

Halton Borough Council

Biodiversity Duty 2024-2026

First Consideration Report



Introduction

At the beginning of 2023 the UK government published a 25-year Environment Improvement Plan, setting out how it will improve nature by halting the decline in biodiversity to achieve healthy flora and fauna ecosystems. Alongside other related legislation around nutrient neutrality, water quality and climate change, they focus government policies on environmental issues and place specific duties on local authorities to achieve these aims.

This Act leads on from The Natural Environment and Rural Communities Act 2006 (the NERC Act) which originally placed a specific duty on local authorities and other public bodies in the exercise of their functions to “conserve biodiversity” (section 40). The Act as originally did not impose any reporting of implementation obligations upon public bodies. The Environment Act 2021 changes this position by, amending the biodiversity duty to include the enhancement of biodiversity in England as well as expanding on the definitions to specifically include placing legal obligations on a Local Planning Authority (LPA) to implement and report on ecological conservation.

This report relates to the Council’s Corporate and Planning roles and responsibilities under the Environment Act 2021 for protecting and enhancing biodiversity across the Borough, and covers how the Council will:

- i. Meet the aims within the Environment Act 2021
- ii. Build upon past targets for biodiversity and sustainability targets.
- iii. Respond to the new corporate biodiversity duty imposed on LPAs under the Environment Act 2021, which requires LPAs to propose and report on actions for biodiversity within a Biodiversity Report.

The UK government requires LPAs to set out how their actions can be taken to further the general biodiversity objective. The first considerations are required to be set out by 1st January 2024, the following report is Halton Borough Council’s (HBC) strategies for first consideration and should be seen as the foundation for developing future reports and further environmental policies.

The Biodiversity Duty

The NERC Act as amended states that the action which may be taken by the authority to further the general biodiversity objective includes action taken for the purpose of, conserving, restoring or otherwise enhancing a population of a particular species, and conserving, restoring or otherwise enhancing a particular type of habitat. This is the strengthened ‘biodiversity duty’ that the Environment Act 2021 introduces. This means that HBC as the LPA must:

- Consider what you can do to conserve and enhance biodiversity.
- Agree policies and specific objectives based on your consideration.
- Act to deliver your policies and achieve your objectives.

The actions HBC have been taking now and, in the future, in terms of biodiversity will contribute to the achievement of national goals and targets on biodiversity. By 2030, the government has committed to halt the decline in species abundance and protect 30% of UK land. By 2042, to increase species abundance by at least 10% from 2030, restore or create at least 500,000 hectares of a range of wildlife rich habitats, reduce the risk of species extinction and restore 75% of our one million hectares of terrestrial and freshwater protected sites to favourable condition, securing their wildlife value for the long term.

In forming policies and initiatives to meet the duty HBC will need to combine their objectives with local nature recovery strategies (LNRS), protected site strategies and species-specific conservation. In setting up biodiversity duty HBC will need to:

- understand how or if they are relevant to your organisation.
- be aware of how these strategies affect land that you own or manage, or actions you could take to conserve and enhance biodiversity.
- consider how you could contribute to the strategy, where appropriate.

Further guidance and details on HBC biodiversity duty will be set out in a future Biodiversity Report.

For local authorities and LPAs, the end date of your first reporting period should be no later than 1 January 2026. After this, the end date of each reporting period must be within 5 years of the end date of the previous reporting period.

The report is a chance to communicate how HBC organisation is helping to improve the environment and show the positive change you're making. DEFRA intends to include references to your Biodiversity Reports in the 5-yearly reviews of the Environmental Improvement Plan. HBC's Biodiversity Reports will:

- help everyone understand how we are collectively meeting shared goals to conserve and enhance biodiversity.
- allow you to showcase the action you're taking to improve biodiversity.
- show other authorities and the public what they can do for nature recovery and share good practice.

Department for Environment Food and Rural Affairs (DEFRA) released the following guidance on how public bodies can comply with the enhanced biodiversity duty:

- i. Complying with the biodiversity duty, available at <https://www.gov.uk/guidance/complying-with-the-biodiversity-duty>
- ii. Reporting your biodiversity duty actions, available at <https://www.gov.uk/guidance/reporting-your-biodiversity-duty-actions>

Initiatives, Strategies and Policies

The full list of initiatives, strategies and policies are set out in Table 1; however, a summary list of the overarching documents is set out below:

- Corporate Strategy, this is HBC's overarching strategic document. This document sets out our priorities and ambitions of what we want to achieve for the residents, communities, and businesses of Halton between 2024 and 2029. Priority 5 is particularly important in terms of biodiversity, the aim is "working towards a greener future". This section references working with everybody to keep our neighbourhoods clean and tidy and create a sustainable environment for current and future generations
- Halton DALP ("the Local Plan"), which sets out the planning policies and land allocations to guide decisions on the location, scale and type of development and changes in the way land and buildings are used. The Plan contains both 'strategic' policies and 'non-strategic' development management policies. Sections D and E are particularly relevant to this document identifying areas designated and protected for landscape, nature conservation, environmental and heritage reasons and provides policies to guide decision making in the development management process.
- Climate Change Strategy and Action Plan, predominantly focused on reducing HBC's own carbon production. During the lifetime of the Plan, HBC will seek to broaden the scope and develop proposals to provide a broader Borough-wide Strategy. The Action Plan is intended to have short-term and long-term actions and will be renewed every five years.

By 2040, HBC's own operations will aim to be "Climate Friendly" having transformed the way it delivers services, works with businesses and other partners, uses buildings, land, and energy to decarbonise and encourage sequestration. "Climate Ready" with plans and projects having increased the resilience of HBC's operations in the communities and the economy it serves to help minimise the impacts from unavoidable climate change. Finally, "Climate Just", ensuring that all of Halton and its environment has benefited from this transition.

Table 1

Policy Document	Initiatives and Strategies within Policies	Summary
Corporate Strategy	Priority 5 Working Towards a Greener Future	Work with communities to keep neighbourhoods clean and tidy. • We will make it easier for people to play their part through the choices they make about their home, transport and waste. • ‘The Big Halton Forest’ initiative will continue to work towards the goal of planting a tree for every person in Halton by 2030. • Further develop our Solar Farm, increasing our use of renewable energy. • Continue our electric vehicle roll out, alongside investment in electric vehicle charging points. • Invest in new cycling routes and walkways across the borough. • Aim to achieve net-zero by 2040
DALP	CS(R)1: Halton’s Spatial Strategy	Brownfield Focus (beneficial and efficient use of existing sites), for both residential and ecological benefits. Working with the Liverpool City Region (LCR) Recreation Mitigation Strategy, residential development within 5 km of protected accessible coasts will be required to make a financial contribution towards avoidance and mitigation schemes in the LCR area.
	Policy CS(R)6: Green Belt	Within the Green Belt, planning permission will not be granted for inappropriate development, except in very special circumstances, in accordance with national policy.
	CS(R)19: Sustainable Development And Climate Change	All new development should be sustainable and be designed to have regard to the predicted effects of climate change including reducing carbon dioxide (CO2) emissions and adapting to climatic conditions. The BREEAM ‘Very Good’ standard will be encouraged as a minimum standard for new non-residential development.
	CS(R)20: Natural And Historic Environment	One of the overarching aims of the policy is to conserve and enhance the historic environment for the enjoyment of the assets and retaining the local character and distinctiveness of Halton. Encouraging opportunities to enhance the value of Halton’s natural assets should be taken including restoring or adding to natural habitats and other landscape features, and the creation of habitats. The landscape character and condition as informed through the Halton Landscape

		Character Assessment will be promoted and sustained. A hierarchical approach will be given to the protection, nature conservation and enhancement of biodiversity and geodiversity including sites of international importance (SPA SAC Ramsar), sites of national importance including (SSSI) and sites of local importance (LNR, LGS, LWS, Cheshire BAP habitats and ancient woodland). Conservation of biodiversity, it is also important to explore opportunities for enhancement, including restoring or adding to networks of natural habitats and other landscape features. This is essential for the mitigation, dispersal and genetic exchange of species.
	CS(R)21: Green Infrastructure	Green infrastructure is the network of multifunctional green space in both urban and rural areas, which can deliver a wide range of environmental and quality of life benefits for the local community. Resisting the loss and ensuring that new development maximises opportunities to make provision for high quality and multifunctional green infrastructure. Sustaining the protection afforded to internationally important sites for biodiversity by managing recreational impacts. Supporting the delivery of programmes and strategies to protect, enhance and expand green infrastructure across the borough. Using developer contributions to facilitate improvements to the quality, connectivity and multi-functionality of the Borough's green infrastructure network
	HE1 Natural Environment and Nature Conservation	Any development which may affect a designated natural asset will be considered in line with the mitigation hierarchy. When considering development proposals, appropriate consideration should be given to improving the quality, linkages and habitat within the Liverpool City Region Ecological Network. Protection of priority habitats are 'habitats or principal importance' for the conservation of biodiversity in England. Development should be designed to ensure the health and future retention of existing trees, including veteran trees, and hedgerows are not compromised. Creation of LCR Ecological Framework has been developed to support Local Planning and inform land management in the City Region and comprises ecological and

		biodiversity information on the City Region's natural assets.
	HE2: Heritage Assets and the Historic Environment	Heritage assets and areas within a conservation area should be conserved and where possible enhanced for current and future generations and to ensure a strong sense of place and improve local distinctiveness. Halton Borough Council has a duty to conserve and enhance the significance, character and appearance of the Borough's historic environment. Development proposals will be required to safeguard or enhance listed buildings. All proposals affecting heritage assets should be accompanied by an analysis of the asset's significance.
	HE3: Waterways and Waterfronts	The natural habitat and setting of the waterways and associated banks will be protected and enhanced. Public access, continuous green infrastructure links, towpaths and heritage value along the waterfront shall be maintained, improved and extended for the purposes of nature conservation, leisure, recreation, tourism, education and economic activity. To protect the benefits the water environment provides, it is essential to prevent it deteriorating people's health and well-being. HBC will expect all development to take into consideration the objectives of the Water Framework Directive and the relevant River Basin Management Plan.
	HE4: Greenspace and Green Infrastructure	All development where appropriate will be expected to incorporate high quality green infrastructure that: - Creates and/or enhances green infrastructure networks and provides links to green infrastructure assets. - Addresses climate change and reduces the risk of flooding. - Protects and enhances biodiversity and heritage assets. - Encourages physical activity, enjoyment, education, and social interaction. - Improves access for pedestrians, cyclists, and horse-riders. - Encourages local food production. - Increases investors and visitors by enhancing the quality of the landscape and townscape. Green Infrastructure has a potentially important role to play in mitigating the impacts of extreme weather events, particularly extended heat waves. In addition, Green Infrastructure helps support

		biodiversity and makes an important contribution to the quality of the environment.
	HE5: Trees and Landscaping	Woodlands, trees, and hedgerows are an important visual and ecological asset; they provide a significant contribution to areas distinctiveness as well as playing an important role in mitigating and addressing climate change. There will be a presumption in favour of the retention and enhancement of existing tree, woodland and hedgerow cover of arboricultural, landscape and/or visual amenity value on site, HBC will operate a presumption in favour of retaining and enhancing all existing tree, woodlands and hedgerow cover All development will be required to conserve and where appropriate enhance the character and quality of the local landscape.
	Policy GB2: Safeguarded Land (Green Belt)	Safeguarded Land is not allocated for development at the present time. Development will only be permitted where it is essential for agriculture, forestry, outdoor recreation or for other purposes appropriate to a rural area and it is a temporary use that would retain the open nature of the land.
Climate Change Strategy	Climate Change Action Plan 2022 - 2027	Key Aims are to HBC to become: • Climate friendly - having transformed the way it delivers services, works with businesses and other partners, uses buildings, land, and energy to decarbonise and encourage sequestration. • Climate ready - with plans and projects having increased the resilience of Halton Council's operations in the communities and the economy it serves to help minimise the impacts from unavoidable climate change; • Climate Just - ensuring that all of Halton and its environment has benefited from this transition. Underpinning our vision, are four core areas of climate action that will guide the Council: • Cutting emissions / decarbonisation, this is called climate change mitigation. • Adapting to the physical changes of climate change (climate change adaptation). • Actively removing greenhouse gas emissions from the atmosphere (such as by tree planting or direct capture of flue gases) – carbon sequestration. • Securing local economic benefits and social value from the Council moving to net zero carbon.

Climate Change Adaptation and Mitigation SPD	Principal 5: Mitigating Biodiversity	• Halton BC declared climate emergency in October 2019. • The State of Nature 2019 reported that climate change is one of the most significant threats to global biodiversity. • The importance of mitigating biodiversity loss and enhancement is recognised in DALP Policies
Local Nature Recovery Strategy	Liverpool City Region LNRS (2025)	LCR council representatives and partners are developing a LNRS to coordinate a response to biodiversity loss across the city region. LNR's are ambitious, England-wide spatial strategies, designed to support the restoration and enhancement of nature. It will identify existing priorities and plans from across core sectors to agree priorities and measures that can be delivered alongside or in support of existing measures.
Partnerships	Conservation partners with TCV, MGET, Trans Pennine Trail (TPT), Mersey Forest, LCR Combined Authority, MEAS	• Rejoining the Mersey Forest Group. • Conservation projects throughout Runcorn in connection with TCV and MGET. • Land managers of sections of the TPT, providing a maintenance role for users. • Conservation projects with LCR Combined Authority and MEAS.
Asset Management		Acquiring and Disposal of Land The Council has several tenancy agreements in place for a range of land uses, including agricultural tenancies. When tenancies are being issued and reviewed, consideration should be given to incorporating biodiversity practices into the terms of the agreement where appropriate.
HBC Planning Services		The Council is reviewing specific planning software, linked to the planning applications database, to facilitate the monitoring and reporting of Biodiversity Net Gain (BNG) in planning applications. This will be used to develop the monitoring and reporting approach to include in the Biodiversity Report.
Environment Services		• Updated the Tree Strategy to include updated strategies and targets for canopy cover, the health of trees, and increasing their biodiversity value. • References added to the Tree Strategy to outline HBC's approach to new burdens under the Environment Act 2021 including BNG and Duty to Consult on Street Trees. • Reduction in the use of pesticides and herbicides in favour of other methods. • Invasive Species Management scheme is in place for any Japanese knotweed or Giant hogweed found on HBC owned land.

		• Big Halton Forest project, large scale tree planting scheme across the borough to aid carbon offsetting. • Creating management strategies for HBC owned Local Wildlife Sites to improve the habitat quality. • Using council greenspace assets to promote conservation and learning. • Review of current management practices on greenspace and land adjacent highways to promote biodiversity. • Officers' reports on planning applications for determination either by planning committee or by the Head of Planning under delegated powers refer to all material considerations including national and local policy. As a matter of course, Local Plan policies including those relating to biodiversity and the natural environment, are addressed as appropriate. • The Council is currently reviewing its own landholdings to identify opportunities to deliver mandatory off-site biodiversity net gain in the district. Opportunities for biodiversity net gain and habitat banking should be investigated when considering disposal of land assets, depending on the wider priorities for the land in question.
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Future Actions Post Submission

Local authorities (excluding parish councils) and local planning authorities must publish a Biodiversity Report which documents the policies and actions carried out to comply with the biodiversity duty. The end date of the first reporting period should be no later than 1 January 2026. After this, the end date of each reporting period must be within 5 years of the end date of the previous reporting period.

This report sets out current approaches to ensuring that the service is meeting the biodiversity duty. Looking forward to 2026 and beyond, there are four key areas of focus:

- A review of the DALP.
- The implementation of mandatory BNG.
- The development and integration of the LNRS into local planning policy and development management decisions.
- The integration into local planning policy and development management decisions of species conservation strategies and protected site strategies as and when progressed by the national government.