

TONBRIDGE & MALLING BOROUGH COUNCIL
HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE

19 March 2024

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Information

1 BIODIVERSITY DUTY

1.1 Background

- 1.1.1 The council has a statutory duty to conserve and enhance biodiversity (habitats and species) as set by the Environment Act 2021 and the amended Natural Environment and Rural Communities Act 2006 (NERC Act). This is known as 'the biodiversity duty'. The Department for Environment, Food & Rural Affairs (DEFRA) has published guidance on purpose and compliance.
- 1.1.2 The council must:
- Consider what it can do to conserve and enhance biodiversity.
 - Agree policies and specific objectives based on its consideration.
 - Act to deliver its policies and achieve its objectives.
 - Report on its biodiversity duty actions.
- 1.1.3 To comply, the council must periodically consider the opportunities available across the full range of its functions. The aim is to provide for the enhancement or improvement of biodiversity, not just its maintenance in its current state.
- 1.1.4 The first part of delivering the 'biodiversity duty' is to identify the work of the council that contributes towards the conservation and enhancement of biodiversity. The Biodiversity Duty First Consideration Report in Annex A highlights the main areas of the councils work that help achieve this.
- 1.1.5 Public authorities are then required to publish a biodiversity report by no later than 1 January 2026 and every five years (or less) thereafter and publish all reports within 12 weeks of the reporting period end date. Therefore, it is intended that officers will report annually to Members on progress against these actions and that individual workstreams will be presented to Members as required.

1.2 Legal Implications

- 1.2.1 The general duty to conserve and enhance biodiversity is set out in the Environment Act 2021 and the Natural Environment and Rural Communities Act 2006 (NERC Act) as amended.

1.3 Financial and Value for Money Considerations

- 1.3.1 None.

1.4 Risk Assessment

- 1.4.1 Failure to comply with legislation could result in the Council facing legal action.

1.5 Recommendation

- 1.5.1 HPSSC is asked to note the content of the Biodiversity Duty First Consideration Report in Annex 1.

Background papers:

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Nil

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