

Board/Committee:	Policy and Organisation Board
Date of Meeting:	13 th March 2024
Title:	Briefing on the Council's Biodiversity Duty
Author:	Planning Policy Manager
Status:	For Decision

PURPOSE

To advise Members on how the Biodiversity Duty has been considered by the Council and what actions are proposed.

RECOMMENDATION

That this Board:

- Notes the requirements of the Biodiversity Duty
- Approves the first considerations of our Biodiversity Duty, as attached at Appendix 1
- Approves the preparation of a Biodiversity Report

1 Background

- 1.1 The Environment Act 2021 introduced a strengthened 'Biodiversity Duty' which requires all public authorities who operate in England, including local councils, to consider what they can do to conserve and enhance biodiversity¹.
- 1.2 This duty will contribute towards national biodiversity goals and targets, including the Government's Environmental Improvement Plan 2023², which includes the commitment by 2030 to halt the decline in species abundance and to protect 30% of the UK's land and sea for nature ('30 by 30'). By 2042, the plan aims to increase species abundance by at least 10% from 2030 levels and restore or create at least 500,000 ha of wildlife rich habitats.

2 Report

- 2.1 The biodiversity duty confers three stages upon public authorities, who must:
1. Consider what you can do to conserve and enhance biodiversity.
 2. Agree policies and specific objectives based on your consideration.
 3. Act to deliver your policies and achieve your objectives.

¹ <https://www.gov.uk/guidance/complying-with-the-biodiversity-duty>

² <https://www.gov.uk/government/publications/environmental-improvement-plan>

- 2.2 The first stage required completion by 1 January 2024 and was discussed by the Corporate Management Team in a December 2023 meeting. This report sets out those first considerations for Members to approve.
- 2.3 Once the Council's considerations are approved, work can begin on stage 2, with the Council being required to publish a biodiversity report on its proposed actions no later than 1 January 2026³. This report must include the start and end dates of the reporting period, which cannot exceed 5 years, and an updated report must be published within 12 weeks of the reporting end date.
- 2.4 By law, a biodiversity report from a local planning authority must include:
- a summary of the action the authority has taken to comply with the biodiversity duty.
 - how the authority plans to comply with the Biodiversity Duty in the next reporting period.
 - any other information the authority considers appropriate.
 - the actions the authority has carried out to meet biodiversity net gain obligations.
 - details of biodiversity net gains resulting, or expected to result, from biodiversity gain plans the authority has approved.
 - how the authority plans to meet biodiversity net gain obligations in the next reporting period.
- 2.5 The Council's Biodiversity Report is required to comply with other national biodiversity strategies including the Local Nature Recovery Strategy, which Hampshire County Council is currently preparing in consultation with, amongst other organisations, the Borough Council⁴. In addition, as a local planning authority the biodiversity report needs to comply with the new requirement for developments to provide at least a 10% biodiversity net gain.
- 2.6 Next steps: As mentioned above the table in Appendix 1 is a preliminary consideration of potential actions that the Council could undertake as part of its Biodiversity Duty in order to meet the requirements of the Environment Act. It will now be necessary to set out more detailed actions for the Biodiversity Report in time for the 1st January 2026. This will need to involve an internal working group of officers in relevant service areas with liaison with Members. This will also need to be informed by the forthcoming Local Nature Recovery Strategy being produced by Hampshire County Council. The Biodiversity Report will then be prepared for P&O Board next year for formal Council approval together with details of ongoing reporting and monitoring.

³ <https://www.gov.uk/guidance/reporting-your-biodiversity-duty-actions>

⁴ <https://www.hants.gov.uk/landplanningandenvironment/nature-recovery-hampshire/get-involved>

3 Risk Assessment

3.1 It is legal requirement under the Environment Act 2021 for the Council to comply with the biodiversity duty and report our actions. Non-compliance may lead to a penalty and negative publicity. All biodiversity considerations will have implications for the Council in terms of incurring officer time and resources, but in some instances may also lead to long-term savings. The Biodiversity Duty considerations in this paper will be subject to review before incorporation within a biodiversity report, which itself will be subject to regular reviews. Any issues arising can therefore be considered as part of this process.

Financial Services comments:	We recognise that the cost profile of these schemes may alter over time and we will work closely together to understand the implication and how changes in the budget can best be accommodated.
Legal Services comments:	None
Equality and Diversity:	There are no expected equality and diversity implications in this report.
Climate Change:	The delivery of the biodiversity duty will help to reduce and mitigate the impacts of climate change.
Crime and Disorder	No expected impacts.
Council Plan:	The proposal will assist the strategic priorities of the Council Plan by enhancing the environment.
Risk Assessment:	See Section 3
Background papers:	N/A
Appendices	Appendix 1: Biodiversity Duty first considerations
Report author/ Lead Officer:	Owen Devine, Principal Planning Officer

Appendix 1: Biodiversity Duty first considerations

The table below sets out how biodiversity may be conserved and enhanced by the Borough Council. They are grouped into themes as recommended by guidance.

Consideration	Status	Biodiversity impact	Other impacts / details
Managing land for biodiversity			
Work with HCC Highways to develop opportunities for additional street trees, bushes and wildflowers on verges.	Proposed	Would create additional habitat for wildlife. Would help clean air/water/soil.	Could have an adverse impact upon highway visibility. Likely to have a positive wellbeing impact upon residents. May require a maintenance contribution from GBC.
Recommend certain shrub beds within the Borough are left with weed coverage.	Proposed	Weeds provide additional habitat for wildlife. Would help clean air/water/soil. Less herbicide spraying will have a positive impact upon soil health.	May have a cost saving for GBC. May have an impact upon some resident's expectations.
Recommend areas that could be mown less frequently	Proposed	Would allow grasses and flowers to grow, supporting wildlife.	May have an impact on resident's expectations

		Would help clean air/water/soil.	regarding the standard of grassing cutting, for which Streetscene receive a number of enquires each year.
Where replanting takes place it is recommended that we replace with more indigenous species.	Proposed	Would create more resilient habitats which are better able to support other native species.	May have a higher upfront cost but long-term savings.
Recommendation of moving away from annual bedding to perennials following the scheduled annual planting for the summer of 2024.	Proposed	Would create more bio-friendly habitats that could better support wildlife all year round.	Would have an impact upon some resident's expectations. Would save officer time and cost going forward.
Make space for wildlife			
Securing nutrient neutrality from new developments, which includes the offsetting of agricultural land, usually for conversion to commercial woodlands or a biodiverse habitat.	Current	This requirement has been in place since 2022 and since then a number of developments have had to secure nutrient credits, leading to an increase in woodland/habitats outside of the Borough.	Has had a small viability impact upon development within the Borough. Will lead to improvements in water efficiency within some developments. Will lead to biodiversity enhancements for the wider subregion with sites in Gosport forming part of the ecological

			network.
Delivering biodiversity net gain (BNG) on the recently acquired Alver Marshes site and consider BNG on other Council sites.	Current	Study conducted by HCC indicated that the Alver Marshes and Monk's Walk have potential for BNG enhancements. Further sites will be considered by HBIC.	Has had a small viability impact upon development within the Borough. This is a mandatory requirement by Government.
The inclusion of policies within the emerging local plan relating to new green infrastructure, the delivery of BNG, protection of important habitats and species, and climate change mitigation and sustainable construction.	Current	In combination these policies should help to conserve and enhance a range of habitats within the Borough.	Will contribute to wider environmental goals such as resource and energy conservation and climate change mitigation.
Working with HCC on the delivery of the Local Nature Recovery Strategy	Current	Strategy will identify opportunity areas for biodiversity protection and enhancement on a countywide scale.	Likely to delivery other environmental benefits too.
Enhance protected sites			
Working with Bird Aware Solent and other partners to improve designated sites for Brent Geese and Waders. This includes providing SANGs to deflect recreational visits from sensitive locations.	Recent and current	This requirement has been in place for a number of years and has led to sub-regional green infrastructure improvements, including to the Alver Valley Country Park, to deflect recreational visits from sensitive habitats.	Has had a small viability impact upon development within the Borough. Contributes towards improved health and wellbeing of residents.

GBC's 'Motion for the Ocean & Rivers' commits the Council to help deliver ocean recovery to achieve net zero targets ⁵ .	Recent	Pledge to support improvements in water quality and habitats.	Supports net zero carbon targets.
Working with partners on improving water quality	Current	The Council is part of several working groups involving a range of partners including other public authorities, water companies and volunteer groups to improve water quality and supply throughout the sub-region.	May also lead to water efficiency improvements.
Improve how you manage buildings			
Consider enhancing recycling and water and energy efficiency within the Town Hall	Proposed		Increased resource efficiency could reduce pressure on habitats worldwide. May lead to long-term cost savings for GBC.
Educate, advise and raise awareness			
Educational signage to be displayed where actions to increase biodiversity take place.	Proposed		Increasing awareness may lead to other environmental initiatives.

⁵ <https://democracy.gosport.gov.uk/documents/s4760/Notice%20of%20Motion%20for%20Oceans%20and%20Rivers.pdf>

Greater use of social media to promote local biodiversity initiatives and conservation groups.	Proposed		Increasing awareness may lead to other environmental initiatives.
Review internal policies and processes			
Consideration of 'Climate Change and Biodiversity' within Council Board Reports	Proposed	Would embed biodiversity considerations within Council Board reports.	
Inclusion of biodiversity within the Council's Integrated Impact Assessment	Current	'Biodiversity and quality of habitats' is a consideration within the Council IIA's, which informs policy development or before any decision on making significant changes to an existing policy, strategy or function.	
Delivery of Carbon Literacy courses to officers	Recent		Will help Council to achieve carbon reduction and other environmental improvements.
Undertaking the PfSH Greenprint Framework Light Touch Assessment	Proposed	A light touch assessment of GBC's activities in five key environmental priorities.	May help GBC achieve carbon savings.
Prepare for biodiversity net gain			
Creation of BNG webpage to	Recent	Will assist developers in successfully	

guide developers		delivering BNG within the Borough.	
Preparation of a BNG Protocol to assist officers and developers in the delivery of BNG.	Current	Will assist developers in successfully delivering BNG within the Borough.	