

Communities and Environment Scrutiny Select Committee

04 March 2026

Part 1 - Public

Matters for Cabinet - Non-key Decision



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Cabinet Member	Cllr Robin Betts – Housing, Environment and Economy
Responsible Officer	Damian Roberts – Chief Executive
Report Author	Louise Stewart – Climate Change Officer

Biodiversity Duty

1 Summary and Purpose of Report

- 1.1 To set out how the Council is meeting its duty to protect and improve biodiversity under the biodiversity duty.

2 Corporate Strategy Priority Area

- 2.1 Sustaining a borough which cares for the environment.
- 2.2 It contributes to this priority through practical action to protect and enhance habitats and species, improve green infrastructure, and ensure environmental sustainability is embedded in how the Council operates and delivers services.

3 Recommendations

Members are asked to:

- 3.1 **ENDORSE** the report attached at Annex 1; and
- 3.2 **APPROVE** the proposed future actions set out in the report at Annex 1.

4 Introduction and Background

- 4.1 The council has a statutory duty to conserve and enhance biodiversity (habitats and species) as set in 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 its purpose and compliance.
- 4.2 The council must:

- Consider what it can do to conserve and enhance biodiversity.
- Agree policies and specific objectives based on this consideration.
- Act to deliver its policies and achieve its objectives.

4.3 To comply, the council must consider the opportunities 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.

4.4 The first stage 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, published in 2024, highlighted the main areas of the council's work contributing to achieve this.

4.5 The council is then required to publish a Biodiversity Report by 26 March 2026 covering the first reporting period and then every five years (or less) thereafter.

4.6 The Biodiversity Report follows on from the First Consideration Report and provides a record of progress for the first statutory reporting period, covering 1 January 2023 to 31 December 2025.

4.7 In line with guidance, the report includes:

- Actions taken to comply with the biodiversity duty.
- Proposed actions for the next reporting period.
- Actions carried out to meet biodiversity net gain (BNG) obligations.

4.8 The report demonstrates how biodiversity is integrated across departments, embedded within planning and development processes, and promoted through community engagement and land management.

5 Proposal

5.1 Members are asked to endorse the contents of the Biodiversity Duty Report and the council's progress in delivering its statutory biodiversity duty. Members are also asked to approve the proposed future actions set out in Section 6 of the Biodiversity Duty Report.

6 Other Options

6.1 There is no statutory alternative to producing this report.

7 Financial and Value for Money Considerations

7.1 Up to and including 2025/26, the Council received a specific grant (burdens funding) of circa £27,000 per annum to support the production and monitoring of

the Biodiversity Net Gain (BNG) arrangements. The unspent balance was transferred to an earmarked Planning reserve.

- 7.2 Following the Fair Funding Review, this specific grant has been rolled into the Revenue Support Grant from 2026/27 onwards. As at the time of writing, the earmarked reserve stands at £15,000, and the £27,142 received in 2025/26 has been fully expended.
- 7.3 Officers from Financial Services, Planning Services and the Council's Climate Change Officer are currently working together to ensure that the remaining reserve funding is appropriately released to support any additional works required.

8 Risk Assessment

- 8.1 Failure to comply with legislation and produce this report could result in the Council facing legal action.

9 Legal Implications

- 9.1 The 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.

10 Consultation and Communications

- 10.1 This work has been progressed in full liaison with relevant internal services.

11 Implementation

- 11.1 Implementation of the biodiversity duty is underway with delivery embedded into day-to-day operations. This will continue through the next statutory reporting period.

12 Cross Cutting Issues

12.1 Climate Change and Biodiversity

- 12.1.1 Significant impact on reducing emissions in support of carbon neutral by 2030 or enhancing the natural environment.

- 12.1.2 Climate change advice has been sought in the preparation of the options and recommendations in this report.

- 12.1.3 The aim is to provide for the enhancement or improvement of biodiversity, not just its maintenance in its current state.

12.2 Equalities and Diversity

12.2.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

12.3 Other If Relevant

- None

Background Papers	None
Annexes	Annex 1 – Biodiversity Duty Report