

Scrutiny Report: February 2024

Biodiversity: Progress, Delivery and Requirements arising from the Environment Act (2021)

Summary

1. This report provides an update to the Scrutiny panel on the Council's progress in addressing the biodiversity requirements of the Environment Act (2021). This includes the enhanced Biodiversity Duty and reporting requirements, mandatory Biodiversity Net Gain (BNG) and the requirement for a Local Nature Recovery Strategy.

Context

2. Biodiversity informs many aspects of the Council's work and is of strategic importance to the achievement of Corporate, planning policy and programme objectives relating to Southwark's climate emergency. It is widely recognised that the delivery of biodiversity initiatives creates benefits not only for nature, but for the borough's green infrastructure network and 'ecosystem services' (cooling, shading and surface water attenuation).
3. Southwark Council has statutory obligations in relation to biodiversity legislation and policy. It has a legal duty as a 'Responsible Body' to comply with the Biodiversity Duty set out in the Natural Environment and Rural Communities Act (2006) and strengthened in the Environment Act (2021). The latter states that local authorities 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"*. Evidence must be provided in a Biodiversity Report on the action taken and the outcomes of mandatory Biodiversity Net Gain and other biodiversity initiatives. This is a corporate responsibility that cuts across all Council departments, actions and decision making.
4. The Parks and Natural Environment team are leading on the Biodiversity Duty and Reporting requirements. This includes the coordination of biodiversity initiatives within the Council and regionally, including the Local Nature Recovery Strategy (LNRS). The Planning team are leading on the implementation and monitoring of Biodiversity Net Gain through the planning application and development process.
5. The Environment Act states that the Council must first consider what action it intends to take to conserve and enhance biodiversity. The [Government guidance](#) states that consideration should include the measures to be taken by the Council to conserve and enhance biodiversity and the specific objectives to deliver these outcomes.
6. The Southwark Nature Action Plan 2020 (SNAP) currently identifies the strategic priorities for biodiversity and sets out actions to protect and enhance biodiversity in Southwark. Work is underway to update this document in line with the Act's requirements, considering the enhanced biodiversity duty and the regional LNRS. The first subsequent Biodiversity Report setting out progress against the agreed priorities, interventions and objectives must be published no later than 1st January 2026. This will include progress made on the delivery of Biodiversity Net Gain.
7. Biodiversity and the natural environment are a key priority area in the council's adopted Climate Change Strategy where we commit to a 'Thriving Natural Environment' in the

borough. This commitment includes improving biodiversity, introducing new green corridors and making our streets a green place to walk, play and relax. The Action Plan for the strategy includes 14 SMART actions for the Thriving Natural Environment priority area.

8. A £1m allocation for capital projects for green space enhancements and biodiversity improvements was agreed in 2022 in response to Climate Change Citizen Jury recommendations. This allocation is managed by the climate change team and a programme of capital projects is underway with a pipeline of new projects being developed by council teams and external stakeholders.
9. The council's new Climate Resilience and Adaptation Strategy was adopted at cabinet in February 2024 and defines the council's approach to responding to the effects of a change climate. Actions for the strategy will offer opportunities for biodiversity improvements through new green infrastructure and sustainable urban drainage.

General Progress

10. The Planning Policy, Parks and Natural Environment and Climate Change teams have been working closely to ensure that the various strands of biodiversity work are considered and joined up. This includes the new requirements of the Environment Act, as well as existing and proposed biodiversity initiatives within the borough. For example, through the statutory plan-making process, the Council has already designated a wide range of sites for protection for their ecological and greenspace value. The Southwark Plan 2022 included the designation of several new Sites of Interest for Nature Conservation (SINCs) and new allocations of Borough Open Land (BOL). Together, this has contributed to joining up the greenspace network and ecological corridors across the borough and thus the achievement of the strategic objectives set out in the Southwark Nature Action Plan.
11. The Council has a successful track record of enhancing the biodiversity value of its public parks. This includes measures such as eliminating scheduled pesticide use, relaxing mowing regimes, planting meadows, woodlands and hedgerows, creating ponds and sustainable urban drainage schemes, and installing nest boxes, stag-beetle loggeries and insect hotels. Such measures have occurred throughout the borough, including major enhancements in Burgess Park, Russia Dock Woodland, and Peckham Rye Park.
12. There is an extensive tree planting strategy supported by the Tree Management Policy 2020. This is occurring in accordance with Corporate Delivery Plan and Climate Change Action Plan targets to increase tree coverage across the Borough. In addition, Southwark supports a wide range of programmes for community involvement in conservation activities, either organised directly or through Council-supported third-sector partners, such as the London Wildlife Trust, Bankside Open Spaces Trust and The Conservation volunteers.
13. A range of ecology and biodiversity projects are being developed and delivered in close collaboration with the climate change team, in accordance with the Climate Change Strategy's third priority area, a "Thriving Natural Environment". This is supported by capital funding and a dedicated ecology officer. Table 1 in the Appendix summarises a range of biodiversity-related initiatives being delivered by the Council, including those linked with climate change strategy. Furthermore, the Council Delivery Plan includes a

wide range of metrics related to biodiversity and greening, which are reported on quarterly.

Biodiversity Net Gain (BNG)

14. Biodiversity Net Gain is a mandatory component of the Environment Act (2021) and the Council's Biodiversity Duty. It is a way of creating and improving natural habitats by ensuring that development has a measurably positive impact ('net gain') on biodiversity compared to what was there before. From 12 February 2024, BNG will be mandatory for major developments (with some exceptions), classified as developments of over 10 dwellings. Developers must deliver a minimum BNG of 10% over the baseline biodiversity value of the site. Small sites will be required to meet 10% BNG from 2 April 2024.
15. The mandatory requirement for BNG is being led by the Planning department. It is assessed via a two-stage process - at application stage with the submission of a statutory biodiversity metric tool and post-approval, when a Biodiversity Gain Plan must be submitted and approved by the Council before development can legally commence. Biodiversity which is classified by Government guidance as a 'significant' enhancement must be secured using planning obligations or a Conservation Covenant for a period of 30 years. This can be achieved onsite, or offsite, or through 'statutory credits' in exceptional circumstances.
16. It should be noted that Southwark Council will not be able to ask developers to deliver offsite Biodiversity Net Gain on Council-owned land. To do so would require the Council to establish a Habitat Bank Vehicle, a legal entity which would involve the ecological assessment of its land and the establishment of a price per 'biodiversity unit' for each habitat parcel. The units would need to be registered on the Natural England offsite database for purchase by developers, if required.
17. Systems and processes have been implemented to ensure that the Planning department is ready to receive and process applications which include the statutory BNG documentation. Preparation has included training sessions, internal guidance, validation list and pre-application updates and the establishment of a working group. Notable actions to aid implementation have included:
 - The appointment of an Ecologist in the Planning team to lead on the assessment of BNG and a successful bid for £70,000 from the DLUC Skills Funding pot to contribute towards this specialist post.
 - A free GIS mapping trial with data partner Gigl (Greenspace information for Greater London) to map existing ecological data across the borough in a way which is compliant with the statutory Biodiversity Net Gain assessment tool.
 - The inclusion of a monitoring fee for significant BNG in the draft S106 and CIL SPD to cover the cost of the Council's duty to check that biodiversity gains on major developments are delivered over a 30-year period.
 - Achievement of 100% of major sites in Q3 2023/24 achieving the required London Plan Urban Greening Factor target. Whilst non-mandatory, the target is a valuable way of increasing onsite greening through surface coverings such as green walls, green roofs and biodiverse planting. The achievement of the UGF target also contributes towards a site's Biodiversity Net Gain percentage. Achievement of the target has steadily increased following training and greater awareness by applicants and case officers of the benefits of this policy approach.
18. Analysis of applications which have included BNG data has shown that the achievement of BNG generally far exceeds the minimum 10% requirement, given the

low biodiversity baseline value of many urban sites. This has consistently been achieved onsite. The potential to increase the minimum BNG percentage will be investigated as part of the Southwark Plan full review when biodiversity policy P60 is updated. In the meantime, the emphasis from case officers will be on encouraging BNG which is multi-functional, suitable to the site context and joined up with surrounding green space and ecological corridors.

19. The Planning Policy team will monitor the achievement of BNG, including gains expected or achieved and habitat types. This will be fed into the January 2026 mandatory Biodiversity Report. Data will be extracted from the Biodiversity Gain Plans and Habitat Management and Monitoring Plans submitted with planning applications.

Local Nature Recovery Strategy (LNRS)

20. The Greater London Authority (GLA) is the designated responsible authority for producing the statutory LNRS for London. In partnership with other London Boroughs, Southwark will work closely with the GLA to inform the production of the statutory LNRS for London. This regional LNRS, once produced, will inform the actions and strategic direction of Southwark's next biodiversity action plan, which will supersede the SNAP, as required as part of the Council's Biodiversity Duty.
21. To inform the LNRS, the production of the next SNAP will involve reviewing and mapping the Borough's existing areas of importance for biodiversity and identifying opportunities for nature recovery. This will occur through habitat creation, regeneration or enhancement, or where nature recovery can contribute to environmental benefits such as carbon storage and pollution reduction. The work will be carried out within the context of other strategy updates, such as the Green Infrastructure Strategy required by the London Plan.

Next Steps

22. The Planning, Climate Change, and Parks and Natural Environment teams will continue to work together on the achievement of biodiversity initiatives within the borough. Parks and Natural Environment will lead on the Biodiversity Duty, including the periodic reporting requirements, and collaborating with the GLA on LNRS production and implementation. Planning will feed into this with data on the achievement and delivery of Biodiversity Net Gain. The Council's first Biodiversity Report will be published in January 2026, documenting the policies and actions carried out to comply with the Biodiversity Duty.

Appendix

Table of Biodiversity Initiatives by Council Department

Team and Action	Policy/ Initiative/ Task	Lead Team	Cabinet Member
Environment & Leisure			
Southwark Nature Action Plan (2020)	<p>The SNAP provides strategic direction, priorities, and actions to protect and enhance biodiversity and make nature accessible for all in Southwark. It provides over 300 practical actions divided between priority habitat and species action plans that can be implemented by different sectors: private, public and voluntary.</p> <p>The intention is to replace the SNAP with an updated strategy, guided by and informing the production of the London LNRS with the GLA (expected Jan 2025):</p> <ul style="list-style-type: none"> - Review and map the Borough's existing areas of importance for biodiversity. Southwark's nature sites (SINCs) were reviewed in 2015 with 22 additional sites added to the Southwark Plan 2022. - Agree priorities and strategic objectives for nature recovery in the borough - Identify and map opportunities for nature recovery through habitat creation, regeneration or enhancement, or where nature recovery can contribute to other environmental benefits 	Parks and Natural Environment	Cllr Rose
The Southwark Biodiversity Partnership	<p>The SBP is a group of third-sector partners, residents, volunteers, societies, and friends' groups currently managed by Southwark and a principal delivery body of the SNAP. The partnership has successfully raised the profile of biodiversity in Southwark and has delivered many conservation projects, while engaging with the residents and businesses of Southwark.</p> <ul style="list-style-type: none"> - An independent, voluntary, chair is being hired for the group, to provide administrative support and enhance the potential of the group by facilitating funding and collaborative opportunities. 	Parks and Natural Environment	Cllr Rose
Third-sector Ecology and Environment Contracts	<p>Agreements with BOST, LWT and TCV are in place until 2026 for the ecological management of specific sites of natural conservation importance within Southwark, providing added value through delivery of a range of ecological and environmental services such as community engagement, events, and provision of volunteer opportunities</p> <ul style="list-style-type: none"> - Between 2019-2022, collectively delivered 1326 volunteer days, 51,766 volunteer hours, 143 events and 258 training and education days. The 2023-2026 contracts are valued at £88,401 per annum. - Delivery is monitored through an agreed set of KPIs based on identified outcomes in the Common Outcomes Framework. KPI targets for 23-24 have almost all been met by Q3, and will be revaluated for 24-25 	Parks and Natural Environment	Cllr Rose

<p>Community/third-sector conservation involvement schemes</p>	<p>Southwark facilitates, funds, or manages a range of community or third-sector led nature improvement projects, in line with the SNAP objectives.</p> <p><i>Examples of recently completed and active projects include:</i></p> <ul style="list-style-type: none"> - Big City Butterflies: Burgess Park habitat creation with Butterfly Conservation and Friends of Burgess Park. LBS-led habitat works sessions with volunteers to start Jan 2024. - Belair Wood Meadow: To create habitat mosaics for biodiversity and pathways to improve access to nature with Friends of Belair Park. Design consultation held Jul 23. - Tiny Forests: Planting 4 Tiny Forests of around 600 trees with schools and volunteers, facilitated by Earthwatch. 1st forest planted in Peckham Rye Park. 2nd planned for Burgess Park. Site selection ongoing for 3rd and 4th. - Southwark Park Bee Hives: Educational and engagement hives are maintained on agreement in Southwark Park by a local beekeeper, to be renewed in 2024. - Rouel Road Estate: A community gardens and orchard set up in housing amenity space with interest for further biodiversity improvements from the residents in collaboration with Trees for Bermondsey. - Doddington grove Estate Orchard planting: CGS funded project to plant community fruit trees. - Slippers Place Greening: Community gardens, hedge planting and fruit trees planted. - Southwark Blossoms: Planting regime has started for trees in around schools to improve learning environments and biodiversity near schools, with Street Trees for Living. - Lavender Pond improvement: Capital funded project to improve Lavender Pond Nature Reserve site currently managed by TCV. Works completed 2023. - Reuniting Sydenham Hill Woods and Dulwich Woods: Expected project to unite the management of these two woods, includes capital funding to restore infrastructure and woodland habitat, and expand community engagement. Collaborative project between LWT, LBS and the Dulwich Estate. Funding bid submitted to Heritage Lottery Fund Jan 2024. 	<p>Parks and Natural Environment</p>	<p>Cllr Rose</p>
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Parks Projects	<p>In-line with SNAP objectives, parks have adopted widespread nature friendly management practices, while supporting multiple biodiversity enhancement projects.</p> <p><i>Examples of recently completed or active initiatives/projects:</i></p> <ul style="list-style-type: none"> - Since 2018 Parks have had no scheduled use of Glyphosate or other pesticides, and the Cleaning Service has reduced pesticide application from three to two, annually, and is investigating alternatives to weed-control through the Pesticide Reduction Strategy. - Relaxed mowing (e.g., 'No-Mow May') implemented across housing estates, road verges and parks, delivered through engagement with Friends of groups, TRAs, residents and maintenance teams. - New meadows have been planted including in One Tree Hill, Russia Dock Woodland, Dulwich Upper Wood, Peckham Rye Park, Burgess Park, Dulwich Park and Camberwell Old Cemetery. Further meadow restoration projects scheduled for spring 2024 in Burgess Park. - Over 1400m of native hedging has been planted in parks including Burgess Park, Southwark Park, Dulwich Park and GMH - New ponds installed, including in Rockingham Estate, Rouel Road Community Garden and Paper Garden - Russia Dock Woodland SUDs: S106 funded scheme to redirect runoff from Quebec Way estate into Russia Dock Woodland, improving wetland habitat in the park. SUDs design phase ongoing with Metis. - Burgess Park Green wall: Creation of a green barrier wall, planted with wildflowers. Works planned for Spring 2024 - Peckham Rye Park 'Lost Peck' Flood alleviation project: biodiversity enhancements following the construction of two bunds in the park, including perennial and meadow planting. - Two new cut and collect flails for meadow establishment and maintenance purchased through a successful Rewilding London Fund to improve grassland management and increase species diversity in parks - A programme of eradication of Japanese Knotweed is in place and has been eradicated in 30 parks. 	Parks and Natural Environment	Councillor Rose
Biodiversity Monitoring	<p>Ecology team collate biodiversity data from a variety of sources including ecological surveys, local nature recorders, and through an SLA with GiGL, who provide quarterly updates on species and habitat records and maintain SINC information. We report on the National Indicator SDL160 (SINCs in positive management).</p> <ul style="list-style-type: none"> - Currently 89% of Southwark's SINCs are in positive environmental management (3rd in England) 	Parks and Natural Environment	Councillor Rose

Tree Management Policy (2020)	<p>This policy document recognises the positive impact that urban trees have on the environment, biodiversity, and the health and wellbeing of Southwark residents. It aims to maintain a healthy, protected and sustainably managed treescape, through a set of strategic objectives:</p> <ul style="list-style-type: none"> - manage existing tree stock in accordance with good practise - maintain a general presumption against the removal of trees and aim - recognise the relationship between trees and the urban environment, promoting a "right tree, right place" philosophy - continue to ensure protection of trees and woodlands subject to TPOs, in Conservation areas and SINCS - promote the value of trees to residents, business and the developers 	Parks and Natural Environment	Cllr Rose
Tree Planting Programme	<p>Since 2020, 27,797 trees have been planted across the Borough, delivering the Tree Management Policy, Corporate Deliver Plan and Climate Change Action Plan Targets</p> <ul style="list-style-type: none"> - Audit of Borough's tree stock with condition and drone surveys underway and on track for 23-24: currently at 97,770 trees (Q3). - Tree planting sites identified with active engagement with Friends of Groups, TRAs, Trees for Bermondsey, Herne Hill Tree Watch, Southwark Nature Action Volunteers and more. - 107 volunteers actively engaged in spring 2023 Peckham Rye Park Tiny Forest planting. 6 schools are currently engaged with tree-planting this season 	Parks and Natural Environment	Cllr Rose
New Ecologist appointed	<p>Tree Planting officer appointed in June 2023 and Ecologist appointed in November 2023 to lead on Council tree planting and biodiversity initiatives.</p>	Parks and Natural Environment	Cllr Rose

Climate Change Team			
Climate Change Strategy and Action Plan	<p>The third priority area within our Climate Change Strategy is a 'Thriving Natural Environment' where we will:</p> <ul style="list-style-type: none"> - Improve biodiversity and introduce new green corridors to help wildlife to move. - Make our streets a green place to walk, play and relax. - Further increase tree canopy coverage across the borough with more planting, ensuring any loss of existing trees cover is a last resort and that those trees are replaced. - Increase food growing in the borough, expanding allotments and community gardening. - Enable building and development that works alongside and enhances our natural environment. <p>The Action Plan for the strategy includes 14 SMART actions for the Thriving Natural Environment priority area:</p> <ul style="list-style-type: none"> - Create greener streets with more planting (4 actions) - Increase tree coverage across the borough (2 actions) - Residents have greater access to nature (2 actions) - Building and development works alongside and enhances the natural environment (4 actions) - Define an offsetting strategy for residual emissions (2 actions) <p>Delivery of these action points is shared with relevant council teams</p>	Climate Change Team	Cllr McAsh
Climate Resilience and Adaptation Strategy and Action Plan	<p>This new strategy will be/was adopted on 6 February 2024 and focus on adapting the borough to a changing climate. Two of the priority areas, overheating and flooding, will offer opportunities for new and enhanced biodiversity and green infrastructure through new physical projects.</p>	Climate Change Team	Cllr McAsh
New Ecologist appointed	<p>Ecologist joined the council in January 2024 to implement Ecology and Biodiversity initiatives and projects which form part of the Climate Change Strategy. £980k capital funding is available to fund projects the deliver Climate Change Strategy action points and wider projects. Project development is in preliminary stages.</p>	Climate Change Team	Cllr McAsh

Planning Policy			
Use of the Southwark Plan (2022) policies through Development Management	Several policies in the Southwark Plan aim to retain and enhance biodiversity. These are P57 Open Space, P58 Open water space, 59 Green Infrastructure, P60 Biodiversity, P61 Trees. Review of these policies will occur as part of the Southwark Plan review.	Planning Policy	
Southwark Plan review	The review of the Southwark Plan will involve the development of an updated evidence base to support the updated policies. This which will include a Green Infrastructure Strategy and updated Open Space Needs Assessment. Both strategies are an opportunity to identify where additional greening and biodiversity can be incorporated in the revised spatial plan for the borough.		
Climate and Environment SPD	Guidance will be included on green infrastructure, trees and biodiversity to support policies P59, P60 and P61. The SPD is scheduled for Cabinet in June 2024.	Planning Policy	Cllr Dennis
Biodiversity Net Gain	Systems and processes relating to biodiversity net gain have been implemented within the Planning department and case officers trained. Has included training, guidance, updating Validation checklist and pre-application templates. New Ecologist started in January 2024	Planning Policy	Cllr Dennis
Appointment of Ecology officer	Ecology officer has been appointed to assess BNG in planning applications and advise on BNG guidance.	Planning Policy	Cllr Dennis
GIS mapping of biodiversity data	A free GIS trial has been secured with data partner GiGL as part of their BNG service development. Phase 2 will map the available ecological data across the borough in a manner which is compliant with the BNG statutory assessment tool.	Planning Policy	Cllr Dennis
BNG Reporting	A data system is being designed to capture BNG data, including biodiversity units, percentage uplift and type of habitat. This data will feed into the Council's first Biodiversity Report, due to be published in January 2026.	Planning Policy	Cllr Dennis