



## Biodiversity Duty Briefing Note

### January 2025

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#### 1.0 Environment Act 2021 and Biodiversity Duty

1.1 [Section 102](#) of the Environment Act 2021 has amended the pre-existing Biodiversity Duty on public bodies in England, within Section 40 of the Natural Environment and Rural Communities Act 2006, to include conserving and enhancing biodiversity.

1.2 [Section 40 Duty to conserve and enhance biodiversity](#) now states:

*“(A1) For the purposes of this section “the general biodiversity objective” is the conservation and enhancement of biodiversity in England through the exercise of functions in relation to England.*

*(1) A public authority which has any functions exercisable in relation to England must from time to time consider what action the authority can properly take, consistently with the proper exercise of its functions, to further the general biodiversity objective.*

*(1A) After that consideration the authority must (unless it concludes there is no new action it can properly take)—*

*(a) determine such policies and specific objectives as it considers appropriate for taking action to further the general biodiversity objective, and*

*(b) take such action as it considers appropriate, in the light of those policies and objectives, to further that objective.”*

1.3 [Section 103](#) of the Environment Act further amends the pre-existing Biodiversity Duty by inserting [Section 40a](#), which prescribes a requirement for monitoring and reporting.

1.4 This timetable set out within the Environment Act with regard to the Biodiversity Duty is as follows:

Consideration

By 1st Jan 2024

Create plan

“As soon as practicable after the completion of the consideration”

Review Plan

Every 5 years

Report on progress

By 14th Jan 2026 then at least every 5yrs

1.5 Along with these specific modifications, the Environment Act also includes several other significant changes with regard to biodiversity and Local Government

including Biodiversity Net Gain, Local Nature Recovery Strategies and a new national body to oversee environmental compliance (Office of Environmental Protection).

### **Progress to date within TWC**

- 1.6 Key managers and officers met to discuss implications and initiate the Duty's "consideration" stage. A draft consideration report was prepared.
- 1.7 A meeting of Service delivery managers and Directors took place on 2<sup>nd</sup> December 2024 to discuss allocation of Biodiversity Duty topics across the Council.
- 1.8 Following this, an action planning spreadsheet has been created. The aim of this is to use the government's published topics and split these out into specific SMART based actions with accountable lead officers across the Council. These topics are presented in Appx 1.
- 1.9 The spreadsheet has been designed to incorporate some of the Natural Capital Assessment aspirations set out in Government advice, whilst reducing the extent of the time resource that this would entail to undertake. Therefore, it includes broad categories for recording expected resource expenditure/saving, community impact and scale of geographical impact, using the professional judgement of the lead officer. A list of the data fields used is given in Appx 2.
- 1.10 This has been tested within Development Management and is now being completed by Environment and Neighbourhood Teams, as the majority of topics fall to these teams.
- 1.11 Following feedback, this will be distributed to teams across the Authority in early February with support provided by Development Management. This timescale dovetails with that of the Local Nature Recovery Strategy's workshops for Local Authorities, which will also be investigating local priorities for biodiversity.
- 1.12 It is anticipated that this action plan spreadsheet should be completed by mid-March. From here it will be appended to a refreshed Biodiversity Duty Consideration Report and progressed for corporate approval and adoption.
- 1.13 TWC will then be required to publish our first monitoring report on our delivery of our Biodiversity Duty by 14<sup>th</sup> Jan 2026. It will also need to include specific elements of the delivery of Biodiversity Net Gain by Development Management.
- 1.14 From there on, our corporate Biodiversity Duty plan must be reviewed and reported at least once every five years.

## **Appendix 1. Topics being developed into corporate actions**

The following topic areas have been taken from the Government's webpage ["Complying with the biodiversity duty: As a public authority, understand what the biodiversity duty is and how to comply with it"](#).

### Actions in national parks or National Landscapes (areas of outstanding natural beauty):

- Helping to develop and implement management plans for national parks or National Landscapes
- Making improvements to nature in these areas

### Consider biodiversity in development plan making and decisions

#### Consider relevant strategies:

- Local Nature Recovery Strategy
- Consider relevant strategies: Protected Site Strategies
- Species Conservation Strategies

#### Consideration process:

- Check existing data about wildlife and habitats in the area

#### Decision making:

- Consider using the Natural Capital approach for decisions

#### Educate, advise and raise awareness:

- Educate staff on your biodiversity actions and why they're important
- Feature biodiversity in public or internal communications
- Include biodiversity considerations in advice for internal and external clients and service users
- Include the public in projects to improve biodiversity
- Put information boards in green spaces or offer guided walks
- Raise public awareness of how their gardens can support biodiversity, for example by avoiding artificial grass
- Use libraries and museums to raise awareness of biodiversity

#### Enhance protected sites:

- Local Nature Reserves and Local Sites
- Ramsar sites (wetlands of international importance)
- Sites of Special Scientific Interest

#### Improve how you manage buildings:

- Impact of maintenance work to wildlife
- Managing vegetation around buildings
- Managing vegetation around car parks (implied)
- Reduce the use of energy and water to help reduce pollution and address the pressure it puts on wildlife
- Use of chemicals on the premises

#### Make space for wildlife:

- Add green walls or roofs to existing or new buildings
- Build and install nest boxes for birds, bats and other animals
- Farmland – be aware of soil health, water use and waste management and encourage farmers to apply for agri-environment schemes and use pesticides appropriately.

- Plant wildflowers for pollinators
- School grounds – create gardens, ponds, meadows or woodlands to improve biodiversity and aid education
- Hard landscaping (not explicitly in guidance but implied)

#### Manage land to improve biodiversity:

- Aid landscape recovery
- Allotments
- Amenity spaces and communal gardens
- Canals and rivers
- Cemeteries
- Consider how to manage 'nature corridors' that connect existing habitats
- Consider promoting and encouraging nature-based solutions, restoration of natural processes and landscape recovery on large areas of land.
- Creating dedicated spaces for wildlife
- Field margins and hedgerows
- Implementing measures to prevent the spread of invasive species and plant disease
- Leaving dead wood safely in place in woodlands to provide additional habitat
- Maintaining planted trees to give them the best chance of survival
- Parks and sports fields
- Reducing the use of herbicides, pesticides, peat and water
- Rights of way and access routes
- Roadside and railway verges
- Use Green Infrastructure Framework
- Using native and sustainably sourced trees and shrubs when planting
- Water-dependent habitats
- Woodlands and nature reserves

#### Prepare for biodiversity net gain:

- Consider how existing planning advice and strategies can protect and enhance biodiversity.
- Consider including biodiversity net gain policy in the local plan

#### Review internal policies and processes:

- Light – make sure the design of artificial lighting minimises effects on nature
- Procurement – buy sustainable materials and supplies to reduce the demand on natural resources
- Transport – support sustainable travel to reduce carbon emissions and improve air quality
- Waste – review waste management and recycling processes to reduce water pollution and air pollution from waste transport and landfill
- Water – improve water efficiency to reduce the effect water abstraction can have on sensitive habitats and species

## **Appendix 2. Data fields being used within the Action Plan for each Topic/Action**

The bullet points below are the data fields used within the Action Plan spreadsheet. They are grouped under the headings, presented here in bold and underlined, to aid legibility. The Purpose and Impact fields use drop down lists to select standardised responses to aid entry and collation. Other fields are free text.

The topic lead officer fills out their respective responses using their professional judgement. Support has been made available to them from the Ecology Team.

### **Purpose:**

- Primary impact addressed
- Protect / Enhance
- Type of action

### **Activity:**

#### **What?**

- The government's suggested topic area (see Appx 1.)
- TWC's interpretation/comments/local context
- Action

#### **Where?**

- Location (give identifiable location if site based or n/a for unmappable actions)

#### **When?**

- Start date (e.g. 3.24)
- Expected completion date (e.g. 4.24)

#### **Outcome**

- Measure/s of success (2ha improved, policy adopted etc)

### **Impact:**

#### **Biodiversity**

- Zone of benefit (i.e. where) (Link is provided to GIS for identifying designated sites)
- Duration of benefit
- Scale of change from current state (within zone & duration)

#### **People (Residents, businesses etc)**

- Number of people affected living/ working / using zone of benefit
- Level of impact (for number of people affected in zone of benefit)

#### **TWC resource**

- Saving / Costing
- Quantity of resource

#### **Other**

- Any comments on other impacts

### **Accountability:**

#### **Lead**

- Team
- Officer

Who will support you?

- Inside TWC
- Outside TWC

Monitoring

- Measure/s of success at completion
- Date completed
- Any comments at completion