mitigation and resilience required of the district to reduce the impact of climate change.

4.5 Three Rivers Corporate Framework

4.5.1 The Council's Corporate Framework, was adopted in 2023, with an objective to "take action to mitigate and adapt to the climate emergency."

4.5.2 In 2019, the council declared a climate emergency and committed to achieving net-zero emissions by 2030 for our own emissions and to inspire and enable the district by 2045.

4.6 Three Rivers Procurement Strategy

4.6.1 Within the Environmental Procurement section there is an emphasis on "Minimising biodiversity and ecological damage" ensuring that services and products procured by the Council have a net zero biodiversity impact or a net gain.

5 **Hertfordshire's Local Nature Recovery Strategy**

<https://www.hertfordshire.gov.uk/about-the-council/how-the-council-works/partnerships/herts-nature-recovery-partnership/hertfordshire-nature-recovery-partnership.aspx#LNRS>

5.1 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.

5.2 "The Local Nature Recovery Strategy (LNRS):

- Mapped areas of particular importance for biodiversity
- Agreed on local biodiversity priorities.
- Identified where practical action would be most beneficial to create, enhance or recover habitat."

6 Other Relevant Associated Policies

6.1 National Planning Policy Framework <https://www.gov.uk/guidance/national-planning-policy-framework/15-conserving-and-enhancing-the-natural-environment>

6.1.1 The National Planning Policy Framework (NPPF) sets out the government's planning policies for England and how these should be applied. It provides a framework which guides the local preparation of plans for sustainable development, including housing. The framework was updated in December 2024 replacing the previous National Planning Policy Framework; and any further updates to the NPPF are also incorporated.

6.1.2 The Council determines planning permission applications in accordance with the NPPF and the statutory development plan, which also includes development management policies, site allocations, and the core strategy. The sections which relate to this Biodiversity Policy within the NPPF, are broadly as follows:

- 13. Protecting Green Belt land

A principal aim of this policy is preventing urban sprawl keeping land permanently open, safeguarding the countryside, preserving character of towns and assisting in recycling of derelict land for urban regeneration. The extent of Green Belt is established and will only be altered in exceptional circumstances.

A key introduction to the NPPF was the concept of Grey Belt, which should be considered when potentially necessary to release Green Belt land; where a hierarchy is established giving priority to previously developed land, then Grey Belt and then Green Belt.

- **15. Conserving and enhancing the natural environment**

The framework acknowledges that both planning decisions and policies enhance the natural and local environment. With consideration to habitats and biodiversity, plans should identify locations of local wildlife-rich habitats and the wider ecological networks acknowledging the value of connectivity. More specifically, the principles are:

- If harm to biodiversity resulting from development cannot be avoided, then it must be adequately mitigated.
- Development that is likely to adversely impact a Site of Special Scientific Interest (SSSI) should not be permitted.
- Development that results in the loss or damage to an irreplaceable habitat (e.g. ancient woodland) should be refused.
- A development where the primary objective is to conserve or enhance biodiversity should be supported.

6.2 Chilterns National Landscape Management Plan, Chilterns Conservation Board

<https://www.chilterns.org.uk/what-we-do/future-proofing-the-chilterns/management-plan/>

6.3 Wilder Futures: Creating a wilder Hertfordshire and Middlesex by 2030, Herts & Middlesex Wildlife Trust

https://www.hertswildlifetrust.org.uk/sites/default/files/2022-02/J029225%20HMWT%20Wilder%202030%20Strategy%20Update_DIGITAL.pdf

6.4 Hertfordshire Minerals and Waste Local Plan 2040: Policy 15 Biodiversity & Geodiversity, Hertfordshire County Council

<https://www.hertfordshire.gov.uk/media-library/documents/waste/mwlp/core-document-library/policy-evidence-requests/evr-15-biodiversity-and-geodiversity-june-2022.pdf>

6.5 Strategic Action Plan for Biodiversity 2023, Hertfordshire Climate Change and Sustainability Partnership

<https://www.hccsp.org.uk/media/documents/hccsp-strategic-action-plan-for-biodiversity-2023.pdf>

6.6 Environmental Improvement Plan 2023, HM Government

<https://assets.publishing.service.gov.uk/media/64a6d9c1c531eb000c64fffa/environmental-improvement-plan-2023.pdf>

7 Monitoring Arrangements

7.1 Action plans within the relevant policies outlined within section 4 will monitor and assess local progress against the agreed targets and objectives. These actions and objectives of the individual policies will be reported against at the review of the each policy.

7.2 This policy will be reviewed in alignment with the submission of Strengthened Biodiversity Duty reports.

8 Glossary of Terms

Biodiversity

Biological diversity, the variety of plant and animal life in the world or in a particular habitat, a high level of which is usually considered to be important and desirable.

Biodiversity Net Gain (BNG)

An approach to development, and/or land management, that aims to leave the natural environment in a measurably better state than it was beforehand

Chilterns National Landscape

The Chilterns is one of forty-six national landscapes. A National Landscape, formerly an ‘Area of Outstanding Natural Beauty (AONB)’ is a formal designation for an area of land that is of national importance for its natural beauty. National Landscapes have the same level of landscape quality and the same level of protection as our National Parks.

Climate Change Adaptation

Adjustments made to natural or human systems in response to the actual or anticipated impacts of climate change, to mitigate harm or exploit beneficial opportunities.

Climate Change Mitigation

Action to reduce the impact of human activity on the climate system, primarily through reducing greenhouse gas emissions.

Green Infrastructure

A network of multi-functional green and blue spaces and other natural features, urban and rural, which can deliver a wide range of environmental, economic, health and wellbeing benefits for nature, climate, local and wider communities, and prosperity.

Habitat Fragmentation

Fragmentation happens when parts of a habitat are destroyed, leaving behind smaller unconnected areas

Irreplaceable Habitat

Habitats which would be technically very difficult (or take a very significant time) to restore, recreate or replace once destroyed, considering their age, uniqueness, species diversity or rarity. They include ancient woodland, ancient and veteran trees, blanket bog, limestone pavement, sand dunes, salt marsh and lowland fen.

Natural Flood Management

Managing flood and coastal erosion risk by protecting, restoring, and emulating the natural ‘regulating’ function of catchments, rivers, floodplains, and coasts.

Open Space

All open space of public value, including not just land, but also areas of water which offer important opportunities for sport and recreation and can act as a visual amenity.

Sequestration

A natural or artificial process by which carbon dioxide is removed from the atmosphere and held in solid or liquid form.

Wildlife Corridor

Areas of habitat connecting wildlife populations.

