

**Committee:** Cabinet

**Date:** Monday, 18  
December 2023

**Title:** Bio-Diversity Duty

**Portfolio Holder:** Cllr John Evans, Cabinet Member for Planning,  
Infrastructure and Stansted Airport

**Report Author:** Claire Tancell – Principal Ecologist  
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Planning

**Key decision:** No

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## Summary

1. The Environment Act 2021 introduced a strengthened ‘biodiversity duty’ which requires that all public authorities in England must consider what they can do to conserve and enhance biodiversity. This report sets out the key requirements of the Biodiversity Duty for Uttlesford (UDC) as set out in the 2021 Environment Act and the issues for UDC in complying with the new Duty.

## Recommendations

2. That Cabinet agrees to:
  1. Publish to the council website UDC’s commitment to, and first consideration of, how we will conserve and enhance biodiversity.
  2. Delegate to the Strategic Director of Planning to pursue the table of current work which contributes towards the bio-diversity duty.

## Financial Implications

3. Ecology budget in place up until end of 2024/25.

## Background Papers

4. None

## Impact

Communication / Consultation	Positive communications via social media and other media as required.
Community safety	N/A
Equalities	N/A
Health & Safety	N/A

Human Rights / Legal	UDC has a duty under the above Act to consider the Bio-Diversity Duty.
Sustainability	Embedded within the work
Ward-specific Impacts	Covers all wards.
Workforce / Workplace	None.

## Situation

5. This report sets out the key requirements of the Biodiversity Duty for local authorities as set out in the 2021 Environment Act and the issues for UDC in complying with the new Duty.
6. The Government has produced guidance (dated 17th May 2023) for local authorities on what is required. This is effectively a new work area for UDC although we can incorporate a number of existing workstreams to show how we are currently addressing biodiversity, as this report highlights. UDC does not currently have a Biodiversity Strategy but it declared a Climate Emergency in July 2019 and published a Climate Crisis Strategy 2021-2030 which includes goals for biodiversity.
7. The action local authorities, including UDC, take for biodiversity will contribute to the achievement of national goals and targets on biodiversity. The Environmental Improvement Plan (EIP23), published in January 2023, sets out government plans for significantly improving the natural environment.
8. The UDC Climate Emergency Strategy states that biodiversity is declining at an unprecedented rate, and the pressures driving this decline are intensifying. It recognises that the impacts of the continued decline in biodiversity were so severe that government at all levels must work together and make this a top priority.
9. Public authorities operating in England must consider what they can do to conserve and enhance biodiversity. This is the strengthened 'biodiversity duty' that the Environment Act 2021 introduces.
10. This means that, as a public authority, we must:
  - Consider what we can do to conserve and enhance biodiversity.
  - Agree policies and specific objectives based on our consideration.
  - Act to deliver policies and achieve our objectives.
11. We must complete a first consideration of what action to take for biodiversity by 1 January 2024 (i.e. recommendation 1 of this report) and agree policies and objectives as soon as possible after this. It is anticipated that there may be further clarification from Government about exactly what is required in due course.

12. We must reconsider the actions within 5 years of when we complete the initial consideration.
13. The Biodiversity Duty was originally contained in the Natural Environment and Rural Communities Act 2006 but that referred to having to 'have regard to' biodiversity in carrying out our functions. The 2021 Environment Act has strengthened that to a consideration of what we can do to 'conserve and enhance' biodiversity. UDC has not yet reported against the original Biodiversity Duty which typical of most local authorities. We now have expertise in place to do so.
14. Appendix 1 contains a table setting out the activity which could be included to demonstrate compliance with the Biodiversity Duty, along with a summary of current activity within UDC. This covers the establishment of a clear policy and strategic framework for conserving and enhancing biodiversity as well as considering how we manage our own land and buildings and how we could positively influence others in the district including our residents.
15. The Council has been working closely with Essex County Council, other districts and partners to prepare for the new Bio-diversity Net Gain requirement – the requirement for all new developments to deliver a 10% Net Gain in Biodiversity will become mandatory in January 2023. The emerging UDC Local Plan currently pushes for 20% but this does not yet carry weight in planning decisions.
16. It is recommended the following is published on the council's website by 1 January 2024 in order to demonstrate UDC's commitment going forward (under recommendation 1 above). Further work will then be developed.

*"In accordance with the duty imposed on town and parish councils by Section 40 of the Natural Environment and Rural Communities Act 2006, updated by Section 102 of the Environment Act 2021, Uttlesford District Council will in exercising all its functions have regard to the purpose of conserving biodiversity. This duty also means that town and parish councils can spend funds in conserving biodiversity.*

*According to Defra (Biodiversity 2020), biodiversity is the variety of all life on Earth. It includes all species of animals and plants – everything that is alive on our planet. Biodiversity is important for its own sake and has its own intrinsic value. A number of studies have shown this value also goes further. It is the building block of our 'ecosystems'. These provide us with a wide range of goods and services that support our economic and social wellbeing. These include essentials such as food, fresh water and clean air, but also less obvious services such as protection from natural disasters, regulation of our climate, and purification of our water or pollination of our crops. Biodiversity also provides important cultural services, enriching our lives.*

*The object of this commitment is to work towards enhancing and protecting the biodiversity of Uttlesford. All committees of the council will consider sustainability, environmental impact and biodiversity when making decisions and will develop and implement policies and strategies as required. In particular, the council will aim to improve the biodiversity of the area in the following ways:*

- consider the potential impact on biodiversity represented by planning applications.*
- manage its land and property using environmentally friendly practices that will promote biodiversity.*
- support local businesses & council operations in the adoption of low impact practices.*
- support residents and local organisation activities to enhance and promote biodiversity”*

## **Risk Analysis**

Risk	Likelihood	Impact	Mitigating actions
That the commitment is not met	1	2	The commitment will be communicated to all officers and elected Members.

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.

## Appendices

Appendix 1 – Summary table setting out possible activity to be pursued under the Duty.

Policy and objectives	<ul style="list-style-type: none"> <li>▪ Possible Biodiversity Strategy</li> <li>▪ Consider Biodiversity Emergency Declaration</li> <li>▪ Pursue strong planning policies in emerging Local Plan</li> </ul>
Background and baseline for UDC	<ul style="list-style-type: none"> <li>▪ Ecological input</li> <li>▪ Background report for Local Plan</li> <li>▪ Local Nature Recovery Strategy</li> <li>▪ Possible Natural Capital Assessment</li> <li>▪ Review any recent surveys of SBIs and some other sites</li> </ul>
<ul style="list-style-type: none"> <li>▪ Management of our own estate and important sites</li> </ul>	<ul style="list-style-type: none"> <li>▪ Input from relevant depts.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Assessment of impact of current policies and activities on Biodiversity</li> </ul>	<ul style="list-style-type: none"> <li>▪ Monitoring to be put in place</li> </ul>
<ul style="list-style-type: none"> <li>▪ Projects and Partnerships</li> </ul>	<ul style="list-style-type: none"> <li>▪ Explore Partnerships with other stakeholders</li> <li>▪ Joint working with other authorities</li> </ul>
<ul style="list-style-type: none"> <li>▪ Communities and volunteers</li> </ul>	<ul style="list-style-type: none"> <li>▪ Activity through Essex / EWT Ranger teams</li> <li>▪ Volunteering activity</li> <li>▪ CVS</li> <li>▪ Specific local wildlife groups</li> </ul>
Education and awareness raising	<ul style="list-style-type: none"> <li>▪ Explore through Essex CC</li> </ul>
Actions and reporting	<ul style="list-style-type: none"> <li>▪ BNG implementation in 2024</li> <li>▪ BNG off set sites</li> <li>▪ BNG reporting elements</li> <li>▪ Local Plan monitoring 2026+</li> </ul>

Challenges

- Development pressures on land
- Finite dedicated officer resource