

Biodiversity Update

Tristan Carlyle
Principal Ecology and Biodiversity Officer
27.06.23

Changing Landscape

- Expansion of biodiversity net gain / biodiversity offsetting.
- Strengthened biodiversity duty.
- New reporting requirements.
- Supporting authority for new Local Nature Recovery Strategy.
- Commitment to produce Biodiversity Strategy.

Biodiversity Net Gain

- The principle underpinning net gain is that developers should leave biodiversity better than they found it.
- The Environment Act will require most development to deliver net gain, effectively extending existing planning policy in Oxford.
- Biodiversity metrics are the system of measurement used to determine whether a development delivers net gain.

Oxford Local Plan 2036: Policy G2

Compensation and mitigation measures must offset the loss and achieve an overall net gain for biodiversity. For all major developments proposed on greenfield sites or brownfield sites that have become vegetated, this should be measured through use of a recognised biodiversity calculator. To demonstrate an overall net gain

for biodiversity, the biodiversity calculator should demonstrate an improvement of 5% or more from the existing situation. Offsetting measures are likely to include identification of appropriate off-site locations/projects for improvement, which should be within the relevant Conservation Target Area if appropriate, or within the locality of the site. When assessing whether a site is suitable for compensation, consideration will be given to the access, enjoyment and connection to nature that the biodiversity site to be lost has brought to a locality. A management and monitoring plan might be required for larger sites. The calculation should be applied to the whole site.

The Environment Act 2021

- The Environment Act 2021 has achieved royal assent. However, the sections relevant to biodiversity net gain **have not come into force**.
- Major development will need to comply with the Act from November 2023, minor development from April 2024.
- Some of the key requirements will be:
 - Development must deliver 10% net gain.
 - Habitat must be secured and managed for at least 30 years.
 - Offsite gains will be added to a new biodiversity net gain register.

The Environment Act 2021

- Tasks arising from BNG in relation to development management:
 - Reviewing metrics, biodiversity gain plans, monitoring reports.
 - Securing BNG via condition, obligation, or conservation covenant.
 - Registering and updating information held on BNG (onsite).
 - Undertaking enforcement actions.

Biodiversity Offsetting

- It is the developer's responsibility to propose suitable biodiversity offsetting where required to demonstrate biodiversity net gain.
 - Deliver units on other land under their control.
 - Purchase units from a third-party.
 - Purchase statutory credits.
- Shortage of sites in Oxford.
- Specific challenge to delivery in urban areas.
 - Land prices, access, economies of scale.
- Investigating viability of using Oxford City Council land.

Biodiversity Offsetting

- Key Requirements:
 - Land must be managed for a minimum of 30 years.
 - Management must deliver very specific outcomes.
 - Monitoring must be undertaken to confirm management is successful.
 - Remedial measures required if management is unsuccessful.
 - Included on BNG register (if delivered post-November 2023).

Biodiversity Duty

- Council previously had statutory duty to conserve biodiversity under the Natural Environment and Rural Communities Act 2006.
 - On January 1st 2023 this became a duty to conserve **and enhance**.
- (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.

Biodiversity Duty

- The legislation emphasises the conservation, restoration or enhancement on habitats and species of principal importance (defined under Section 41).
- The Council must also have regard to the relevant local nature recovery strategy (LNRS) and any relevant species conservation or protected site strategy prepared by Natural England.
- Oxfordshire County Council is leading the process of creating a LNRS for Oxfordshire.

Biodiversity Duty

- Oxford City Council must undertake its first 'consideration' by December 31st 2023. Thereafter the Council will need to repeat the process at least once every five years.
- Collating information from across the Council to understand past, present and proposed future actions.
- Aim to assess how effective actions have been and what barriers exist to considering or delivering better outcomes for biodiversity.

Reporting Requirements

- Oxford City Council will need to meet additional reporting requirements in relation to both biodiversity net gain and the enhanced biodiversity duty.
- The first report must be completed by December 31st 2025, with each subsequent report completed within five years.

Reporting Requirements

- (3) A biodiversity report so published must contain—
- (a) a summary of the action which the authority has taken over the period covered by the report for the purpose of complying with its duties under section 40(1) and (1A),
 - (b) a summary of the authority's plans for complying with those duties over the period of five years following the period covered by the report,
 - (c) any quantitative data required to be included in the report by regulations under subsection (8)(b), and
 - (d) any other information that the authority considers it appropriate to include in the report.
- (4) If the authority is a local planning authority, its biodiversity report must also contain—
- (a) a summary of the action taken by the authority in carrying out its functions under Schedule 7A to the Town and Country Planning Act 1990 (biodiversity gain as condition of planning permission) over the period covered by the report,
 - (b) information about any biodiversity gains resulting or expected to result from biodiversity gain plans approved by the authority during that period, and
 - (c) a summary of the authority's plans for carrying out those functions over the five year period following the period covered by the report.

Local Nature Recovery Strategy

- Oxfordshire County Council expected to be responsible authority for producing the LNRS.
- Each LNRS must:
 - Agree priorities for nature's recovery.
 - Map the most valuable existing areas for nature.
 - Map specific proposals for creating or improving habitat.
- Oxford City Council will be a supporting authority, feeding into the LNRS, ensuring it dovetails with the planning system and also reflects local thinking on BNG.

Biodiversity Strategy

- Oxford City Council has committed to producing a biodiversity strategy covering the City of Oxford.
- First step forming a Steering Committee, invitations issued aiming for wide representation, due to host first meeting in July.
- Baseline exercise will be undertaken to pull together the various disparate sources of data and information and generate a baseline understanding of the state of nature in Oxford.
- Identify what the most pressing issues in the areas of ecology and biodiversity are, what solutions may exist to address these, and what can practically be influenced through Biodiversity Strategy.