

Three Rivers District Council

# Draft Three Rivers Biodiversity Policy

April 2024

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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 Nature Recovery Strategy Three Rivers Tree Strategy and the Three Rivers Climate Emergency and Sustainability Strategy.

## 1. Introduction

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.”

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

Three Rivers District encompasses an area of approximately 89 km<sup>2</sup> (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 77% of the district is designated Metropolitan Green Belt, aiming to limit urban sprawl into rural areas by preventing inappropriate development.

Throughout the District there are a range of protected sites for nature including Sites of Special Scientific Interest, Local Nature Reserves, 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.

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.”***

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

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.*

#### Environment Act

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:

##### **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.

##### **Local Nature Recovery Strategies**

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 will be covered by Hertfordshire County Council, who are the responsible authority for the strategy area. As a District within the strategy area the Council are obligated to provide information as requested and agree and deliver according to the strategy.

### **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.

### **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 and local planning authorities to make a first consideration, determine relevant policies and objectives and submit reports periodically. The reports summarise actions taken in the previous period, plans for the coming reporting period and a summary of biodiversity net gain actions, gains, and plans.

## **Town & Country Planning Act**

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

In addition, the Act also includes tree protection, in the form of Tree Preservation Orders (TPOs).

## **Wildlife & Countryside Act**

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.

The Act has since been amended and supplemented by several additional pieces of legislation all to protect the natural world. Each protected area has a 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.

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

### Three Rivers Development Management Policies

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.

Within the Development Management Policies is:  
DM6 Biodiversity, Trees, Woodlands, Watercourses and Landscaping.

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

- i. Protecting habitats and species identified for retention.
- ii. Providing compensation for the loss of any habitats.
- iii. Providing for the management of habitats and species.
- iv. Maintaining the integrity of important networks of natural habitats, and
- v. 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."

### Three Rivers Nature Recovery Strategy

Written in 2022, the Three Rivers Nature Recovery Strategy addresses 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 identifies and prioritises actions the council can take to benefit biodiversity.

### Three Rivers Tree Strategy

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.

### Three Rivers Climate Emergency & Sustainability Strategy

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.

### Three Rivers Corporate Framework

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

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.

### Three Rivers Procurement Strategy

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. Other Relevant Associated Policies

### National Planning Policy Framework

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 sections which relate to this Biodiversity Policy, are broadly as follows:

- **13. Protecting Green Belt land**

The main aims of Green Belt policy are to prevent unrestricted sprawl of large built-up areas and assist in safeguarding the countryside from encroachment. Therefore, applications which could harm the green belt should not be approved (except in special circumstances). The extent of Green Belts is set through England, new areas can only be established, or the area altered under exceptional circumstances.

- **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.

## 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>

As per Section 104 of the Environment Act, Hertfordshire the County Council has been designated the responsible authority and have formed the Hertfordshire Nature Recovery Partnership to produce the Local Nature Recovery Strategy for the area. Three Rivers, along with the other districts and boroughs will contribute to the strategy.

“The Local Nature Recovery Strategy (LNRS) will:

- Map areas of habitat across Hertfordshire
- Agree on local biodiversity priorities.
- Identify where practical action would be most beneficial to create, enhance or recover habitat.”

## Other Local policies:

- Chilterns National Landscape Management Plan, Chilterns Conservation Board  
<https://www.chilterns.org.uk/what-we-do/future-proofing-the-chilterns/management-plan/>
- 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](https://www.hertswildlifetrust.org.uk/sites/default/files/2022-02/J029225%20HMWT%20Wilder%202030%20Strategy%20Update_DIGITAL.pdf)
- 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>
- 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>
- Environmental Improvement Plan 2023, HM Government  
<https://assets.publishing.service.gov.uk/media/64a6d9c1c531eb000c64ffa/environmental-improvement-plan-2023.pdf>

## 6. Monitoring Arrangements

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.

This policy will be reviewed in alignment with the submission of Strengthened Biodiversity Duty reports, with the first review due to take place in Autumn/Winter 2025.



## 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.