

Appendix 3: Strengthened Biodiversity Duty – Step 1 “considerations” table

Strengthened Biodiversity Duty – “Considerations” by National Park Authorities

Background

The Environment Act 2021 introduced a strengthened ‘biodiversity duty’ which requires all public authorities in England must consider what they can do to conserve and enhance biodiversity. [Complying with the biodiversity duty - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/complying-with-the-biodiversity-duty)

They must

1. **Consider** what they can do to conserve and enhance biodiversity by **1 January 2024**. No template has been provided for this.
2. **Agree policies and specific objectives** based on their consideration as soon as possible after 1 Jan 2024
3. Act to deliver the policies and achieve these objectives and **report** on them.

Biodiversity duty reporting

National Park Authorities will need to report on:

- actions taken to conserve and enhance biodiversity
- achievements resulting from our actions
- actions we plan to take in the next reporting period

Planning authorities to report within three years, by **1 January 2026** and then within five years of the previous reporting period.

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

Step 1: Consideration of biodiversity actions

This can be seen as a scoping exercise.

Overarching considerations

National Park Purposes relate directly to the biodiversity duty.

The National Park purposes are:

- to conserve and enhance the natural beauty, wildlife and cultural heritage of the area; and
- to promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.

Where it appears that there is a conflict between the National Park Purposes, greater weight will be attached to the first of those purposes (The Sandford Principle).

The Levelling Up and Regeneration Act amends the current requirement on public bodies to ‘have regard’ to National park purposes, to a strengthened General Duty in exercising or performing any functions in relation to, or so as to affect, a relevant authority **“must seek to further”** the purposes of the National Park Purposes supports the strengthened Biodiversity Duty. This is also pending the new National Park Management Plan Guidance and outcomes framework

South Downs National Park Authority – summary of current work/action that contributes to the biodiversity duty

Date of consideration: October 2023

Work area	Relevant policies/strategies already in place	Detail	Future plans/comments
Management plan	Partnership Management Plan Partnership Management Plan - South Downs National Park Authority	Relevant outcomes and reporting against existing plan covers Park area as well as the work of the Authority.	Assumption that the proposed Defra management plan guidance (for 2025-2030 plans) will align with and integrate the reporting requirements for the biodiversity duty. Future Partnership Management Plan (PMP) for the SDNP will need to demonstrate how it supports the Environment Improvement Plan and recent Environment Plan and COP targets such as 30 by 30.
Corporate plan	Corporate Plan 2020–2025 (southdowns.gov.uk)	Differentiates elements of the management plan are delivered by the Park Authority directly	Future corporate plan will need to be aligned as above
Planning policy	Local plan South Downs Local Plan - South Downs National Park Authority	Present plan Policy objectives meeting the first	Informed by the PMP

Work area	Relevant polices/strategies already in place	Detail	Future plans/commen ts
		<p>purpose of the Park:</p> <p>Strategic policies</p> <ul style="list-style-type: none"> • SD2: Ecosystem Services • SD9: Biodiversity and geodiversity • SD10: International sites • SD17: protection of the water environment • SD18: the open coast <p>Monitoring and reporting laid out in the plan</p> <p>Technical Advice Note</p> <p>Biodiversity Net Gain</p> <p>Biodiversity Net Gain Technical Advice Note (TAN) - South Downs National Park Authority</p>	<p>Mandatory approach to Biodiversity Net Gain will need to be integrated in review of Local Plan after regulations and guidance are provided. A monitoring framework is yet to be provided.</p>
Development Management	Determination of planning applications in accordance with current wildlife legislation and policy.	Covered by local plan policies above.	Local Plan review may strengthen these policies

Work area	Relevant policies/strategies already in place	Detail	Future plans/comments
			and some may be standardised nationally by DHLUC
National Trails and public rights of way	Covered by relevant Partnership Management Plan policies / outcomes https://www.gov.uk/government/publications/national-trails-management-standards/national-trails-management-standards		How are biodiversity requirements considered and recorded for these activities?
Local Nature Recovery Strategy (LNRS)	Supporting Authority role in relation to Hampshire LNRS, West Sussex LNRS and East Sussex LNRS (including Brighton & Hove)	SDNPA is supporting the creation of these strategies through provision of evidence and advice.	Local “county” wildlife sites need further consideration with partners particularly because of their importance in the Local Nature Recovery Strategy
Protected site and species strategies where they exist	SDNPA developing species recovery strand to the Nature Recovery Programme, to go live in 2024.		Should be referenced by the PMP where they are in place
Office estate			How are SDNPA offices and buildings managed for biodiversity?
Internal staff policies			Review to identify those relevant if any?
Land owned by the	Seven Sisters Country Park Landscape Management Plan.	A detailed Landscape and Ecological Management	Landscape Management Plan for SSCP will

Work area	Relevant polices/strategies already in place	Detail	Future plans/comme nts
National Park		<p>Plan LEMP) is in place (LEMP) which is delivered via the Trading Co. for the SDNPA.</p> <p>A Countryside Stewardship application is under development for the Country Park. Live from January 2025.</p>	<p>need to be updated to reflect CS and learning from managing the site.</p>

