

Meeting Name:	Cabinet
Date:	16 September 2024
Report title:	First Consideration of the Strengthened Biodiversity Duty, arising from the Environment Act 2021
Cabinet Member:	Councillor Portia Mwangangye, Neighbourhoods, Leisure, and Parks
Ward(s) or groups affected:	All
Classification:	Open
Reason for lateness (if applicable):	N/a

FOREWORD - COUNCILLOR PORTIA MWANGANGYE, CABINET MEMBER FOR NEIGHBOURHOODS, LEISURE, AND PARKS

Southwark Council has long recognized that protecting and enhancing biodiversity is crucial to the wellbeing of the borough, and, as such, has made it a priority. Accessible, biodiverse, open spaces provide healthy environments for all our residents, helping to reduce health inequality, and making access to nature available to all.

In Southwark, we are committed to taking action for biodiversity, raising awareness, and engaging residents with nature at all levels. Our goal is to involve all our communities, especially those with protected characteristics or limited access to nature, in delivering our biodiversity policies and activities.

It is well documented that biodiversity is in crisis, with species and habitats declining both globally and nationally. The Environment Act's strengthened Biodiversity Duty acknowledges the central role local authorities have in tackling this crisis.

Southwark has a successful track-record of enhancing the biodiversity value of our public spaces by planting meadows, woodlands and hedgerows, creating ponds and stag-beetle loggeries, reducing pesticide use, and relaxed mowing schedules.

We have continued to protect nature by extending protection to new Sites of Importance for Nature Conservation, creating healthy and thriving natural environments through our tree planting and community gardening programmes, and cleaning our air and combating climate change by making our streets greener and more resilient to extreme weather.

We are proud of Southwark's long legacy for delivering for nature, and for supporting our valued third sector partners who manage nature reserves, provide environmental

education, and deliver outreach and engagement for communities across the borough.

This First Consideration of the strengthened Biodiversity Duty is an opportunity for us to showcase the extensive ongoing action being taken in Southwark for biodiversity, as well as our ambitious plans for the future.

RECOMMENDATIONS

That Cabinet:

1. Note and support the requirement to meet the strengthened Biodiversity Duty, introduced by the Environment Act 2021.
2. Approve this report and its appendix as our statutory First Consideration of the strengthened Biodiversity Duty.
3. Note the new reporting requirements of the Duty, including the publication of a first Biodiversity Report no later than 12 weeks from the end of the reporting period on 1 January 2026. This must detail the actions taken and progress made for biodiversity over the reporting period (1 January 2024 – 1 January 2026), and the objectives and policies in place to meet the Biodiversity Duty in the next reporting period.
4. Note that subsequent Biodiversity Reports must be published every five years thereafter, or within 12 weeks of the reporting end date.

REASONS FOR RECOMMENDATIONS

5. Southwark is committed to protecting biodiversity and increasing access to nature, continuing the council's long legacy of action for the environment. Biodiversity is in crisis, with species and habitats suffering global and national declines. Protecting and enhancing biodiversity for both nature and people not only meet the requirements of the Biodiversity Duty but is key to the health and wellbeing of the borough.
6. The reporting requirements of the strengthened Biodiversity Duty is an opportunity to enhance our approach towards our biodiversity goals and actions, ensuring regular reassessment of our progress, and maintaining our position as a leading borough for biodiversity protection and enhancement.
7. The council is required to meet the Biodiversity Duty, a legal requirement for all local authorities introduced in the Natural Environment and Rural Communities Act 2006 and strengthened in the Environment Act 2021. Non-compliance leaves the council at risk of legal action, reputational damage, and any resultant negative effects of biodiversity loss on residents and neighbourhoods.

POST DECISION IMPLEMENTATION

8. The following timeline is proposed for compliance with the ongoing

requirements of the strengthened Biodiversity Duty:

Key Activity	End date of Reporting Period
1. First Biodiversity Report demonstrating delivery of agreed policies and actions since First Consideration	1 January 2026. Report to be reviewed by Cabinet and submitted to Defra within 12 weeks of this date
2. Second Biodiversity Report demonstrating delivery of actions since previous report	By 1 January 2031, or within 5 years of the publication of the previous report

9. Ahead of the production of the first Biodiversity Report, the council will continue to deliver on its ongoing commitments and action for biodiversity, while making nature more accessible for residents. The wide range of actions identified to ensure ongoing focus on protecting and enhancing biodiversity are detailed in Appendix 1, including, in summary:

- Creating and restoring habitats within our parks and open spaces, while reviewing land management in line with good ecological practice, with a focus on reducing deficiency in access to nature and health inequalities.
- Using the planning-policy and development system to protect and enhance biodiversity, including through Biodiversity Net Gain and other regional and national policies.
- In partnership with third-sectors, local groups, and community organisations, engaging residents with biodiversity, particularly those with limited access to nature, through providing education, outreach and collaboration opportunities projects across the borough.
- Continuing to evaluate progress through Key Performance Indicators linked to agreed policies and objectives for biodiversity, as summarised below in paragraphs 27-40 and Appendix 1.

BACKGROUND INFORMATION

10. Southwark has a long legacy and strong track record of protecting and enhancing our natural environment. Biodiversity is a central priority for the council, considered across departments and functions, with multiple objectives and commitments within several major policies. Our current Southwark Nature Action Plan 2020 (SNAP) identifies the strategic vision for biodiversity in the borough, building on the success of previous biodiversity strategies dating back almost twenty years. The council welcomes the requirements arising from the Environment Act 2021 as an opportunity to build upon our historical achievements and reinforce our ongoing action for biodiversity across the borough.

11. The Environment Act 2021 strengthened the 'Biodiversity Duty' required of

public authorities under the Natural Environment and Rural Communities Act (NERC) 2006. Under the strengthened Duty, Southwark has a statutory obligation to 'consider' what it can do to both 'conserve and enhance' biodiversity.

12. Meeting the Biodiversity Duty is a corporate responsibility that cuts across all council departments, actions, and decision making. Biodiversity already 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.
13. It is widely recognised that the delivery of biodiversity initiatives creates benefits, not only for nature, but also for residents by contributing to the borough's green infrastructure network and 'ecosystem service' provision, such as cooling, shading, surface water attenuation and wellbeing.
14. Biodiversity is in serious decline, nationally and globally. The Biodiversity Duty will contribute to Government targets for the significant improvement of the natural environment laid out in the Environmental Improvement Plan 2023.

By 2030 the Government has committed to:

- Halt the decline in species abundance
- Protect 30% of UK land.

By 2042 the Government has committed to:

- Increase species abundance by at least 10% from 2030, surpassing 2022 levels
- Restore or create at least 500,000 ha of a range of wildlife rich habitats
- Reduce the risk of species extinction
- Restore 75% of our one million hectares of terrestrial and freshwater protected sites to favourable condition, securing their wildlife value for the long term.

Requirements of the Biodiversity Duty

15. The Department for Environment, Food, and Rural Affairs (Defra) have [published guidance](#) on complying with the strengthened Biodiversity Duty. The guidance states that all public authorities operating in England must:
 - Consider what to do to conserve and enhance biodiversity
 - Agree policies and specific objectives based on this consideration
 - Act to deliver these policies and achieve these objectives
 - Report on its Biodiversity Duty actions and outcomes.
16. Southwark must have had completed its 'First Consideration' of what actions it can take to conserve and enhance biodiversity by 1 January 2024, and, based on this consideration, agree on the policies and objectives to have in place to achieve these actions.

17. Agreed policies and objectives must take account of the relevant Local Nature Recovery Strategy (LNRS). For Southwark, this is the London LNRS, which is being produced by the Greater London Authority (GLA) for 2025.
18. A 'Biodiversity Report' must then be published, evidencing the policies, actions and progress Southwark has made towards its biodiversity objectives to improve the environment in the 24 months since 1 January 2024, based on the First Consideration, including the outcomes of mandatory Biodiversity Net Gain (BNG). The end date of the first reporting period should be no later than 1 January 2026, with the Report published within 12 weeks of the reporting end date. Defra has [published guidance](#) on the contents and structure of the Biodiversity Report.
19. Subsequent Biodiversity Reports must be produced within 5 years of the previous reporting period. Each Report must be published within 12 weeks of the reporting end date.
20. The Biodiversity Report must, by law, include:
 - A summary of the policies and objectives in place, and actions taken, to comply with the Biodiversity Duty
 - Plans to comply with the Biodiversity Duty in the next reporting period
 - Details on the consideration of other relevant strategies (i.e., LNRS)
 - Details on BNG, including actions carried out to meet BNG obligations, details of biodiversity gains arising from BNG plans, and plans to meet BNG obligations in the next reporting period
 - Any other information Southwark "considers appropriate" for inclusion in the report, for example, quantitative data.
21. The Biodiversity Report may additionally include optional sections on the council's biodiversity, top biodiversity achievements and challenges, and biodiversity awareness, education, monitoring, and evaluation strategies.

KEY ISSUES FOR CONSIDERATION

Southwark's 'First Consideration'

22. This Cabinet Report and the appendix are presented here as Southwark's First Consideration of the strengthened Biodiversity Duty. Unlike the Biodiversity Report, the Council's First Consideration has no specific structure or contents mandated by the Government Guidance. This presents an opportunity to highlight the council's long-standing commitment to biodiversity, the action taken for biodiversity across the borough, and summarise our objectives for biodiversity going forward.
23. Our Consideration sets out to:
 - A. Highlight the council's primary biodiversity objectives, against which to assess our progress for biodiversity in the first Biodiversity Report.

- B.** Review current action taken for biodiversity by Southwark, and our policies and initiatives in place to comply with the Biodiversity Duty within the next reporting period.
 - C.** Define our consideration of the London LNRS.
 - D.** Detail our plans to meet BNG obligations in the next reporting period.
 - E.** Review our monitoring process of biodiversity data for assessment of our biodiversity baseline and evaluation of agreed policies and actions.
24. This structure follows the defined contents of the Biodiversity Report (set out in paragraph 20 above), to ensure our First Consideration can be used as a baseline reference for the first, statutory, Biodiversity Report published within 12 weeks from 1 January 2026, the end date of the first reporting period.
25. The deadline for the First Consideration was 1 January 2024. It is acknowledged that this report is being brought to Cabinet after this date, but also that officers started work on our initial consideration in mid-2023. Unfortunately, the publication of this report was delayed as it has taken more time than anticipated to develop an appropriate approach, to capture in a clear way, all the work that has been undertaken in relation to its Biodiversity Duty and how best to formally declare that, in accordance with the requirements of the Environment Act 2021.
26. Despite the delay, the First Consideration reporting will evaluate our actions from 1 January 2024.

A. Primary biodiversity objectives

27. Biodiversity is a central priority for the council, with key policies and commitments to conserve and enhance biodiversity for nature and people in the Council Delivery Plan, Southwark Plan, Climate Change Strategy and Action Plan, Climate Resilience and Adaptation Strategy, and the Southwark 2030 Strategy.
28. These commitments and targets form the council's primary objectives for biodiversity, against which our progress for biodiversity should be assessed by 1 January 2026 for the first Biodiversity Report. The most significant biodiversity elements of the key strategies are as follows:

Southwark 2030 sets out the council's ambitious vision and goals for the decade. The strategy's 6th Goal - "A Healthy Environment" – follows on from the results of extensive consultation, demonstrating how high protecting biodiversity is on the public agenda. This includes deliverables to:

- Create more green space and biodiversity for our community to enjoy
- Help people and businesses switch to healthy, clean, and green transport
- Make our buildings energy efficient with clean, green power

The Council Delivery Plan captures the Council's ambitious and wide-ranging plans and actions for Southwark between 2022-26, with themes on

transformation, safety, community, homes, economy, families, and the environment. While climate and biodiversity are inherent in many of the themes and actions, the 'Healthy Environment' commitment has explicit biodiversity actions, which commit the Council to:

- Make Southwark the first inner London council to have over 100,000 trees, so every neighbourhood in Southwark gains more tree canopy cover
- Work with local people and schools to plant 20,000 trees
- Create more and better parks and green spaces
- Work with local people to create more nature sites, woodland, and urban planting
- Give communities on estates a new right to a community garden or food growing plot

In response to the climate crisis, Southwark adopted a **Climate Strategy and Action Plan** in 2021. One of its 5 key priorities is a commitment to a 'Thriving Natural Environment', where the council commits to:

- Improve biodiversity and introduce new green corridors to help wildlife to move
- Make our streets a green place to walk, play and relax
- Increase tree canopy coverage across the borough with more planting, ensuring any loss of existing tree 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

In 2024, the council adopted a **Climate Resilience and Adaptation Strategy**, acknowledging the need to respond to the impacts of climate change in the borough. The strategy focus is to work to ensure the borough and its infrastructure is adapted to cope with extremes of heat and flooding using nature-based solutions wherever possible, through measures including:

- Adopting a new Local Flood Risk Management Strategy that recognises the need to adapt to future climate impacts and increase the capacity of sustainable urban drainage systems in the borough and ensure that the approach is integrated alongside the requirement for biodiversity net gain to achieve integrated solutions.
- Updating the Southwark Streetscape Design Manual to include climate adaptation through sustainable design, incorporating nature-based solutions that are more resilient to climate change.
- Ensuring at least 10% of the footprint of new highway and public realm projects is blue-green infrastructure.
- Ensuring climate adaptation is central in biodiversity plans that we prepare, and support residents and businesses in identifying and reporting new and existing pests and diseases.

The council adopted its most recent **Southwark Plan** in 2022. Under the Southwark Plan P60 'Biodiversity' policy, we will ensure development contributes to net gains in biodiversity through:

- Protecting and enhancing the nature conservation value of Sites of Importance for Nature Conservation (SINCs), Local Nature Reserves (LNRs), designated ancient woodland, protected or priority species and habitats
- The inclusion in planning approvals of features such as green and brown roofs, green walls, soft landscaping, nest boxes, habitat restoration and expansion, improved green links and buffering of existing habitats
- Securing, as a minimum, the mandatory 10% Biodiversity Net Gain on all applicable development sites, as required by the Environment Act 2021.

Policy P60 will be updated as part of the review of the Southwark Plan (2022), scheduled for Examination in Public in 2027.

The **Climate and Environment Supplementary Planning Document (SPD)**, in public consultation until 27 November 2024, will also facilitate the delivery of the Council's biodiversity objectives. Clear guidance on green infrastructure, biodiversity and trees provides clear requirements and considerations to ensure that biodiversity and greening is integrated into development proposals and planning decisions.

B. Current and future actions for biodiversity

29. Action for biodiversity is already widely considered and enacted across council departments. The council has a successful track record of enhancing the biodiversity value of its public spaces, conserving nature spaces through planning policy, and engaging residents with biodiversity:
 - Southwark holds 30 Green Flag awards and ranked 1st by Good Parks for London in 2023, which both closely consider biodiversity in their judging criteria.
 - The Southwark Plan 2022 added multiple new Sites of Interest for Nature Conservation (SINCs) to our network of over 90 nature sites.
 - 89% of our SINCs are in positive environmental management, making Southwark the 3rd best local authority in England for SINC management.
 - One of the biggest, most ambitious, tree-planting programs in London.
 - Third-sector organisations supported by Southwark delivered over 27,000 volunteer hours of engagement with biodiversity in 2023-24.
30. Appendix 1 lists Southwark Council's policies, strategies, and functions in place to meet the requirements of the Biodiversity duty, including actions taken to conserve and enhance biodiversity, progress of our actions, and actions we plan to take in the next reporting period.
31. The [Southwark Nature Action Plan 2020](#) (SNAP) is the principal Southwark policy document currently in place, identifying the strategic vision for

biodiversity and setting out the actions to protect and enhance biodiversity that the council can take. The SNAP builds on the successes of two previous biodiversity action plans (2006-2010, 2013-2019), which have guided the conservation and enhancement of Southwark's environment for nature and people since the original 'Biodiversity Duty' was introduced by the NERC Act in 2006.

32. Work is underway to update the SNAP in line with the Environment Act's requirements, considering the strengthened Biodiversity Duty and the LNRS. The SNAP's goals and the ongoing progress made since its publication are summarised in Appendix 1.

C. Local Nature Recovery Strategy

33. The 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, to supersede the SNAP, as required as part of the council's Biodiversity Duty.
34. 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.

D. Biodiversity Net Gain

35. BNG is a mandatory component of the Environment Act and meeting the Biodiversity Duty. Under BNG regulations all new developments (with some exceptions) must deliver a minimum of 10% BNG from the baseline biodiversity of the site.
36. The Planning department's Development Management team are responsible for securing BNG through the development process. The Policy Team are responsible for monitoring BNG. From post-approval, the Planning Policy Team will monitor a range of metrics including delivery of BNG by percentage gain, the number of biodiversity units and type of habitat to meet the mandatory BNG reporting requirements of the Biodiversity Duty.
37. The BNG section of the first Biodiversity Report will include:
 - A summary of the actions carried out to meet BNG obligations
 - Details of biodiversity gains resulting, or expected to result, from BNG
 - A summary of plans to meet BNG obligations in the next reporting period.

E. Monitoring and evaluation

38. Quantitative data is an optional component of the Biodiversity Report but should be included when appropriate. To address the Duty, and accurately review progress on agreed policies and actions, biodiversity metrics associated with the Council Delivery Plan (CDP) and Climate Change Action Plan (CCAP) will be reported, and new metrics developed. Current CDP and CCAP targets relating to biodiversity and further details on quantitative KPI metrics and delivery are listed in Appendix 1.
39. Other existing metrics quantitatively evaluating action taken for biodiversity include (further details on metric delivery listed in Appendix 1):
- The number and area of Sites of Importance for Nature Conservation (SINCs) and Local Nature Reserves (LNRs)
 - The percentage of SINCs in positive environmental management, reported for the National Indicator SDL 160.
 - Good Parks for London rating and the number of parks holding Green Flags, for which biodiversity is a key evaluation factor.
 - Public engagement with biodiversity conservation is measured through volunteer effort KPIs, provided by third-sector organisations delivering ecology and environmental services on behalf of the council.
40. The council's ecology service currently collects biodiversity data from a variety of sources, including ecological surveys, local nature recorders, third-sector reporting, and from GiGL (Greenspace information for Greater London), who provide quarterly updates on species and habitat records, and maintain SINC information. Work is underway to assess the progress and biodiversity improvements made from the SNAP actions, and novel biodiversity data collection streams are continually being explored. This overview of Southwark's biodiversity will be included in the first Biodiversity Report, as an assessment of our biodiversity baseline.

Policy implications

41. This First Consideration report and the SNAP outline the policies, objectives and actions in place to meet the requirements of the Biodiversity Duty. However, the conservation and enhancement of biodiversity under the Duty will itself contribute to a range of council department, regional, and national policies and targets.
42. Meeting the Biodiversity Duty directly links to the Council Delivery Plan (2022) commitment to a "Healthy environment", the Climate Change Strategy (2021) and Action Plan (updated annually) commitments to a "Thriving Natural Environment", and Climate Resilience and Adaptation Strategy (2024), contributing to the associated targets listed in paragraph 28 and Appendix 1.
43. Action taken for biodiversity contributes to several other key council plans, statutory documents and strategies, including:

- Southwark 2030
 - Streets for People 2022-2030
 - The Southwark Plan (2022)
 - Cultural strategy 2017
 - Emerging Local Flood Risk Management Strategy 2024
 - Air Quality Strategy and Action Plan 2017
 - Tree Management Policy 2020
 - Southwark Land Commission 2023
 - Southwark Food Security Action Plan 2019.
44. Biodiversity Duty actions contribute to the delivery of national and regional biodiversity targets, namely the Government's EIP23 targets (listed in paragraph 14), and the London Plan, particularly "Green Infrastructure and Natural Environment" and "Sustainable Infrastructure" policies:
- G1: Green infrastructure
 - G3: Metropolitan open land
 - G4: Open space
 - G5: Urban greening
 - G6: Biodiversity and access to nature
 - G7: Trees and woodlands
 - G8: Food growing
 - SI13: Sustainable drainage
 - SI17: Protecting and enhancing London's waterways

Community, equalities (including socio-economic) and health impact statement

45. Complying with the Biodiversity Duty will have a positive impact on the Community. Actions for the conservation and promotion of biodiversity promote community cohesion by connecting people with nature, providing volunteering opportunities, and fostering positive interactions between people from different communities. Much of the wildlife assets of Southwark are in parks and public spaces, free to all users, and accessible year-round.
46. Corporate and community volunteering are vital in the delivery of the Duty. Southwark has developed regular volunteering with corporate volunteers and will continue to promote volunteering in our open spaces. This includes opportunities with schools, people with disabilities, and underrepresented groups.
47. Meeting the requirements of the Biodiversity Duty will have no detrimental impact to any group or protected characteristic as outlined in the Equalities Act 2010 or the Public Sector Equality duty (PSED) and align with a just transition for our residents in tackling the climate emergency.
48. Many activities to conserve and enhance biodiversity provide novel opportunities for participation with physical activity for members of the public, increasing representation in outdoor activities and promoting resident health

and wellbeing. Access to nature is well documented as beneficial to both mental and physical health.

49. Biodiversity in itself benefits the health of communities through improving air quality, reducing urban temperatures, reducing noise and calming traffic, managing flood risks, and providing amenity value, recreation space and cultural services.

Climate change implications

50. Conserving and enhancing biodiversity can reduce emissions and mitigate against the impacts of climate change, for example, trees both sequester carbon and provide shade.
51. Meeting the requirements of the Biodiversity Duty will directly contribute to the Council's Climate Change Strategy and Action Plan, which commits to a 'Thriving Natural Environment' and an adapted, resilient borough. These commitments include improving biodiversity, introducing new green corridors, making our streets a green place to walk, play and relax and increasing tree canopy cover across the borough. The Action Plan for the strategy includes 14 SMART actions for the 'Thriving Natural Environment' priority area.
52. 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, which will contribute to both climate change and biodiversity objectives.
53. The council's Climate Resilience and Adaptation Strategy, adopted at cabinet in February 2024, defines the council's approach to responding to the harmful effects of a changing climate. Actions resulting from the delivery of the strategy will offer opportunities for biodiversity improvements through new green infrastructure and sustainable urban drainage to tackle flooding and overheating.

Resource implications

54. The costs connected with meeting the Biodiversity Duty will be contained within existing revenue and capital budgets relating to existing biodiversity actions and management within the council.
55. Officers from Parks and Natural Environment are leading on the Biodiversity Duty reporting and monitoring requirements and coordinating with the GLA on the LNRS. Planning Policy officers are leading on the implementation and monitoring of BNG through the planning application and development process.

Legal implications

56. It is a legal requirement for the council to complete a 'First Consideration' of how it can conserve and enhance biodiversity and meet the requirements of the Biodiversity Duty, set out in [section 102](#) of the Environment Act 2021 as

amended from section 40 of the NERC Act 2006. The proposed strategy outlined in this report will ensure the council complies with its statutory requirements. Non-compliance with the Duty is outlined in paragraph 7 of this report.

Financial implications

57. There is no financial cost with the production of this 'First Consideration' report. Future decisions and actions taken for biodiversity, including the reporting requirement of the Biodiversity Duty, should be considered for their potential financial implications.
58. Staffing and any other costs connected with this report will be contained within existing approved Parks & Natural Environment Division revenue budgets.

Consultation

59. The Southwark Biodiversity Partnership (SBP) is a group of third-sector partners, residents, volunteers, societies and friends groups partially managed by Southwark and a principal delivery body of biodiversity objectives in the borough. The group meets quarterly with council officers and were updated on the new requirements arising from the Environment Act including biodiversity duty in February 2024.
60. Consultation on biodiversity projects in the public realm is regularly and extensively carried out with internal departments, external groups, residents, and other users of public space.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Head of Procurement

61. This report does not require a formal procurement concurrent as none of the conditions of the Council's Contract Standing Orders (1.1) apply to the recommendations herein.

Assistant Chief Executive, Governance and Assurance (NST270824)

62. The purpose of this report is to present proposed actions as a first consideration as to how Southwark will meet its statutory biodiversity duty as set. The recommendations include that Cabinet approves publication of the presented Biodiversity Report – First Consideration set out in Appendix 1. The council's primary biodiversity objectives are set out in paragraph 28 of this report. The next steps are set out in paragraphs 8-9.
63. Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 required that: "Every public authority must, in exercising its functions, have regard, as far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity." The Environment Act 2021

subsequently amended Section 40 of the NERC Act 2006 to strengthen this 'biodiversity duty' which now places a legal obligation on public authorities to:

- Consider what they can do to conserve and enhance biodiversity;
- Agree policies and specific objectives based on their consideration; and
- Act to deliver their policies and achieve their objectives.

64. To meet its biodiversity duty public authorities should have completed a 'first consideration' of what action to take for biodiversity by 1 January 2024 and then agree policies and objectives as soon as possible after this date. Agreed actions should then be reconsidered within five years of completion of this 'first consideration' with subsequent rolling reconsiderations at a frequency of no longer than every five years.
65. Consequently, this report has been prepared by officers 'first consideration' report has been drafted by officers and should be read together with Appendix 1 of this report. As 1 January 2024 deadline has passed, this is now overdue. The reason for the delay of this report is explained in paragraph 25 of this report.
66. Section 149 of the Equality Act 2010 imposes the public sector equality duty (PSED) on public authorities in the exercise of their functions, including traffic authorities' under the RTRA 1984. the council, in the exercise of its functions, to have due regard to the need to:
 - Eliminate discrimination, harassment and victimisation;
 - Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it;
 - Foster good relations between persons who share a relevant protected characteristic and those who do not share it.
67. Community, equalities (including socio-economic) and health impact statements are considered in paragraphs 45-49.
68. Council Assembly on 14 July 2021 approved a change to the council's Constitution to confirm that all decisions made by the council will consider the climate and equality (including socio-economic disadvantage and health inequality) consequences of taking that decision. This is considered at paragraphs 50-53.
69. Under Part 3, policy, paragraph 3, it is Cabinet's responsibility to formulate the council's overall policy objectives and priorities (recommending them to council assembly for approval where appropriate). The biodiversity duty reporting mechanism is a new statutory requirement imposed on the council. For this reason, the decision to consider and agree the first consideration of the biodiversity duty has come to Cabinet for decision.

Strategic Director, Resources (FC24/009)

70. The report requests approval from Cabinet to note and support the requirement to meet the strengthened Biodiversity Duty, introduced by the Environment Act 2021, to approve this report and its appendix as our statutory First Consideration of the strengthened Biodiversity Duty and to note other recommendations.
71. The strategic director of resources notes that there will be no immediate financial implications associated with the implementation of the recommendations of this report and notes other comments in the financial implications.
72. Staffing and any other costs associated with this recommendation are to be contained within existing departmental revenue budgets.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
<p>Link: Southwark Nature Action Plan</p>	Southwark Council Website	Liam Nash, Ecology Officer, Liam.nash@southwark.gov.uk
<p>Government guidance on meeting the Biodiversity Duty, including the First Consideration and Reporting requirements: Link: Complying with the biodiversity duty (gov.uk) Reporting your biodiversity duty (gov.uk)</p> <p>Relevant legislation: Link: Environment Act 2021: Section 102 (legislation.gov.uk)</p>	Department for Environment, Food and Rural Affairs 2 Marsham St, London SW1P 4DF	
<p>Climate Change Strategy Link: https://www.southwark.gov.uk/assets/attach/48607/Climate-Change-Strategy-July-2021-.pdf</p>	Southwark Council Website	Tom Sharland, Climate Change Programme Director, tom.sharland@southwark.gov.uk
<p>Climate Resilience and Adaptation Strategy Link: https://www.southwark.gov.uk/assets/attach/254863/Climate-</p>	Southwark Council Website	Climate Change Programme Director,

Background Papers	Held At	Contact
Resilience-and-Adaptation-Strategy-Feb-2024.pdf		tom.sharland@southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Southwark policies, objectives, and initiatives to conserve and enhance nature, and comply with Biodiversity Duty
Appendix 2	Joint Equality Impact and Needs Analysis for Cabinet Report: "First Consideration of the Strengthened Biodiversity Duty, arising from the Environment Act 2021"

AUDIT TRAIL

Cabinet Member	Councillor Portia Mwangangye, Neighbourhoods, Leisure, and Parks	
Lead Officer	Tara Quinn, Head of Parks and Natural Environment	
Report Author	Liam Nash, Ecology Officer	
Version	Final	
Dated	4 September 2024	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRFFECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Assistant Chief Executive, Governance and Assurance	Yes	Yes
Strategic Director of Resources	Yes	Yes
Cabinet Member	Yes	Yes
Date final report sent to Constitutional Team	4 September 2024	