



**ENVIRONMENT AND CLIMATE CHANGE OVERVIEW AND
SCRUTINY COMMITTEE: 11 NOVEMBER 2024**

BIODIVERSITY DUTY PLAN

REPORT OF THE DIRECTOR OF ENVIRONMENT AND TRANSPORT

Purpose of the Report

1. The purpose of this report is to seek the views of the Committee on the draft Biodiversity Duty Plan, appended to this report, prior to its consideration by the Cabinet on 17 December 2024.

Policy Framework and Previous Decisions

2. The biodiversity duty was considered in the development of the Council's Environment Strategy 2018-2030 and in the development of the supporting Action for Nature document and Delivery Plan. It also supports the Strategic Plan Refresh 2024-2026 priorities, in particular those under the 'Clean and Green' outcome.
3. The Council will need to take account of the strengthened biodiversity duty when developing, reviewing or refreshing a number of policies and strategies in the future, such as the Environment Strategy, Local Transport Plan 4, Resources and Waste Strategy and Procurement Policy.

Background

4. As part of the Environment Act 2021, the Government introduced the strengthened biodiversity duty that requires public authorities, including local government, police and hospitals, which operate in England, to consider what they can do to 'conserve and enhance' biodiversity in England.
5. Prior to the 'strengthened biodiversity duty' being introduced by the Government on 1 January 2023, the existing 'biodiversity duty' required public authorities to conserve biodiversity, under the Natural Environment and Rural Communities Act 2006 (NERC Act). The change in 2021 took the form of an amendment to the original NERC Act section 40, which extended the biodiversity duty on public authorities to include the enhancement of biodiversity in addition to conservation, creating 'the general biodiversity objective'.

6. The amendment aims to encourage the enhancement and improvement of biodiversity in England, going beyond the maintenance of biodiversity in its current state, therefore, ensuring that public authorities can contribute to the national goals and targets on biodiversity.
7. The Environmental Improvement Plan 2023 (EIP23), published in January 2023, sets out the Government's plans for significantly improving the natural environment, including a commitment to:
 - a) By 2030:
 - i. Halt the decline in species abundance;
 - ii. Protect 30% of UK land.
 - b) By 2042:
 - i. Increase species abundance by at least 10% from 2030, surpassing the 2022 levels;
 - ii. Restore or create at least 500,000 hectares of a range of wildlife rich habitats;
 - iii. Reduce the risk of species extinction; and
 - iv. Restore 75% of the UK's one million hectares of terrestrial and freshwater protected sites to favourable condition, securing their wildlife value for the long-term.

What is required to meet the Biodiversity Duty

8. To meet the biodiversity duty, a public authority must:
 - a) Consider what it can do to conserve and enhance biodiversity;
 - b) Agree policies and specific objectives based on the consideration;
 - c) Act to deliver the policies and achieve the objectives.
9. The Council's existing Action for Nature document and Delivery Plan largely meet the requirements of considering what it can do to conserve and enhance biodiversity, as set out in point a) above.
10. Building on this, a review of the Council's policies and strategies was conducted to assess where it was and was not meeting the biodiversity duty. The review also acknowledged the need to consider species conservation strategies and protected sites strategies when they are released by the Government (the timeframe is currently unknown) and the Local Nature Recovery Strategy when it is published after July 2025. These will be considered in future iterations of the Biodiversity Duty Plan.

11. A review also took place of the Environmental Legislation Register, which is part of the Council's Environmental Management System. This review assessed whether the Council was meeting the relevant biodiversity legislation and regulations. The results for this are detailed in paragraph 16 below.
12. The results of these considerations and reviews were used to identify the actions that the Council needed to take to meet the biodiversity duty, and these are set out in the Biodiversity Duty Plan attached in the appendix to this report.
13. The Council is required to reconsider the actions that it takes to meet the biodiversity duty at least within five years of completing the previous consideration.
14. In addition, the Council is required to produce a Biodiversity Report, with the end date of the first reporting period being no later than 1 January 2026. The Council's first Biodiversity Report will be aligned with the process of developing the Annual Environmental Performance Report for 2024-25, meaning that the Committee will receive the report in January 2026. The Council is then required to produce a Biodiversity Report within five years of the end date of the previous reporting period, by January 2031.
15. The Government intends to include references to the Biodiversity Reports from local authorities in the five-yearly reviews of the national EIP23.

Key points from the Biodiversity Duty Plan

16. The key points from the Biodiversity Duty Plan are as follows:
 - a) The majority of the relevant Council policies and strategies were contributing to enabling the Council to meet the biodiversity duty, though most of the policies and strategies will need amendment to reference the biodiversity duty and other relevant changes from the Environment Act 2021 when they are next updated.
 - b) The Council's Environment Strategy 2018-2030 and its supporting Action for Nature document provided a solid foundation on which the Council could demonstrate how it was meeting the biodiversity duty.
 - c) The Council raises awareness and educates people on biodiversity conservation and enhancement across a number of its functions, including through the Council's country parks, and the Environment, Waste and Communities teams. Further opportunities to educate and raise awareness of biodiversity should be identified where possible.
 - d) Many of the sites owned and managed by the Council have existing management plans or processes in place that detail how the land is managed in order to comply with laws in relation to biodiversity. Steps will be taken to ensure that the proper control measures are in place and recorded in the Council's Environmental Legislation Register.

- e) The Council will need to report on what has taken place within the County in relation to Biodiversity Net Gain. However, the Government has yet to provide secondary guidance or regulation that stipulates exactly what information should be captured and reported. Once this is known, it will be included in a future iteration of the Biodiversity Duty Plan.
- f) A full list of the actions identified by the review exercise can be found in Appendix 1 of the Biodiversity Duty Plan. These actions will be integrated into the existing Action for Nature Delivery Plan to reduce the need for additional monitoring and reporting processes.
- g) The monitoring and reporting for the Biodiversity Duty Plan will be integrated into the existing Environmental Performance Monitoring and Reporting systems and processes.
- h) A separate Biodiversity Report will be developed every five years, as required to meet the biodiversity duty reporting requirements.

Conclusions

- 17. Officers from the key service areas likely to be instrumental in enabling the Council to meet the biodiversity duty have been involved in and consulted on the development of the Biodiversity Duty Plan, between June and September 2024.
- 18. The draft Biodiversity Duty Plan is being presented to the Committee for comments which will be taken into account in preparing the final Biodiversity Duty Plan, which will be considered by the Cabinet at its meeting on 17 December 2024.

Resource Implications

- 19. The County Council will not receive any additional funding from the Government to support meeting the additional reporting and other requirements of the strengthened biodiversity duty. Therefore, the additional costs will need to be absorbed into existing budgets and into available staff time.
- 20. It is difficult to quantify what the additional costs will be, but it is expected that there will be additional resource requirements needed to meet the biodiversity duty. This will need to be absorbed by relevant officers and could equate to up to £6,000 per year, including on-costs.
- 21. The Council's intention is to blend the additional data collection, monitoring and reporting requirements into the existing systems and processes where this is possible, to reduce the impact on staff time and costs.
- 22. There may be legal implications if the Council was found to not be meeting the biodiversity duty, but it is unclear at this time what the consequences of this would be.

23. The Director of Corporate Resources and Director of Law and Governance have been consulted on the content of this report.

Timetable for Decisions

24. The views of the Committee will be reported to the Cabinet on 17 December 2024, where the Cabinet will be asked to approve the Biodiversity Duty Plan. The Plan will be published on the County Council's website by January 2025.

Circulation under the Local Issues Alert Procedure

25. This report has implications for all electoral divisions and it will be circulated to all Members.

Equality Implications

26. There are no equality implications arising from this report.
27. Following discussions with the Departmental Equalities Group, it has been agreed that the Biodiversity Duty Plan does not need to undertake an Equality Impact Assessment due to the high-level nature of the Biodiversity Duty Plan, and because the Biodiversity Duty Plan is acting as a consolidating document.

Human Rights Implications

28. There are no human rights implications arising from this report.

Environmental Implications

29. Delivery of the Biodiversity Duty Plan is expected to have positive environmental implications, as meeting the biodiversity duty is intended to result in the conservation and enhancement of biodiversity.

Background Papers

Leicestershire County Council Action for Nature: A Strategic Approach to Biodiversity, Habitat and the Local Environment for Leicestershire County Council, June 2021:

<https://www.leicestershire.gov.uk/sites/default/files/field/pdf/2021/8/16/action-for-nature-strategic-approach-to-biodiversity.pdf>

Action for Nature Delivery Plan:

<https://www.leicestershire.gov.uk/sites/default/files/field/pdf/2021/8/16/action-for-nature-delivery-plan.pdf>

Appendix

Leicestershire County Council's Biodiversity Duty Plan

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