

Biodiversity Duty Action Plan

Mid Devon District Council

November 2024 (draft)



Introduction

The Council's statutory duty to conserve and enhance biodiversity (habitats and species) is set out by the Environment Act 2021 and the amended Natural Environment and Rural Communities Act 2006 (NERC Act). This is known as 'the biodiversity duty'.

The Council must:

- Consider what it can do to conserve and enhance biodiversity.
- Agree policies and specific objectives based on its consideration.
- Act to deliver its policies and achieve its objectives.
- [Report on its biodiversity duty actions.](#)

The Department for Environment, Food & Rural Affairs (Defra) has published [guidance](#) on purpose and compliance.

Joined-up delivery of the Council's action planning.

Responsibility to deliver on the general biodiversity duty is shared across all Council operations. As such, this matter was raised on agendas for all Policy Development Groups (PDGs) and, where within the jurisdiction of the LPA, the Planning and Policy Advisory Group (PPAG) to request input to the policy framework and action plan.

Thus, action and policy development will be split into two separate streams. Either:

- a. matters within the Council's statutory Planning Policy making process and the statutory powers as a Local Planning Authority (LPA), largely governed and

- prescribed by national policy and through the work of the Forward Planning and Development Management teams, or;
- b. items outside those functions, such as land management and its wider corporate operations.

The approach to action and policy development.

The legislation's explanatory notes (Part 6, section 102) carry key points:

- A requirement for public authorities to assess how they can take action to conserve and enhance biodiversity, and then to take these actions (beyond simply discharging its duties as the Local Planning Authority).
- The aim is to provide for the enhancement or improvement of biodiversity, not just its maintenance in its current state.
- To comply, a public authority must periodically consider the opportunities available across the full range of its functions. This represents a proactive, strategic assessment of functions, rather than considering each function in isolation.

The Council may decide there is no action it can reasonably take that is consistent with the proper exercise of its functions. For example, if a particular action is not possible within budget constraints, not good value for money, or it conflicts with other priorities. However, if there is action it can take, then it must decide how that action can be put into effect, through appropriate policies and objectives. It is possible the duty can be satisfied by adjusting existing policies and objectives, rather than requiring public authorities to introduce new policies or undertake new projects.

Progression and development of this action plan

The Cabinet Member for Environment and Climate Change led a first consideration of what action to take with regard to this duty in autumn 2023, and a report was submitted to [Cabinet](#). The Cabinet Decision was [published online](#).

The next step was to develop a policy framework and action plan, in consultation with committees and teams across the Council. The first round of development was carried out in consultation with each of the PDGs and by the Planning and Policy Advisory Group (PPAG) who considered reports that highlighted potential action related to each of their remits. The second round was addressed by staff teams to shape realistic actions and achievable measures / metrics.

Guidance was given to teams on key considerations for policy development and actions:

- Does the action comply with and support the requirements of the legislation? (Please refer to the introduction.)
- Would the Council have full control over whether the Aim / Action is achieved?
- Are your objectives SMART?
- Does the Aim / Action require new policies or projects - or could it build on current practice?
- Does an action need partnership work to make it happen? (How would it influence the work of others / partners to help realise the aims?)

Guidance was given to teams on key considerations for monitoring and targets:

- What would success look like?
- Would the Council be able to measure success and progress? (Would we rely on others for this information?)
- Would a quantifiable metric (number) be appropriate?
- Would a metric be realistically achievable – e.g. will data be affordable and available?
- Could a qualitative evaluation be appropriate instead of a metric, or be an essential way to explain progress?

The key outcome is this **policy framework and action plan** to enable and inform implementation, decision-making and policy development.

Policy Framework and Action Plan

Mid Devon District Council's implementation and monitoring of its Statutory Duty for Biodiversity will focus on the following Biodiversity Duty Policy Framework and Action Plan. This contains aims, actions and goals for the Council and its partners.

Policy and practical actions are shown in tables below, for each policy / service remit.

Table 1 - Planning, Environment and Sustainability PDG

No.	Action / Aim	Goals / measures of success	Metric	Target	Comment
e1	Biodiversity Net Gain at 10% or above.				Please refer to the actions for the Local Planning Authority role.
e2	Shape / influence planning policy.		Not applicable.		Seek policy on enhancement through liaison with Planning and Policy Advisory Group (PPAG).
e3a	Tree Policy and Strategy.	Strengthen tree policy. Develop a Tree Strategy e.g. to improve potential for greater tree cover.	Document in place.	2026	Climate Change will affect the optimum choice of trees in terms of local suitability for planting.
e5	Active engagement with nature.	Engagement and partnership projects to help celebrate, boost and monitor biodiversity on Council owned land.	No. of events.		Hosting or supporting activities such as bat walks in parks, community orchard events, etc.
e6	Partnership schemes to boost nature at landscape scale.	Seek to identify and enhance special sites, Local Nature Reserves (LNR) and Country Parks. Landscape scale enhancement projects e.g. woodland cover, connectivity, river valley schemes.	No. of sites by 2028.	1 new LNR / country park / special scheme.	Additional to any required via developer Planning obligations.

Table 2 - Community, People and Equalities PDG

No.	Action / Aim	Goals / measures of success	Metric	Target	Comment
c1	Review strategic grants to achieve biodiversity benefits.	This could include e.g. agreed results linked to a supported partner organisation or project.	Not applicable.		Next review due 2026. Existing grant regime includes a grant to the Grand Western Canal Country Park and Local Nature Reserve.
c2	Health and wellbeing benefits of nature.	Consider, monitor and promote the social and wellbeing benefits of nature engagement activities, green space, and ecological health.	Reporting in place.	2027	
c3	Co-benefits for nature and communities.	Consider and promote the social benefits of nature-based solutions for climate change e.g. natural flood management schemes, urban tree cover	Not applicable.		

Table 3 - Homes PDG

No.	Action / Aim	Goals / measures of success	Metric	Target	Comment
h1	Tenant engagement projects to help celebrate, boost and monitor biodiversity on Mid Devon Housing land.	Activities or events. Communications (e.g. leaflet, social media) about maintenance of grounds and properties, in relation to wildlife.	Engagement numbers in each scheme. Number of schemes.	Annual summary to PDG. At least 3 sites or communities engaged per year.	
h2	Add enhancement targets into estate and asset strategy	Enhancement features and management practices e.g. roost bricks, mowing regimes, bird and bat boxes, planting.	No. of features / installations.	Plan to be in place 2026.	
h3	Ecological awareness	Provide a foundation of ecology training for key staff.	No. of training sessions.	At least 1 ecology workshop per year.	Basic ecology awareness training for key staff e.g. garden wildlife, bats, breeding birds.

Table 4 - Economy and Assets PDG

No.	Action / Aim	Goals / measures of success	Metric	Target	Comment
ea1	Promote sustainable local food systems.	Regenerative / positive and low impact production innovations.	Not applicable.		Build on successes of support afforded through SPF/REPF aimed at local food producers
ea2	Support innovation and investment opportunities that enhance biodiversity across Mid Devon landscapes, neighbourhoods and built assets.	Promote environmental land management partnerships and grants. Promote local investment in urban green space. Promote green schemes with cobenefits for nature such as restorative landscape enhancement, farm diversification, active travel and ecotourism.	TBC Unlikely that MDDC would lead on this.	TBC	Mid Devon recently supported a Regenerative Agriculture initiatives within the district utilising REPF/SPF funding and an opportunity to build on this may exist via the 4 th year of SPF funding, recently announced.
ea3	Promote investment in Natural Capital and resource conservation.	Recognise, encourage and monitor the economic benefits of e.g. natural flood management schemes, habitat carbon capture / banking and biodiversity banking.	Not applicable.		Unlikely that MDDC would lead on this.
ea4	Council estate and asset management	Build biodiversity enhancement targets into estate and asset management strategy.	Plan in place.	2026	
ea5	Regeneration to boost nature.	MDDC major regeneration bids to include habitat gains and ecologically informed design.	Actions in major bids.		Opportunities available will depend on the purpose and setting of each project.

No.	Action / Aim	Goals / measures of success	Metric	Target	Comment
					Consideration is already being given on how to enhance existing scheme to deliver additional benefits

Table 5 - Service Delivery and Continuous Improvement PDG

No.	Action / Aim	Goals / measures of success	Metric	Target	Comment
s1	Mowing regimes	Monitor the effects of conservation management and mowing regimes (less cutting) in cemeteries and green spaces.		Increase the number and variety of plant and invertebrate species present on these areas	To enable any form of measurement a baseline study of areas managed for conservation is required. In addition, the baseline needs to be established for more frequently mown areas.
s2	Optimise land management plans	Review land management plans to ensure gains.	Review document.	2026	
s3	Legacy policy	Develop a policy to conserve gains achieved e.g. if land management is passed to another party / partner.	Policy in place.	2025	

s4	Ecological awareness	Provide a foundation of ecology training for key staff.	Number of training sessions.	At least 1 ecology workshop per year.	Training sessions tailored to the operational supervisors and staff would be beneficial.
s5	Enhance nature on Council property.	Build biodiversity enhancement targets into estate and asset management strategy.	Plan in place.	2027	

Table 6 - Local Planning Authority role

No.	Action / Aim	Goals / measures of success	Metric	Target	Comment
p1	Biodiversity Net Gain at 10% or above.	Require and enforce mandatory Biodiversity Net Gain (BNG) at 10% or above, where possible, for eligible developments.	Number of Consents with BNG secured.	All eligible cases. (Annual total.)	Defra requires BNG to be reported. Development Management seek to track BNG and all cases where mitigation and enhancement are agreed / secured by Conditions. Even with enforcement, we cannot accurately track all actual change i.e. habitat enhancement being achieved / on target.
p2	Policy to support BNG.	Develop local policy to support BNG, such as to enable biodiversity banking, and enforcement.	Policy content.	Policies in place by 2027 / via Local Plan process.	Local Plan timetable review due 2025.

No.	Action / Aim	Goals / measures of success	Metric	Target	Comment
p3	Ecology checklist for developments.	Optimise checklist effectiveness for scoping ecological issues.	Checklist in place to raise ecological matters.	Use 2025 data collected via checklists to help devise monitoring goals.	Build on the ecological elements of the checklist introduced by the climate emergency interim planning policy statement (resource published 2023).
p4	County Ecologist provision.	Measure impacts / celebrate the success of the Ecology Service Level Agreement (SLA) with Devon County Council.	Not applicable.		SLA in place with Devon County Council. Potential for annual summary notes by Ecologist.
p5	Non-BNG gains	Seek / require ecological gains for cases not subject to mandatory BNG legislation.	No. of non-BNG cases with gains conditioned	Monitor 2025 data; use that to inform a target.	Development Management seek to track all cases where mitigation and enhancement are agreed / secured by Conditions.
p6	Planning service ecology targets	Devise strategic targets to achieve district gains such as % tree cover, key features e.g. swift roost bricks, wildlife road crossings, dark zones, landscapes permeable to wildlife movement.	Not applicable.		Targets will relate to strategic drivers such as species strategies and the Local Nature Recovery Strategy (LNRS). Progress targets to be reviewed once we have LNRS in place.
p7	Wider obligations such as the Local Nature Recovery Strategy (LNRS)	Reinforce policy and practice around delivering the NERC Act duty and new Environment Act obligations such as LNRS.	Not applicable.		We will identify and implement delivery mechanisms; potential to use the Local Plan review to enable policy. Devon County Council is the "Responsible

No.	Action / Aim	Goals / measures of success	Metric	Target	Comment
					Authority” for preparing the LNRS; Mid Devon District Council is a “Supporting Authority”.
p8	Report on Biodiversity Duty compliance and achievements	Delivery on BNG. Progress on Actions (including this action plan). How other strategies have been considered e.g. species, protected sites, LNRS. Future aims.	Report to be published.	Frequency of every 5 years or sooner.	To comply with reporting requirements as set out by Defra.
p9	Explore BNG policy	Evaluate the potential and viability of Mid Devon BNG policy above the national 10% minimum. This might be policy to realise specific uplift aims rather than blanket % habitat unit targets. Such as ecological enhancement for priority species; or priority factors e.g. disturbance, connectivity or climate adaptation.	Not applicable.		A matter to be investigated through the preparation of the new Local Plan. (A matter that cannot be pursued outside the plan-making process.)

Appendix

Background papers

Biodiversity statutory duty [report](#) submitted to [Cabinet 09 January 2024](#).

References

Defra [guidance](#) on legislation purpose and compliance.

Defra [guidance](#) about how and what the Authority / Council needs to report on with regard to its biodiversity duty actions.