

Parish Councils and the Duty to Conserve Biodiversity

Under the Natural Environment and Rural Communities Act 2006, every public body, including Town and Parish Councils, has a duty to conserve biodiversity.

In detail, section 40 of the NERC Act 2006 states that “every public body must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity”.

Actively implementing the NERC duty can be demonstrated by a Parish Council if biodiversity conservation and enhancement is appropriately integrated throughout all policies and activities.

Examples of how the NERC duty can be demonstrated include:

- biodiversity (and especially any species or habitat of principal importance locally present) is properly protected and enhanced in line with statutory nature conservation obligations where land or buildings are being managed, or planning applications responded to;
- support is given to local biodiversity initiatives, such as Local Biodiversity Action Plans, Biological Records Centres and Local Wildlife Site systems, perhaps through survey and recording programmes;
- local people are inspired to engage with and increase their understanding of biodiversity conservation issues, for example by becoming tree wardens or recording wildlife;
- all staff, managers and elected members clearly understand how biodiversity issues relate to their own decisions and actions;
- and the Parish Council reports on progress towards national and local biodiversity targets.

Further advice is given throughout this series of guidance notes but the following leaflets are of particular relevance:

- ***What is biodiversity and why is it important***
- ***What a Parish Council can do for biodiversity***
- ***Commenting on planning applications***
- ***Wildlife recording***

The NERC Act also lists the habitats and species that are a priority to conserve in England (section 41, replacing S74 of the CROW Act 2000). More detail is given in other guidance leaflets in this series, for example, **Bats**, **Hedgerows**, **Ponds and SUDs**.

There are 56 habitats of principal importance for conservation of biodiversity in England. These include arable field margins, hedgerows, ponds, lowland mixed deciduous woodlands, lowland meadows and wet woodland.

There are also 943 species of key importance, and the following list gives just a few examples of key species found in Leicestershire and Rutland:

- Brown Hare
- Harvest Mouse
- Hedgehog
- Otter
- Water Vole
- Common Lizard
- Common Toad
- Grass Snake
- Great Crested Newt
- Several bat species
- Grizzled Skipper (butterfly)
- Slow Worm
- Bullfinch
- Cuckoo
- House Sparrow
- Lesser spotted Woodpecker
- Linnet
- Reed Bunting
- Skylark
- Song Thrush
- Starling
- Yellowhammer
- Brown trout
- European Eel
- River lamprey
- White-clawed Crayfish.

Further Guidance

- **NERC Act - Natural Environment and Rural Communities Act 2006**
www.legislation.gov.uk/ukpga/2006/16/contents
- **Government guidance for public authorities on exercising the biodiversity duty**
www.gov.uk/guidance/biodiversity-duty-public-authority-duty-to-have-regard-to-conserving-biodiversity
- **Local Authority Services and Biodiversity - Your Statutory Obligations**
<https://www.wildlifetrusts.org/sites/default/files/2018-11/Local%20Authority%20Services%20and%20Biodiv%20report.pdf>
- **Lists of priority species and habitats**

The Natural History Museum

(An official and authoritative resource)

www.nhm.ac.uk/our-science/data/uk-species/checklists/NHMSYS0020515439/index.html

Wikipedia page

(User-friendly, but not an official resource; it may help you find information from authoritative sources)

https://en.wikipedia.org/wiki/List_of_species_and_habitats_of_principal_importance_in_England