

Maldon District Council

Section 40A Maldon District Biodiversity Report 2024-2026

First Consideration

Version 2 – June 2024

Document Control Sheet

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| Document title | Maldon District Biodiversity Report – First Consideration 2024 - 2026 |
| Summary of purpose | Sets out how the Council as a public body and local planning authority plans to comply with the general biodiversity objective through its policies, partnership working and actions across all services. |
| Prepared by | Matthew Winslow, Assistant Director - Planning and Implementation |
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Validity Statement

This document is due for review by the date shown above, after which it may become invalid. Users of the report should ensure that they are consulting the currently valid version of the document.



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The Public Body Biodiversity Duty

1. Purpose of Report

This report is a statutory requirement on the Council as a public body and responds to the Council's new responsibilities under the Environment Act 2021 for protecting and enhancing biodiversity across the District.

The Environment Act 2021 amends the Natural Environment and Rural Communities Act 2006 (NERC Act) by introducing (section 40(1)) a proactive duty to "from time to time consider what action the authority can properly take, consistently with the proper exercise of its functions, to further the general biodiversity objective".

Public bodies which are also Local Planning Authorities, like Maldon District Council, must also consider what action it can take "to further the general biodiversity objective" through their planning functions. This includes the delivery and monitoring of Biodiversity Net Gain (BNG) which is now a mandatory requirement on most new development in the District.

This report sets out what the Council currently does to conserve and enhance biodiversity as part of its functions and sets out how the Council will meet the new challenges posed by the Environment Act 2021 in respect of biodiversity building on its existing policies, partnerships and actions setting out a clear strategy for going forward that will maximise the benefits for biodiversity within the resources and influence available to the Council.

2. What is included in the Biodiversity Report: First Consideration

The Biodiversity Report: First Consideration is a corporate responsibility that goes across all Council departments, their actions and decision making. Government guidance¹ specifically requires Local Authorities to publish biodiversity reports in future which contain:

- a summary of action which the Authority has taken over the period of the report – looking back in time since its approval
- a summary of the Authority's plans for the five years following the report
- quantitative data and any other information the authority considers is appropriate is included in the report.

The Environmental Act 2021 and its associated guidance stipulates publication and frequency rules as follows:

- the first report must cover no longer than three years, subsequent reports must cover no longer than 5 years and run consecutively.
- an updated report must be published within 12 weeks of the last day of the report.

Government guidance for complying with the biodiversity duty summarises what public authorities must do to comply with their new legal duties. They must:

- consider what they can do to conserve and enhance biodiversity.
- agree policies and specific objectives based on their consideration.
- act to deliver their policies and achieve your objectives.

The report has three compulsory sections which are described in the Government guidance as follows:

| |
|--|
| <p>Section 1: Your policies, objectives and actions You must include this information in your report.</p> <p>Explain:</p> <ul style="list-style-type: none"> • the policies and objectives you have set to meet your biodiversity duty; • the actions you've completed, either alone or in partnership with others, that benefit biodiversity. <p>Section 2: How you have considered other strategies You must include this information in your report.</p> <p>Explain how you've taken into account:</p> <ul style="list-style-type: none"> • Local Nature Recovery Strategies • protected site strategies • species conservation strategies <p>For example, include information about how:</p> <ul style="list-style-type: none"> • you've advised or worked in a Local Nature Recovery Strategy (LNRS) partnership in your area • these strategies influenced your policies, objectives or actions |
|--|

¹ [Reporting your biodiversity duty actions - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/reporting-your-biodiversity-duty-actions)

Section 3: Your future actions
 You must include this information in your report.

- Explain how your organisation plans to fulfil your biodiversity duty over the 5 years following the end of this reporting period.

You can report your plans for future actions in each section of your report alongside the ones you’ve achieved.

In addition, the guidance also refers to the optional content that could be included such as top achievements, how policies and actions have helped, highlights and challenges. This will be reviewed and included in the Second Consideration published by 1 January 2026.

The Maldon District Biodiversity Report First Consideration uses this format and sets out how it will:

- review what the Council already does for biodiversity.
- work corporately as an organisation to develop policies and actions that will improve outcomes for biodiversity.
- monitor progress and effectiveness on agreed policies and actions.

Whilst the Biodiversity Report must be reviewed within three years and subsequent reports every five years there was a requirement for the first report to set out the Council’s “First Consideration” of what action to take for biodiversity in the Maldon District to be published by 01 January 2024 and for policies and objectives to be agreed as soon as possible after this. To ensure compliance, a draft of this report was published on the Council’s website awaiting further work and approval by the Performance, Governance and Audit Committee.

The following governance and timetable map will be followed for the review and approval of future considerations of the Maldon District Biodiversity Report noting the requirement that the end date of the first reporting period should be no later than 01 January 2026 and thereafter every five years.

Future Biodiversity Report Target Dates

| Biodiversity Report Stage | Reporting period end date | Target date for Draft Publication | Sign off approval procedure | Target date for publication |
|---------------------------|---------------------------|-----------------------------------|---|---|
| First Consideration | 1 January 2024 | March 2024 | Performance, Governance and Audit Committee | March 2024 (Draft) June 2024 (Final) |
| Second Consideration | 1 January 2026 | September 2025 | Performance, Governance and Audit Committee | December 2025 |
| Third Consideration | 1 January 2031 | September 2030 | Performance, Governance and Audit Committee | December 2030 |
| Forth | 1 January 2036 | September | Performance, | December |

| Biodiversity Report Stage | Reporting period end date | Target date for Draft Publication | Sign off approval procedure | Target date for publication |
|---------------------------|---------------------------|-----------------------------------|--------------------------------|-----------------------------|
| Consideration | | 2035 | Governance and Audit Committee | 2035 |

Section 1 – Our Policies & Actions

The Council’s Corporate Plan 2023-2027 provides the strategic framework for all the Council’s responsibilities and functions. The priorities most relevant to biodiversity are:

- Enhancing & Connecting Our Place
- A Greener Future

The Council’s Climate Action Plan 2021-2030 sets several climate action pledges which include “Show Nature We Care”.

As a Local Planning Authority, the Council already has a series of strategic and local planning policies in the approved Maldon District Local Development Plan (LDP)² which set requirements for how biodiversity, habitats and ecological management should take place in the District. These are:

- S1 Sustainable Development
- S3 Place Shaping
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and the Built Environment
- D2 Climate Change and environmental Impact of New Development
- N1 Green Infrastructure Network
- N2 Natural Environment, Geodiversity and Biodiversity

In addition, the Neighbourhood Plans prepared by Town and Parish Councils and made by the Local Planning Authority all have a strong environmental focus and contain neighbourhood level planning policies that protect and encourage improvements to nature and wildlife within the plan areas of:

- Burnham-on-Crouch (2017)
- Wickham Bishops (2021)
- Langford and Ulting (2022)
- Great Totham (2022)

The Council’s decision-making as the Local Planning Authority is informed by the following evidence assessments and guided by Supplementary Planning Documents (SPD):

- Maldon District Nature Conservation Study 2007, and its review 2023
- Maldon Landscape Character Assessment 2006
- Maldon District Strategic Environmental Assessment (LDP 2017 and site specific)
- Maldon District Habitats Regulations Assessment (LDP 2017 and site specific)

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https://www.maldon.gov.uk/downloads/file/14807/approved_maldon_district_local_development_plan_2014-2029

- Maldon District Green Infrastructure Strategy SPD 2019
- Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS) SPD 2020

The Government has already legislated that that 10% BNG is mandatory for all major development consented after early 2024. This bolsters the LDP Policy N2 (Natural Environment, Geodiversity and Biodiversity) which requires that all development should seek to deliver net biodiversity gain where possible. The LDP Plan Review will carry forward the national requirement for 10% BNG and elaborate on how that can be met locally.

The Council has for many years, through successive Local Plans, identified and designated a range of Local Wildlife Sites (LoWS) to be protected for their wildlife interest and seeks to ensure their continued protection and enhancement through policies and actions. The Council has positively worked with the Essex Local Nature Recovery Partnership between 2022 and 2023 to have these formally ratified.

Section 2 – Accounting for Other Strategies

The Council's Corporate Plan 2023-2027 provides the strategic framework for all the Council's responsibilities and functions. The priorities most relevant to biodiversity are:

- Enhancing & Connecting Our Place
- A Greener Future

The Council acknowledges broader strategies by partner organisations, either approved on in development that it will use to inform any updates to local planning policies, corporate policies and strategies and projects including:

- Essex Local Nature Recovery Strategy (in development)³
- Essex Coast RAMS 2020⁴
- Essex Green Infrastructure Strategy 2020⁵
- National Trust: For everyone, for ever: our strategy to 2025⁶

The Council also acknowledges the delivery of projects and actions for biodiversity in the District and Essex is dependent on successful partnership working to achieve common goals. This includes the following organisations:

- Essex Coast RAMS Partnership
- Essex Local Nature Partnership
- Department for Environment, Farming and Rural Affairs (DEFRA)
- Essex Wildlife Trust
- Environment Agency
- Natural England
- National Trust
- Essex Police
- Maldon Harbour Improvement Commissioners

³ [Local Nature Recovery Strategy | Essex County Council](#)

⁴ [Bird Aware Essex Coast is an initiative to raise awareness of birds](#)

⁵ [Essex Green Infrastructure Strategy | Place Services](#)

⁶ [Our strategy to 2025 | National Trust](#)

- The Blackwater Partnership
- Essex Planning Officers' Association
- Essex Rivers Hub
- Essex Coastal Forum
- North Essex Farm Cluster
- National Trust Project Seagrass
- Heybridge and Maldon Climate Action Partnership
- Tollesbury Climate Action Partnership
- Dengie Climate Action Partnership

Section 3 – Future Actions

The Council acknowledges the delivery of positive biodiversity outcomes in the District and surrounding area is dependent on successful partnership working to achieve common goals. This includes being a partner organisation or working with the following national, regional and local organisations:

- DEFRA
- Natural England
- National Trust
- Environment Agency
- Essex Coast RAMS Partnership
- Essex Local Nature Partnership
- Essex Wildlife Trust
- Essex Police
- Maldon Harbour Improvement Commissioners
- The Blackwater Partnership
- Essex Planning Officers' Association
- Essex Rivers Hub
- Essex Coastal Forum
- North Essex Farm Cluster
- National Trust Project Seagrass
- Heybridge and Maldon Climate Action Partnership
- Tollesbury Climate Action Partnership
- Dengie Climate Action Partnership

Set out below are actions the Council will be undertaking for the first duty monitoring period 2024-2026 set out in this Biodiversity Report. Any marked with a † include responsibilities and functions associated with Maldon District Council as the Local Planning Authority. This is not an exhaustive list and more actions will be considered as part of the development of annual Service Plans and budget-setting.

| Commitment | MDC Services Involved | Area |
|---|---|-----------------|
| †Continue to apply the natural environment planning policies set out in national and local planning policies to planning applications. | <ul style="list-style-type: none"> • Development Management and Building Control | Districtwide |
| †Continue to review and update planning and corporate policies, guidance, and practice to improve biodiversity outcomes where possible. | <ul style="list-style-type: none"> • All Services | Districtwide |
| †Monitor mandatory biodiversity net gain achieved from applicable developments. | <ul style="list-style-type: none"> • Development Management and Building Control • Planning Policy and Implementation | Districtwide |
| †Jointly fund a BNG Officer for Greater Essex to support consistent policy and guidance development and BNG duties in local planning authorities. | <ul style="list-style-type: none"> • Development Management and Building Control • Planning Policy and Implementation | Essex wide |
| †Work with landowners that have the desire to sell Biodiversity Credits to developers who need to deliver mandatory biodiversity net gain offsite. | <ul style="list-style-type: none"> • Development Management and Building Control • Planning Policy and Implementation • Climate Action | Districtwide |
| † Undertake relevant training for staff and Members on Biodiversity Net Gain to support awareness and informed decision-making. | <ul style="list-style-type: none"> • Development Management and Building Control • Planning Policy and Implementation | Internal |
| † Work with the Essex Coast RAMS Partnership to secure investment in the Maldon coastline paid for from Essex developer contributions. | <ul style="list-style-type: none"> • Planning Policy and Implementation • Assets, Coast and Countryside | Districtwide |
| Continue to support and work with the relevant partners to deliver biodiversity conservation activities and environmental improvements. | <ul style="list-style-type: none"> • All Services | Districtwide |
| Review procedures and practices across the Council through Service Plan updates to ensure that all reasonable opportunities to protect and enhance biodiversity are identified and actioned across all relevant services. | <ul style="list-style-type: none"> • All Services | Districtwide |
| Support the delivery of a Project Seagrass trial in St Lawrence Bay | <ul style="list-style-type: none"> • Assets, Coast and Countryside • Climate Action | St Lawrence Bay |
| Support the Essex Forest Initiative with funding bid applications for Coronation Living Heritage Fund to establish a community orchards | <ul style="list-style-type: none"> • Assets, Coast and Countryside • Climate Action | Districtwide |

| Commitment | MDC Services Involved | Area |
|--|---|--------------|
| Use Management Plans to explore opportunities to increase biodiversity in Council Parks through planting and maintenance activities. | <ul style="list-style-type: none"> Assets, Coast and Countryside | Districtwide |
| Identify and increase re-wilding on the Council's estates (Currently 10 in place) | <ul style="list-style-type: none"> Coast and Countryside | Districtwide |
| Identify and increase living roofs on Council assets. (Currently one in place) | <ul style="list-style-type: none"> Assets, Coast and Countryside | Districtwide |
| Engage in biodiversity projects to increase MDC staff and Member awareness of their impact and educate to make changes | <ul style="list-style-type: none"> Assets, Coast and Countryside Climate Action Strategy, Partnerships & Communication | Internal |
| Work with volunteer agencies to increase green prescribing across the District | <ul style="list-style-type: none"> Assets, Coast and Countryside Climate Action Strategy, Partnerships & Communication | Districtwide |
| Work with contractors to align biodiversity objectives and reduce carbon footprint. | <ul style="list-style-type: none"> Assets, Coast and Countryside Resources | Internal |
| Review of Council fleet of machinery and vehicles with greener, less polluting alternatives. | <ul style="list-style-type: none"> Assets, Coast and Countryside Climate Action | Internal |
| Explore opportunities to reduce grass cutting in areas where this can be linked to rewilding | <ul style="list-style-type: none"> Assets, Coast and Countryside Climate Action | Districtwide |
| Explore how we reduce the use of chemicals in areas where this is possible. | <ul style="list-style-type: none"> Assets, Coast and Countryside | Internal |
| Engage with partners, key stakeholders and user groups including Essex Police, Maldon Harbour Improvement Commissioners, Boatyards, Marinas, etc. to highlight the important of the various rivers and coastal habitats. | <ul style="list-style-type: none"> Assets, Coast and Countryside | Districtwide |
| Deliver against the Memorandum of Understanding with Essex Police the importance of habitat protection is raised as an imperative and prosecutions must be supported wherever possible to give river and coastal areas the protection they need. | <ul style="list-style-type: none"> Assets, Coast and Countryside Resources | Districtwide |

3. Ongoing Monitoring

As part of the actions noted above, the Council will consider how both existing and any new actions will be monitored to enable reporting in the Maldon District Biodiversity Report Second Consideration in 2026.

BNG as already part of the planning system and has its own monitoring requirements set out in legislation and guidance which the Council will follow. In addition, the Council publishes an Annual Monitoring Report (AMR) for the Local Plan policies and a Climate Action Plan report for delivery against the Maldon District Climate Action Plan. The relevant content and monitoring of these reports will form part of future Biodiversity Reports.

Most partnerships that form part of the Council's commitment to biodiversity already have reporting requirements which can be captured for future Biodiversity Reports to track the delivery of multi-agency work.

In devising monitoring proposals, the Council will be mindful of the resources available and will seek to avoid duplicating work done elsewhere so that where monitoring is already being done this will be incorporated into an output for the Biodiversity Report.

Appendix

Legislation

Environment Act 2021 – Part 6: Nature and biodiversity

<https://www.legislation.gov.uk/ukpga/2021/30/part/6>

Natural Environment & Rural Communities Act 2006 (as amended) - Section 40

<https://www.legislation.gov.uk/ukpga/2006/16/section/40>

The Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 <https://www.legislation.gov.uk/uksi/2024/50/contents/made>

[The Biodiversity Gain Requirements \(Exemptions\) Regulations 2024 \(legislation.gov.uk\)](https://www.legislation.gov.uk/uksi/2024/50/contents/made)

National policies

Environmental Improvement Plan 2023 (DEFRA)

<https://www.gov.uk/government/publications/environmental-improvement-plan>

National Planning Policy Framework (NPPF) 2023 paragraphs 180 to 194

<https://www.gov.uk/guidance/national-planning-policy-framework>

The Nature Recovery Network <https://www.gov.uk/government/publications/nature-recovery-network/nature-recovery-network>

Local Nature Recovery Strategies <https://www.gov.uk/guidance/complying-with-the-biodiversity-duty#local-nature-recovery-strategies>

Species Conservation Strategies (Pending) <https://www.gov.uk/guidance/complying-with-the-biodiversity-duty#species-conservation-strategies>

Protected Site Strategies (Pending) <https://www.gov.uk/guidance/complying-with-the-biodiversity-duty#species-conservation-strategies>

Green Infrastructure Planning and Design Guide 2023 by Natural England

<https://designatedsites.naturalengland.org.uk/GreenInfrastructure/downloads/Design%20Guide%20-%20Green%20Infrastructure%20Framework.pdf>

Government Guidance

Main Biodiversity Guidance collection

<https://www.gov.uk/government/collections/biodiversity-net-gain>

Understanding biodiversity net gain <https://www.gov.uk/guidance/understanding-biodiversity-net-gain>

Sell biodiversity units as a land manager guidance <https://www.gov.uk/guidance/sell-biodiversity-units-as-a-land-manager>

What you can count towards a development's biodiversity net gain (BNG) guidance <https://www.gov.uk/guidance/what-you-can-count-towards-a-developments-biodiversity-net-gain-bng>

Draft biodiversity net gain planning practice guidance <https://www.gov.uk/guidance/draft-biodiversity-net-gain-planning-practice-guidance>

Compliance and Reporting Biodiversity Duty Guidance:

Complying with the biodiversity duty guidance <https://www.gov.uk/guidance/complying-with-the-biodiversity-duty>

Reporting your biodiversity duty actions guidance <https://www.gov.uk/guidance/reporting-your-biodiversity-duty-actions>

Regional policies

Essex Climate Action Plan 2021-2025 <https://www.essex.gov.uk/about-council/plans-and-strategies/environment-and-planning/climate-action>

Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS) 2020
https://www.maldon.gov.uk/info/20045/planning_and_building_control/9825/section_106_agreements_for_rams

Essex Local Nature Recovery Strategy (LNRS) (not yet published, will be consulted on in 2024)

Local Policies

Maldon District Local Development Plan 2017
https://www.maldon.gov.uk/info/7050/planning_policy/9712/approved_local_development_plan_21_july_2017

Maldon District Green Infrastructure Strategy SPD
https://www.maldon.gov.uk/info/7050/planning_policy/9729/maldon_district_green_infrastructure_strategy_spd

Maldon District Climate Action Strategy 2021-2030
https://www.maldon.gov.uk/downloads/download/9457/climate_action_strategy