



ENVIRONMENT, CLIMATE EMERGENCY AND TRANSPORT COMMITTEE

23 October 2023

REPORT TITLE:	BIDIVERSITY & NET GAIN STRATEGY
REPORT OF:	DIRECTOR OF NEIGHBOURHOOD SERVICES

REPORT SUMMARY

The Biodiversity & Net Gain Strategy has been developed as a proactive response to the growing environmental challenges, emphasising the conservation and enhancement of biodiversity within Wirral and our neighbouring regions. The strategy outlines a set of priorities and objectives aimed at protecting and enhancing biodiversity, ensuring its long-term survival, and fostering wider environmental benefits. It encourages the involvement of a broad range of stakeholders, including local communities, businesses, and wildlife organisations, in achieving the outlined objectives.

The strategy aligns with several key national legislations and policies, including the Environment Act 2021, which mandates the conservation and enhancement of biodiversity (under the 'enhanced duty') and the implementation of mandatory Biodiversity Net Gain (BNG) in development projects (from January 2024).

The strategy acts as a framework for change and action that will both be achievable and deliver long term impacts. It represents the Council's first consideration of the actions we can take towards conserving and enhancing biodiversity, including:

- Securing a mandatory 10% Biodiversity Net Gain for all development projects in Wirral.
- Establishing a Biodiversity Action Plan to support priority habitat and species targets.

- Maximising the potential from the council's estate to support biodiversity.
- Harnessing local knowledge and expertise to identify opportunities and solutions to local biodiversity issues.
- Fostering effective communication and engagement to achieve biodiversity goals.

The Biodiversity & Net Gain Strategy aligns with the following Wirral Plan (2021-2026) priority:

Sustainable Futures

Working towards a clean-energy, *sustainable borough* that leads the way in its response to the climate emergency and is environmentally friendly.

This is a key decision.

RECOMMENDATION

The Environment, Climate Emergency and Transport Committee is recommended to approve the Biodiversity & Net Gain Strategy (Appendix 1).

SUPPORTING INFORMATION

1 REASONS FOR RECOMMENDATION

- 1.1 The Environment Act 2021 has introduced an enhanced 'biodiversity duty' for local authorities in England to conserve and enhance biodiversity. As part of this duty, local authorities are required to take steps to conserve and enhance biodiversity in the execution of their functions and must report publicly on the actions they have undertaken to meet this duty.
- 1.2 The first consideration of what actions can be taken must be completed by 1 January 2024, and objectives based on these considerations must be agreed upon as soon as practicable thereafter. This duty aims to ensure that local authorities contribute to the achievement of national goals and targets for biodiversity as outlined in the Environmental Improvement Plan (EIP23). The EIP23 commits to several goals, including halting the decline in species abundance by 2030, protecting 30% of UK land by 2030, and increasing species abundance by 10% by 2042, among other objectives. Local authorities must also embed biodiversity in decision-making processes and deliver mandatory Biodiversity Net Gain.
- 1.3 The first reporting period is no later than 1 January 2026, and every five years thereafter, detailing the actions taken to comply with the biodiversity duty and plans for the next reporting period.
- 1.4 The Biodiversity & Net Gain Strategy represents the Council's 'first considerations' of what actions it can take as well as responding to the pressing global biodiversity crisis. It outlines how the Council will fulfil its statutory function in delivering mandatory Biodiversity Net Gain and its obligations under the 'enhanced' biodiversity duty. It provides a strategic framework for biodiversity conservation in Wirral, aiming to address the root causes of biodiversity loss and promoting sustainable practices that foster wildlife-friendly habitats. In addition, this strategy is not just a Council initiative but a community endeavour, encouraging active participation from local communities, businesses, and wildlife organisations to take positive actions in their neighbourhoods and communities in partnership with the Council.
- 1.5 The strategy facilitates strategic collaboration and knowledge sharing, leveraging local expertise to co-design initiatives and maximise funding opportunities. While acknowledging the financial challenges ahead, it is vital that every initiative is targeted, informed, and will have a tangible impact. The Environment, Climate Emergency and Transport Committee is asked to recommend this strategy as it presents a proactive blueprint for safeguarding and enhancing Wirral's rich biodiversity for both now and future generations.

2 OTHER OPTIONS CONSIDERED

- 2.1 The Environment Act 2021 imposes a clear legal duty on local authorities to actively conserve and enhance biodiversity. Moreover, the introduction of the mandatory Biodiversity Net Gain requires developments to demonstrate a 10% increase in biodiversity, therefore the 'do nothing' option is not feasible or appropriate. A passive stance would not only risk the decline of vital ecosystems and species but also forfeit the many benefits that a thriving biodiversity brings to Wirral's communities, including ecosystem services and contributions to human well-being. At this critical point, inaction would fail to uphold the Council's legal responsibilities and there would be a missed opportunity to foster a resilient, sustainable, and vibrant local environment for the present and future generations of Wirral.

3 BACKGROUND INFORMATION

- 3.1 Biodiversity, the natural world around us, encompasses all living things that make up our environment. It is facing unprecedented threats globally, including habitat destruction, climate change, pollution, and overexploitation of natural resources. These threats are driving the decline of many species, putting the functioning of ecosystems and the services they provide at risk. The International Panel on Biodiversity and Ecosystem Services (IPBES) has highlighted the gravity of biodiversity losses worldwide, urging rapid action to prevent worse consequences.
- 3.2 In response to these challenges, the Council has developed this strategy to address the conservation and enhancement of biodiversity within Wirral. This strategy outlines a set of priorities and objectives to protect biodiversity, ensuring its long-term survival and supporting the delivery of wider environmental benefits. The Council aims to involve a broad range of stakeholders, including local communities, businesses, landowners, and Wirral's many wildlife organisations, in achieving these objectives.
- 3.3 The strategy also seeks to empower individuals, communities, and businesses to take positive actions in their neighbourhoods, delivering positive outcomes for biodiversity.
- 3.4 The strategy represents a consolidation of commitments and objectives for biodiversity in Wirral. It identifies strategic links to work together, co-design initiatives, maximise funding opportunities, and share learning, knowledge, and expertise. This collaborative approach will leverage the knowledge of local ecosystems, species, and habitats to identify priority areas and species for inclusion in our subsequent Biodiversity Action Plan and ongoing biodiversity activities.

Biodiversity in Wirral

- 3.5 Wirral has a unique biodiversity offer, boasting a rich variety of habitats ranging from pastoral landscapes to coastal scenery, and home to a host of remarkable species. The borough contains numerous designated sites, including 12 Sites of Special Scientific Interest (SSSIs) that are nationally significant for the biodiversity and geological features they support, as well as many Local Wildlife Sites that often shelter priority or nationally threatened habitats and species. These sites, along with renowned parks such as Birkenhead Park, Wirral Country Park, and various nature reserves, present an exciting opportunity to further conservation efforts. The vibrant biodiversity in Wirral not only forms the backbone of functioning ecosystems but also serves as vital corridors for various species, offering a unique chance to enhance sites and promote even greater biodiversity. By harnessing the wealth of local knowledge and fostering community action, the Council has an opportunity to build upon the existing initiatives and spearhead transformative conservation and enhancement projects.

4 FINANCIAL IMPLICATIONS

- 4.1 In the current financial landscape, implementing the initiatives suggested in the Biodiversity & Net Gain Strategy may pose a significant challenge. However, it is imperative to view these initiatives as a vital investment towards improving the ecological health of Wirral's biodiversity.
- 4.2 To navigate these financial challenges, the strategy proposes a range of creative funding solutions. Firstly, partnerships with local businesses, environmental Non-Governmental Organisations, and community groups would allow the Council to pool resources and expertise. Collaborative efforts will also foster community engagement and potentially unlock additional funding streams.
- 4.3 Furthermore, the strategy presents an exciting opportunity to develop habitat banks within the borough. These habitat banks can serve as a reservoir of biodiversity, conserving and enhancing valuable habitats. By establishing habitat banks, the council can generate ring-fenced funding through the sale of Biodiversity Net Gain (BNG) units to developers, as mandated by the Environment Act 2021. This not only creates a self-sustaining funding mechanism but also encourages responsible development practices within the borough.
- 4.4 To support local authorities in fulfilling their new duties under the Environment Act 2021, it is anticipated there will be grant opportunities from governmental and non-governmental organisations dedicated to environmental conservation. By identifying and securing various targeted

and broad conservation grants and funding the Council can ensure the delivery of specific interventions within the strategy.

Section 31 Funding – Biodiversity Net Gain transitional funding

- 4.5 Section 31 funding (as contained in the Local Government Act 2003) allows a Minister of the Crown to pay a grant to a local authority in England towards expenditure incurred or to be incurred by it. In this case, Defra has committed to providing ring-fenced Section 31 funding to local authorities in England for the purpose of preparing for mandatory Biodiversity Net Gain. The Council has received £36,854 for the 21/22 and 22/23 financial years and is due to receive a further £26,854 for 23/24 subject to satisfactory evidence of spend submissions. The Council is using this funding to secure training, develop new processes, undertake assessments of the Councils estate and cover officer time.

5 LEGAL IMPLICATIONS

- 5.1 The delivery of the initiatives outlined in the Biodiversity & Net Gain Strategy is governed by several legal frameworks that impose statutory duties on the Council, particularly as the Local Planning Authority.
- 5.2 The Environment Act 2021 mandates a significant enhancement of the 'biodiversity duty' for local authorities in England. It requires the Council to ensure that any development approved results in a measurable, verifiable, and long-term improvement to the biodiversity related to the development site. The Act also introduces provisions for Biodiversity Net Gain (BNG) within the Town and Country Planning Act 1990, stipulating conditions for planning approval relating to BNG. The Council is also required to develop and maintain robust policies at a local level to ensure the delivery of BNG.
- 5.3 The Natural Environment and Rural Communities Act 2006 imposes a 'General Biodiversity Duty' on all public authorities in England, including local authorities, to consider the conservation and enhancement of biodiversity when executing their functions.
- 5.4 The EIP23 sets forth national goals and targets for biodiversity, including halting the decline in species abundance by 2030 and protecting 30% of UK land by the same year. The Council must align its actions with these targets and report publicly on its efforts to conserve and enhance biodiversity, with the first reporting period being no later than 1 January 2026, and every five years thereafter.
- 5.5 It is important that the Council adheres to these legal frameworks.

6 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

- 6.1 Implementing the initiatives outlined in the strategy will require various resources. A critical component of this is the development of in-house expertise, where the Council aims to develop a team of skilled officers with knowledge and experience in habitat management and biodiversity conservation. This expertise will facilitate ecological assessments and the design of appropriate and targeted conservation measures. To achieve this, the Council is in the process of recruiting an ecologist to coordinate Biodiversity Net Gain (BNG) initiatives and other actions outlined in the strategy. This role will also be instrumental in steering the development of habitat banks, where the Council can play a key role in creating, restoring, or enhancing habitats to offset the ecological impacts of development. The Council is also committed to leveraging the wealth of local data, knowledge, and expertise to identify opportunities and solutions to local biodiversity issues.

7 RELEVANT RISKS

- 7.1 As outlined in Section 5 there are a number of legislative frameworks that the Council must adhere to in relation to biodiversity and biodiversity net gain. Not delivering on these new duties could risk legal challenge, cause significant delays to the planning process, and cause reputational damage. This strategy serves as a clear consideration and incorporation of these frameworks into Council operations and supports BNG readiness ahead of mandatory BNG in January 2024.

8 ENGAGEMENT/CONSULTATION

- 8.1 The Council undertook a public consultation on Biodiversity and BNG from June 26, 2023, to July 24, 2023. The consultation aimed to gather public opinions on the biodiversity in Wirral, focusing on understanding the awareness, importance, and key themes of biodiversity. It also sought to identify the threats and challenges to biodiversity in Wirral and gather views on the proposed key priorities for Wirral's Biodiversity and Net Gain Strategy. The consultation was conducted online through the 'Have your say' portal, where respondents could engage with an online questionnaire, an ideas board, and a map tool. The key outcomes include:

- A total of 116 people engaged with the consultation, with 111 completing the questionnaire.
- A significant majority (89.2%) of respondents were aware or very aware of biodiversity, and 92.7% considered biodiversity to be important or very important for Wirral and its communities.

- The most agreed-upon biodiversity themes were supporting natural ecosystems (87.4%), conserving biodiversity for future generations (85.6%), and creating wildlife corridors (84.7%).
- The greatest perceived threats to biodiversity in Wirral were development (80.2%), habitat loss (71.2%), and land management practices (62.2%).
- The priority that respondents agreed with the most was "Harness the wealth of local knowledge and expertise to identify opportunities and solutions to local biodiversity issues."

9 EQUALITY IMPLICATIONS

- 9.1 The equalities impact assessment for this report can be found here: <https://www.wirral.gov.uk/communities-and-neighbourhoods/equality-impact-assessments>

10 ENVIRONMENT AND CLIMATE IMPLICATIONS

- 10.1 The strategy outlines a clear relationship between biodiversity conservation and climate change mitigation, emphasising that actions fostering biodiversity can also mitigate climate change impacts and vice versa. The strategy acknowledges the direct and indirect impacts of climate change on biodiversity, including shifts in species distribution, and altered seasonal and extreme weather events. It also notes the exacerbating effect of biodiversity loss on climate change, particularly through the reduction of carbon storage capacity in ecosystems and impacts on other ecosystem service provision. This directly aligns with the Council's Environment and Climate Emergency Declaration (2019), which commits to significant biodiversity enhancement initiatives, including expanding wildlife habitats and doubling the region's tree canopy cover. This holistic approach aims to foster resilient ecosystems capable of adapting to changing conditions, safeguarding biodiversity in Wirral.

11 COMMUNITY WEALTH IMPLICATIONS

- 11.1 The strategy aligns with the priorities of Wirral's Community Wealth Building Strategy 2020-2025, including:

Plural Ownership of the Economy

The strategy encourages community engagement and collaboration, fostering a sense of ownership and stewardship over local natural resources and biodiversity. The strategy will rely on a mix of delivery and ownership models such as community organisations and partnerships to secure long term outcomes of its initiatives.

Progressive Procurement of Goods and Services

The strategy can influence procurement practices by encouraging the sourcing of local goods and services for biodiversity projects, maintaining a dense local supply chain comprising small enterprises and community organisations.

Socially Just Use of Land and Property

The strategy is underpinned with responsible and sustainable use of land and property to conserve and enhance biodiversity, promoting sustainable land use practices and management that benefit the community and the environment.

Making Financial Power Work for Local Places

The strategy outlines potential revenue-generating initiatives, such as the development of habitat banks and the sale of BNG units to developers, which can create new financial resources that benefit local places whilst ensuring development gives back more than it takes.

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APPENDICES

Appendix 1 – Biodiversity & Net Gain Strategy 2023-2028 (The PDF file may not be suitable to view for people with disabilities, users of assistive technology or mobile phone devices. Please contact jamesroberts@wirral.gov.uk to request this document in an accessible format)

Appendix 2 – Wirral’s Biodiversity Consultation Report

BACKGROUND PAPERS

Tree, Hedgerow and Woodland Strategy 2020-2030
Wirral Council Pollinator Strategy 2022-2030
Wirral Council Environment and Climate Emergency Action Plan
<https://www.wirral.gov.uk/about-council/climate-change-and-sustainability/environment-and-climate-emergency-action-plan>
Cool2 Strategy – December 2019

TERMS OF REFERENCE

This report is being considered by the Environment, Climate Emergency & Transport Committee in accordance with section (a) of its Terms of Reference, in co-ordinating the response to cross-cutting sustainability issues such as reducing carbon emissions, air quality issues, climate change response, improving resource efficiency and developing sustainable energy.

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Na	na