

Report to Place Scrutiny

Complying with the Biodiversity Duty – Our Policies and Objectives for Thriving Wildlife in Oldham

Portfolio Holder: Councillor Elaine Taylor, Deputy Leader and Cabinet Member for Neighbourhoods

Officer Contact: Emma Barton, Deputy Chief Executive (Place)

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12 June 2025

1.0 Call-in Details

1.1 Cabinet's decision to approve Complying with the Biodiversity Duty - Our Policies and Objectives for Thriving Wildlife in Oldham at Item 11 on 24 March 2025 was called-in on 1 April 2025 by the Liberal Democrats.

1.2 The details of the call-in are as follows:

There was not enough information in the report to make the decision. The cabinet minutes make reference to some of these deficiencies: "resources such as funding may be needed to be identified for management plans". However, there are further gaps in this report which need to be filled, and the report resubmitted to cabinet for approval. These gaps include:

- The plan does not make any assessment of existing capacity (e.g. authority maintained public rights of way and that existing contribution to green corridors) and new capacity required.*
- The plan does not attach a budget nor any identified sources of funding. In the absence of funding, it does not offer a paired down and prioritised list of objectives that can be fulfilled with existing capacity. This is particularly relevant considering the continued strain on local authority finances.*

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- *The plan is full of objectives but is short on how achievement will be measured and by whom. If measurement is needed by specialists, then how will that be funded?*
 - *There are no milestones or touchpoints to measure progress towards these important objectives e.g. the tree canopy objective ends in 2040. How and when will the authority measure progress towards this objective?*

Measurement is discussed on p32, para 7.4 “Indicators on biodiversity are also included in our monitoring report¹⁵ related to the implementation of the local plan.” which in footnote 15 references a monitoring report [Monitoring and Housing Land | Oldham's Monitoring Report | Oldham Council](#). The latest iteration of this report is for 2023-24 and is already one year out of date.

2.0 Response

Background to the Decision

- 2.1 The decision was taken at Cabinet on 24 March 2025 to approve and publish Oldham Council’s policies and objectives to conserve and enhance biodiversity – ‘Complying with the Biodiversity Duty – Our Policies and Objectives for Thriving Wildlife in Oldham’.
- 2.2 The report includes actions to conserve and enhance biodiversity and ensures that the council is meeting its legal duties in relation to the Natural Environment and Rural Communities Act 2006, helping to support implementation of other plans and strategies such as the Local Nature Recovery Strategy. There are no disadvantages to the decision, although some resources such as funding may need to be identified for management plans. However, most actions can be met through internal and partnership work.
- 2.3 Full details regarding the background to the report and its necessity can be found in the attached Cabinet report dated 24 March 2025.

Call-in Concerns:

- 2.4 The concerns listed in the call-in are outlined and addressed in turn below.

There was not enough information in the report to make the decision. The cabinet minutes make reference to some of these deficiencies: “resources such as funding may be needed to be identified for management plans”. However, there are further gaps in this report which need to be filled and the report resubmitted to cabinet for approval.

- 2.5 The decision before Cabinet was whether to approve and publish the Policies and Objectives around conserving and enhancing biodiversity as part of fulfilling our Biodiversity Duty. This is not a Delivery Plan, just a set of objectives. It follows on from the First Consideration Report the council published to meet the Biodiversity Duty in January 2024. Much like the Greater Manchester Local Nature Recovery Strategy (GM LNRS) itself, detail on delivery will follow.

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- 2.6 In relation to the funding of management plans specifically, no set number of management plans have been identified for completion to date. Eight Habitat Management and Monitoring Plans (HMMPs) have already been completed recently, funded by a Biodiversity Net Gain grant. One further management plan at Moorgate Quarry is currently being prepared by students at Manchester University at no cost to the council. GMCA have informed the council that they have a budget of £100,000 over 2025/26 between the 10 GM authorities to help fund other management plans on designated sites to help deliver the GM LNRS. There may also be further funding from Defra to help deliver the LNRS and GMCA are considering directing additional resources to monitor the implementation of management plans.
- 2.7 If the council did choose to fund some more management plans, these would be phased and prioritised accordingly. We would also look to any source of funding or volunteering opportunities available and would expect management plans for small to medium sites to cost around £3-£4k per site.

The plan does not make any assessment of existing capacity (e.g. authority maintained public rights of way and that existing contribution to green corridors) and new capacity required.

- 2.8 Section's 3 and 4 of the Complying with the Biodiversity Duty – Our Policies and Objectives for Thriving Wildlife in Oldham report sets out the current threats to biodiversity and the context for change at a GM and Oldham level. Section 5 then goes on to provide a baseline position of Oldham's biodiversity resource, specifically in relation to our green infrastructure, designated sites, tree cover, and notable habitats and species.
- 2.9 The Biodiversity Duty does not mention Public Rights of Way (PROW) so it would be unnecessary, in relation to the Objectives of the Duty, to assess how many are maintained by the council. However, for a report of this level, which focuses on strategy-level objectives, this would be a very onerous request. The green corridor review is looking at whether the existing designated green corridors can be justified based on whether they contribute to the nature network or offer a recreational movement role for example. We do not need to know as part of this how many PROW the council maintains.

The plan does not attach a budget nor any identified sources of funding. In the absence of funding, it does not offer a paired down and prioritised list of objectives that can be fulfilled with existing capacity. This is particularly relevant considering the continued strain on local authority finances.

- 2.10 We have been very mindful of the continued strain on local authority finances when preparing the biodiversity policies and objectives. Indeed, much of the work identified in the plan is ongoing or already planned, such as protecting nature sites in line with the biodiversity hierarchy, the preparation and adoption of Supplementary Planning Documents (SPDs), design codes and masterplans, implementation of planning policies and supporting the preparation and implementation of the GM LNRS.

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- 2.11 Tables 4 to 9 of the Complying with the Biodiversity Duty – Our Policies and Objectives for Thriving Wildlife in Oldham report set out the actions through which will meet Oldham’s objective and policies for biodiversity. Further detail on these and how they will be actioned / any funding requirements is provided below.
- 2.12 Table 4: Oldham’s objectives and policies for biodiversity to protect and restore areas of wildlife:
- No further budget is required at this time to address the actions as shown below:
 - Increasing the amount of Sites of Biological Importance (SBIs) / land designated for nature will continue to be a role of the Greater Manchester Ecology Unit (GMEU) whom review SBIs as part of their current service level agreement with the 10 GM authorities. The decision whether to adopt any changes recommended by GMEU is then taken by the local authority.
 - Bringing sites into active management (this is related to GMCA funding as mentioned above in paragraph 2.6).
 - Preparation and adoption of the South Pennine Special Area of Conservation (SAC) and Special Protection Area (SPA) Supplementary Planning Document (SPD) – this was funded through the local plan budget and has now been completed following adoption of the SPD in May 2025;
 - Application of the mitigation hierarchy in planning decisions and planning policy – this is already part of the Planning Service’s core work and is met through the general implementation of planning policies and consideration of planning applications.
 - Review of green corridors and links – this is being done internally to inform the current review of the Local Plan.
 - Designating Local Green Space (LGS) – a review of our LGS is being done internally to inform the current review of the Local Plan. GMEU are currently reviewing the ecology of potential LGS to feed into this assessment which has been accounted for in the Local Plan budget.
- 2.13 Table 5: Oldham’s objectives and policies for biodiversity to promote nature recovery networks in areas of lower biodiversity and optimise the Green Infrastructure (GI) functionality of existing open spaces to encourage wildlife:
- No further budget is required at this time to address the actions as shown below:
 - The Council is supporting preparation of the GM LNRS. It is not responsible for its preparation, that is led by GMCA as the responsible body – it will not cost the council to consider the GM LNRS in planning policy and decisions. GM LNRS actions will be implemented in a variety of ways and is not the sole responsibility of the council.
 - Management plans are covered above in paragraphs 2.6 and 2.7).
 - Trees are delivered through planning policies and partnership arrangements such as City of Trees, and naturally as the canopy cover grows when new trees are planted. The target is a contribution towards the GM LNRS target.
 - Exploring council-owned Biodiversity Net Gain (BNG) habitat banks – this is an ongoing area of work being considered and, if there is a cost to the council, a separate approval will be undertaken for this. Where the council signs a S106 with a landowner allowing them to create a habitat bank on private land, the council can recover costs for this by charging a fee.
 - Green Infrastructure Strategy and open space audit – these have been completed and will be fed into the Local Plan review.
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- Oldham Design Code – this is being prepared alongside the current review of the Local Plan and is identified within the existing Local Plan budget.
- Production of a Local Cycling, Walking & Infrastructure Plan (LCWIP) – this is being led by colleagues in Transport Strategy. It will be important to consider opportunities to enhance biodiversity as part of any appropriate measures identified and the LCWIP will inform the current Local Plan review.
- Progression of the City Region Sustainable Transport Settlement (CRSTS) – this is being led by colleagues in Transport Strategy and such schemes are only brought forward where external capital funding is secured for the project. It will be important to consider opportunities to enhance biodiversity as part of any appropriate measures identified

2.14 Table 6: Oldham’s objectives and policies for biodiversity to promote multi-functional Green Infrastructure in allocated and potential development sites:

- No further budget is required at this time to address the actions as shown below:
 - Implementation of Places for Everyone strategic allocations and thematic policies / liaison on production of masterplan and design codes for strategic allocations - as outlined above implementing plan policies and design codes for strategic allocations does not have financial costs for the council.
 - Establish wetland catchment area at Beal Valley and Broadbent Moss – this would be delivered as part of the strategic allocations by the landowners and partnership arrangements as appropriate.
 - Encourage multi-functional GI through the Local Plan review policies and consideration of mapped measures in the GM LNRS – this will be fed into the current Local Plan review.
 - Support preparation of neighbourhood plans – whilst assisting neighbourhood plan groups to prepare their plan the council will ensure that consideration is given to the preparation of policies to enhance biodiversity. Whilst there is a cost for the preparation of such plans, this is not as a result of the Biodiversity Duty but a cost the council would have to incur as part of its Planning duties to support the preparation of neighbourhood plans.

2.15 Table 7: Oldham’s objectives and policies for biodiversity to encourage habitat creation and enhancement in the Green Belt:

- No further budget is required at this time to address the actions as shown below:
 - Implement Green Belt policy in PfE (JP-G9: The Green Belt) on enhancing the remaining Green Belt in relation to habitat restoration - as outlined above implementing plan policies does not have financial costs for the council.
 - Explore off-site BNG / habitat banks within Oldham – see paragraph 2.13 above.

2.16 Table 8: Oldham’s objectives and policies for biodiversity to raise awareness and appreciation of biodiversity:

- No further budget is required at this time to address the actions as shown below:
 - Development of Oldham Mapping tool – officers have commenced the creation of an Oldham Mapping tool to make information about designations and constraints, including those relating to the natural environment, as part of the ongoing digitisation of planning related data.
 - Encouraging residents to create wildlife friendly gardens will be led by Parks in liaison with central Communications at no cost to council.

- Planting a tree for every house sold is an example of an existing partnership arrangement that is in place at no cost to the council and which may be extended.
- Keep a log of work undertaken by countryside officers and celebrate successes through central Communications – formally recording and acknowledging successes would not incur a cost to the council but would assist in raising awareness of biodiversity and the natural environment.
- Raise awareness of funds such as the Greater Manchester Green Space Fund - will be led by Parks in liaison with central Communications – no cost to the council aside from staff time.
- Identify, advise and assist community / groups - no cost to the council aside from staff time that is already utilised in this way.
- Include the public /interest groups in projects such as town centre linear park, Northern roots and leaky dams - no cost to the council aside from staff time that is already utilised in this way.
- Consider staff training courses on how biodiversity can be enhanced in all our roles – this has been completed and an on-line learning module has been purchased by Organisational Development and made available to all staff.

2.17 Table 9: Oldham’s objectives and policies for biodiversity to consider biodiversity in corporate plans and decisions:

- No further budget is required at this time to address the actions as shown below:
 - Consider inclusion of biodiversity duty when preparing and updating internal plans and policies (such as the Corporate Plan) – this will be done where relevant and as opportunities arise through cross-departmental working and decision-making.
 - Consider biodiversity implications in decision-making reports and through use of the Oldham Impact Assessment Tool – opportunity to include consideration of biodiversity matters under the council’s corporate priorities where relevant.
 - Consider biodiversity implications as part of impact assessment when considering disposal of land – as above.

The plan is full of objectives but is short on how achievement will be measured and by whom. If measurement is needed by specialists, then how will that be funded?

There are no milestones or touchpoints to measure progress towards these important objectives e.g. the tree canopy objective ends in 2040. How and when will the authority measure progress towards this objective?

2.18 Most actions are self-explanatory in relation to how / when they will be achieved and how this will be measured. For most actions the team or partner is listed and where there is an anticipated adoption / completed date this has been added to Tables 4 to 9, for example in relation to adoption of the SPD and Local Plan.

2.19 For other actions, GMCA or GMEU will monitor progress on their achievement, for example:

- a tree canopy survey may be undertaken by GMCA as part of the GM LNRS (or from other available data sources); and

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- increasing the amount of land designated for nature will be measured through annual reports prepared by GMEU as stated – the success will be an approved designated SBI or amended boundary and an overall increase, which is also included in the report each year.
- 2.20 Many actions however relate to current and on-going areas of work. For example, implementation of PfE and Local Plan policies and consideration of biodiversity through the planning decision making process; and raising awareness amongst residents and advising relevant community / voluntary groups. As such, it is not possible to put a timeframe against these actions.
- 2.21 Section 7.1 states actions will be monitored each year and that a Biodiversity Duty Policies and Objectives monitoring report will be published in 2026 and then every five years.
- 2.22 In addition, an annual report may be provided to Place Scrutiny on the following:
- Land designated for nature;
 - Any fully completed actions e.g. adoption of SPDs, designated Local Green Spaces etc
 - Feedback on annual updates against the GM LNRS headline targets (GMCA reports)
 - % in tree canopy where available;
 - Updates on relevant strategies and planning policy matters; and
 - Overview of activities recorded on the 'tracker'.

Measurement is discussed on p32, para 7.4 “Indicators on biodiversity are also included in our monitoring report related to the implementation of the local plan.” which in footnote 15 references a monitoring report Monitoring and Housing Land | Oldham's Monitoring Report | Oldham Council. The latest iteration of this report is for 2023-24 and is already one year out of date.

- 2.23 This was for information. This is the latest monitoring report published covering the latest monitoring period 2023/24. The 2024/25 monitoring report will be published in December 2025, when data on indicators has been collated, analysed and the monitoring report written and approved as it is every year.

Report to CABINET

Complying with the Biodiversity Duty – Our Policies and Objectives for Thriving Wildlife in Oldham

Portfolio Holder: Cllr Elaine Taylor Cabinet Member for Decent Homes and Cllr Chris Goodwin, Cabinet Member for Don't Trash Oldham

Officer Contact: Emma Barton, Deputy Chief Executive (Place)

Report Author: Georgina Brownridge, Senior Planning Officer
Ext. 1670

24 March 2025

Reason for Decision

To approve and publish Oldham Council's policies and objectives to conserve and enhance biodiversity – 'Complying with the Biodiversity Duty – Our Policies and Objectives for Thriving Wildlife in Oldham'. The report includes actions to conserve and enhance biodiversity.

The Environment Act 2021 introduced a strengthened 'biodiversity duty' into the Natural Environment and Rural Communities Act 2006 which requires all public authorities in England to consider what they can do to conserve and enhance biodiversity.

Oldham Council as a public authority, must:

1. Consider what we can do to conserve and enhance biodiversity.
2. Agree policies and specific objectives based on our consideration.
3. Act to deliver our policies and achieve our objectives.

There was a need to complete our first consideration of what action Oldham Council intends to take for biodiversity no later than 1 January 2024 – this report can be viewed [here](#)¹.

Following this initial consideration, Oldham Council must agree our policies and objectives as soon as possible after. This report fulfils this second step.

¹ The first considerations report can be viewed at:

https://www.oldham.gov.uk/downloads/file/7821/complying_with_the_biodiversity_duty_first_considerations_report

This decision will ensure that the council is meeting its legal duties in relation to the Natural Environment and Rural Communities Act 2006 and helping to support implementation of other plans and strategies such as the Local Nature Recovery Strategy. There are no disadvantages to the decision, although some resources such as funding may need to be identified for management plans. However, most actions can be met through internal and partnership work.

Executive Summary

N/A.

Recommendations

To:

- i. approve and publish Oldham Council's policies and objectives to conserve and enhance biodiversity – 'Complying with the Biodiversity Duty – Our Policies and Objectives for Thriving Wildlife in Oldham'; and
- ii. support implementation of the actions identified within Tables 4 to 9 of the report.

Complying with the Biodiversity Duty – Our Policies and Objectives for Thriving Wildlife in Oldham

1 Background

- 1.1 The report sets out Oldham Council's policies and objectives on conserving and enhancing biodiversity to demonstrate how we are complying with the 'biodiversity duty'.
- 1.2 The Environment Act 2021 introduced a strengthened 'biodiversity duty' into the Natural Environment and Rural Communities Act 2006 which requires all public authorities in England to consider what they can do to conserve and enhance biodiversity.
- 1.3 Biodiversity refers to all the different kinds of living organisms within a given area, including plants, animals, fungi and other living things.
- 1.4 Oldham Council as a public authority, must:
 1. Consider what we can do to conserve and enhance biodiversity.
 2. Agree policies and specific objectives based on our consideration.
 3. Act to deliver our policies and achieve our objectives.
- 1.5 There was a need to complete our first consideration of what action Oldham Council intends to take for biodiversity no later than 1 January 2024 – this report can be viewed [here](#).
- 1.6 Following this initial consideration, Oldham Council must agree our policies and objectives as soon as possible after. This report fulfils this second step.
- 1.7 Following on from this report, future reports will be published setting out how these policies and objectives have been implemented.
- 1.8 The council's Corporate Plan 'Ready for the Future' 2024-27 sets out the council's priorities and works in parallel with The Oldham Plan. One of the three missions is "Green and Growing" which seeks to drive economic growth in relation to green technologies.
- 1.9 In drawing up our policies and objectives for thriving wildlife in Oldham, the council has also considered the following various matters:
 - (a) Community Cohesion Implications, including crime and disorder implications under Section 17 of the Crime and Disorder Act 1998 – Not applicable.
 - (b) Risk Assessments – The council will fail to meet the Natural Environment and Rural Communities Act 2006 if it does not agree its policies and objectives to conserve and enhance biodiversity.
 - (c) If relevant, Co-operative Implications, Human Resource Implications, IT implications, Property Implications, Procurement Implications and Environment and Health and Safety Implications – the report includes actions which affect many functions across the council including property, planning, environmental management, communications and constitutional services as actions include preparing management plans to improve countryside sites, raising awareness of biodiversity, training for staff etc.

2 Current Position

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- 2.1 The report outlines the many benefits that biodiversity brings to us all, including healthy soils for food, improved air quality, flood risk mitigation and improved health and well-being.
- 2.2 However, national and sub-regional reports on the state of nature highlight the declining trends in key species of birds and mammals and the fragmented state of our protected sites for nature. There has been a national push for a network of sites that are bigger, better and more joined up (Making Space for Nature, 2010).
- 2.3 This led to the Environment Act and a strengthened biodiversity duty, which requires all public authorities in England to consider what they can do to conserve and enhance biodiversity. The emerging Greater Manchester Local Nature Recovery Strategy (LNRS) is another measure introduced by the Environment Act which this report has taken account of. The report also highlights other drivers for change and the national and local context for supporting nature.
- 2.4 This includes Oldham's Green Infrastructure Strategy (2022) which sets 'Thriving wildlife' as one of the seven priority themes. The strategy sets out opportunities for wildlife in each district across Oldham borough (excluding the Peak District National Park).
- 2.5 Being on the edge of the Pennines, Oldham is also home to an abundance of Green Infrastructure (GI) assets. Approximately 77% of Oldham consists of GI, of which 10% is designated for international, national or local biodiversity value. The GM State of Nature report highlights that there is a need for designated sites to have appropriate management, to ensure they are in the best condition possible for nature and to avoid them being lost.
- 2.6 The implementation of the GM LNRS will help nature to recover. The LNRS provides guidance and recommends practical actions to help with future habitat management across all habitat types. The implementation of the LNRS should result in the wildlife value of these habitats being enhanced as well as being better connected due to its ambitious plans to expand the nature network across Greater Manchester.
- 2.7 The report has considered the draft LNRS and the Oldham GI Strategy in identifying seven objectives to support thriving wildlife:
1. Protect and restore core areas of wildlife;
 2. Promote nature recovery networks in areas of lower biodiversity;
 3. Optimise the GI functionality of existing open spaces to encourage wildlife;
 4. Promote multi-functional GI in allocated and potential development sites;
 5. Encourage habitat creation and enhancement in the Green Belt;
 6. Raise awareness and appreciation of biodiversity; and
 7. Consider biodiversity in corporate plans and decisions.
- 2.8 Each objective is then supported by actions to ensure that biodiversity is conserved and enhanced. Resources and supporting information required have been identified.
- 2.9 The actions identified will be tracked and monitored regularly throughout each year.
- 2.10 Oldham Council will prepare the first formal Biodiversity Report on progress that has been made no later than 1 January 2026. This will be updated at least every 5 years. This report will summarise the actions we have taken, the progress underway, and how we have met our biodiversity net gain obligations over the reporting period.

3 Options/Alternatives

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- 3.1 Option 1: To approve and publish Oldham Council's policies and objectives to conserve and enhance biodiversity – 'Complying with the Biodiversity Duty – Our Policies and Objectives for Thriving Wildlife in Oldham'; and to support implementation of the actions identified within Tables 4 to 9 of the report. This will ensure that the council is meeting its legal duties in relation to the Natural Environment and Rural Communities Act 2006 and helping to support implementation of other plans and strategies such as the Local Nature Recovery Strategy. There are no disadvantages however some resources such as funding may need to be identified for management plans however most actions can be met through internal and partnership work.
- 3.2 Option 2: To not approve and publish Oldham Council's policies and objectives to conserve and enhance biodiversity – 'Complying with the Biodiversity Duty – Our Policies and Objectives for Thriving Wildlife in Oldham'; and to not support implementation of the actions identified within Tables 4 to 9 of the report. This will mean that the council is currently failing to take account of environmental law in relation to the Natural Environment and Rural Communities Act 2006 and will not through this report be supporting implementation of other plans and strategies such as the Local Nature Recovery Strategy. There are no advantages to this option as the council would need to consider how it is going to meet the strengthened biodiversity duties.

4 Preferred Option

- 4.1 Option 1: To approve and publish Oldham Council's policies and objectives to conserve and enhance biodiversity – 'Complying with the Biodiversity Duty – Our Policies and Objectives for Thriving Wildlife in Oldham'; and to support implementation of the actions identified within Tables 4 to 9 of the report. This will ensure that the council is meeting its legal duties in relation to the Natural Environment and Rural Communities Act 2006 and helping to support implementation of other plans and strategies such as the Local Nature Recovery Strategy. There are no disadvantages however some resources such as funding may need to be identified for management plans however most actions can be met through internal and partnership work.

5 Consultation

- 5.1 In preparing this report internal consultation with officers and directors has taken place.

6 Financial Implications

- 6.1 Oldham Council's policies and objectives to conserve and enhance biodiversity will be published on the Council Website. Therefore, no additional revenue costs will be charged to the service.

(Mohammed Hussain)

7 Legal Implications

- 7.1 Section 102 of the Environment Act 2021 amended section 40 of the Natural Environment and Rural Communities Act 2006 by amending the existing general biodiversity objective to include the enhancement of biodiversity as well as its conservation and requiring Councils to consider what action they can take to further the amended general biodiversity objective within a year of section 102 of the Environment Act coming into force. It also required Councils to determine such policies and specific objectives as they consider appropriate for taking action to further the general biodiversity objective and take such action as they consider appropriate, in light of those policies and objectives to further that objective. The determination of those policies and specific objectives must be made as

soon as possible after the Council considers what action it can take to further the general biodiversity objective. (A Evans)

8 Equality Impact, including implications for Children and Young People

8.1 No. See Appendix 2.

9 Key Decision

9.1 Yes

10 Key Decision Reference

11.1 ESR-07-25

12 Background Papers

12.1 The following is a list of background papers on which this report is based in accordance with the requirements of Section 100(1) of the Local Government Act 1972. It does not include documents which would disclose exempt or confidential information as defined by the Act:

File Ref: N/A

Name of File: Environment Act 2021

Records held in Strategic Planning, Spindles Shopping centre and online at

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

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Contact No: 1670

13 Appendices

13.1 Appendix 1 - Complying with the Biodiversity Duty – Our Policies and Objectives for Thriving Wildlife in Oldham

13.2 Appendix 2 – Oldham Impact Assessment