



## **ENVIRONMENT, CLIMATE EMERGENCY AND TRANSPORT COMMITTEE**

**TUESDAY 3 DECEMBER 2024**

<b>REPORT TITLE:</b>	<b>BIODIVERSITY &amp; NET GAIN STRATEGY PROGRESS UPDATE REPORT</b>
<b>REPORT OF:</b>	<b>DIRECTOR OF NEIGHBOURHOOD SERVICES</b>

### **REPORT SUMMARY**

On 23 October 2023, the Environment, Climate Emergency and Transport Committee approved the Council's Biodiversity & Net Gain Strategy (B&NG) in response to:

- Environment and Climate Emergency Declaration by the Council in July 2019;
- The Enhanced Biodiversity Duty for public authorities that came in to force on 1 January 2023, and
- Biodiversity Net Gain legislation (Environment Act 2021).

The overarching objectives of the strategy are to actively enhance and protect biodiversity on Wirral, through strategic collaboration with partners and our local community, leveraging local expertise and knowledge sharing. While acknowledging the financial challenges ahead, it is vital that every initiative is targeted, informed, and will have a tangible impact.

This report provides the first annual report on the Council's progress in the delivery of the strategy and identifies key priorities for 2025.

The B&NG Strategy aligns with the following Wirral Plan (2023-2026) priority:

Theme 5: working together to protect our environment.

One of the commitments is to 'Implement the Biodiversity & Net Gain Strategy'.

This is not a key decision. This is relevant to all wards.

## **RECOMMENDATION**

The Environment, Climate Emergency and Transport Committee is recommended to;

1. note the progress of the Biodiversity & Net Gain strategy 2023-2028; and
2. approve the priority actions for 2024/2025 for the Biodiversity & Net Gain Strategy outlined in the progress update report.

## **SUPPORTING INFORMATION**

### **1.0 REASONS FOR RECOMMENDATION**

- 1.1 The Environment Act 2021 has introduced an enhanced 'biodiversity duty' for Councils in England to conserve and enhance biodiversity. As part of this duty, Councils 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. The first reporting period on the Council's enhanced biodiversity duty is no later than 1 January 2026, and every five years thereafter, detailing the actions that are proposed to comply with the biodiversity duty and plans for the next reporting period.
- 1.2 This progress update report is the annual review of the actions and projects that have taken place as part of the Council's Biodiversity & Net Gain (B&NG) Strategy, and those that are underway. It also outlines the priorities for 2025 in order to achieve the aims and objectives in the strategy, as well as the work towards the Government's Environmental Improvement Plan (EIP23) commitments.
- 1.3 The B&NG 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.

### **2.0 OTHER OPTIONS CONSIDERED**

- 2.1 The Environment Act 2021 imposes a clear legal duty on local authorities to actively conserve and enhance biodiversity. 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.
- 2.2 The alternative is not to deliver on the Council's biodiversity commitments. However, the Environment Climate Emergency and Transport (ECET) Committee approved the B&NG Strategy in October 2023 and therefore this was not considered as a viable option.

### **3.0 BACKGROUND INFORMATION**

- 3.1 The Council approved the B&NG strategy in October 2023 to address the conservation and enhancement of biodiversity within Wirral, and to comply with its legal obligations to actively enhance and protect biodiversity. This progress update reports on the work that has been done since the

approval of the strategy and looks ahead of the work that is planned for 2025.

### ***Strategy objectives***

3.2 The 6 overarching objectives of the strategy are:

**Objective 1** – to establish a biodiversity action plan which outlines deliverable measures to support priority habitat and species targets in line with the Liverpool City Region local nature recovery strategy and forthcoming protected site and species strategies.

**Objective 2** – the delivery of mandatory 10% biodiversity net gain through the planning process in accordance with prevailing legislation, policy, and guidance

**Objective 3** – to promote awareness of biodiversity, supporting and encouraging positive action from communities, businesses, and organisations in Wirral.

**Objective 4** – to embed the biodiversity objective in all that we do in Wirral Council

**Objective 5** – to maximise the potential from the council's estate to support biodiversity whilst balancing their multifunctional needs.

**Objective 6** – to identify and harness the wealth of local knowledge and expertise to identify opportunities and solutions to local biodiversity issues.

### ***Progress in 2023-2024***

3.3 To lead the delivery of the strategy, a new post, Biodiversity Net Gain (BNG) coordinator was created to sit within the Climate Emergency Team. The BNG Coordinator chairs the internal corporate BNG Team, consisting of colleagues in Development Management, Forward Planning, Legal and Neighbourhood Services. This facilitates the delivery of statutory BNG requirements to achieve a 10% net gain in biodiversity for all development (with a few exemptions), including the Council's regeneration schemes.

3.4 Since the publication of the strategy, many initiatives have taken place to help conserve and enhance biodiversity in Wirral. The community engagement through volunteers, staff and schools has been exemplary. Parks & Countryside now have a total of 33 'Friends of' groups supporting P&C areas and providing volunteer support. There were 190 volunteers

involved in tree planting days across 13 community planting events, and almost 100 people have signed up to become Tree Wardens as part of the Wirral Tree Warden Network. There are currently 80 schools actively taking part in the eco school programme, with over 30,000 children who attend an Eco-school.

- 3.5 The new Biodiversity Net Gain legislation came into force for major applications in February 2024, and for minor applications in April 2024. Training on BNG has been delivered by the BNG Coordinator for members, planning case officers, colleagues in Forward Planning and Regeneration, as well as Directors or Assistant Directors across different services, Corporate Property Board and the Managers Network.
- 3.6 The first steps towards a new Biodiversity Action Plan have been taken, by reviving the Wirral Biodiversity Forum. Some 21 different stakeholders are ready to work together and develop a new BAP for Wirral. This will follow the work that has been done by the Liverpool City Region Combined Authority (LCR) on the Local Nature Recovery Strategy (LNRS) for our region. Wirral has been working closely with the LCR and their partners to map opportunities and identify priorities for nature recovery. The aim for the new BAP is to develop an action plan that can deliver some of the opportunities and priorities identified in the LNRS.
- 3.7 In November 2024 a Biodiversity Literacy training course for members and council officers will be launched on Flo, and a resident-focused seasonal Biodiversity Toolkit has been developed to run as a 12-month campaign to encourage nature-positive behaviours amongst our residents, including workshops to be delivered with partners as part of the campaign.

### ***Priorities for 2024-2025***

- 3.8 Priorities identified for 2024-2025 are:
  - Launch of a Biodiversity Literacy training course for members and council officers;
  - Launch of a resident-focused Biodiversity Toolkit by the end of 2024, including in-person workshops with partners to deliver practical tips for biodiversity;
  - Starting work on the new Wirral Biodiversity Action Plan with the new Wirral Biodiversity Forum;

- Development of pollinator sites by Parks & Countryside funded by the Neighbourhoods Investment Fund;
- Continue the development of the Natural Flood Management project at Hoylake Carrs to create a new wetland nature reserve with Cheshire Wildlife Trust;
- Approval of the Local Nature Recovery Strategy by July 2025;
- Ongoing strong internal BNG workgroup with cross-service working relationships to address the mandatory BNG requirements;
- Development of an internal approach to establish council-owned and privately-owned habitat banks; and
- Continue the work on the Green Estate Review to address the competing demand for land within the Council.

## **4.0 FINANCIAL IMPLICATIONS**

- 4.1 The nature of the report is to monitor progress of the Biodiversity & Net Gain Strategy, therefore there are no financial implications from the report.
- 4.2 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 2021-2022 and 2022-2023 financial years, received £26,854 for 2023-2024, and is due to receive another £26,854 for 2024-2025 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, purchase BNG specific software and cover officer time.

## **5.0 LEGAL IMPLICATIONS**

- 5.1 The Council has an obligation to report to the Department of Environment, Food and Rural Affairs its actions to protect and enhance biodiversity in line with the Environment Improvement Plan 2023 (EIP23). 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.
- 5.2 The Environment Act 2021 introduced the new mandatory Biodiversity Net Gain requirements for the Council as the Local Planning Authority to ensure that development provides a 10% net gain in biodiversity.

## **6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS**

- 6.1 There are no staffing implications arising from this report.
- 6.2 The Biodiversity Net Gain (BNG) Coordinator coordinates the Council's response to the BNG legislation. The BNG Coordinator has provided training on the implementation of BNG in the planning process to Planning Officers, as well as general BNG training across different services such as Forward Planning, Regeneration and the Managers Network. The BNG Coordinator also attends LCR-wide Planning Policy Managers meetings about BNG hosted by the Merseyside Environmental Advisory Service

and is a member of the Technical Advisory Panel and Board of the LNRS working group.

- 6.3 Council officers and members will be provided with a Biodiversity Literacy training on Flo which will provide knowledge and raise awareness across the council of the biodiversity emergency and the Council's response.
- 6.4 The Council has implemented BNG-specific software, Mycelia from Verna, to help Planning case officers and the BNG Coordinator with the validation and assessment of planning applications, as well as the 30-year monitoring responsibility for these applications.
- 6.5 With the acknowledgement of the financial challenges ahead, cross-service efficient working relationships need to be in place to deliver a robust BNG-response, as well as working with stakeholders and local groups to deliver on our biodiversity objectives.

## **7.0 RELEVANT RISKS**

- 7.1 As outlined in Section 5 there 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.
- 7.2 Through the B&NG Strategy the Council committed to act to improve Biodiversity. A failure to demonstrate action and commitment would represent a reputational risk.

## **8.0 ENGAGEMENT/CONSULTATION**

- 8.1 No external consultation has taken place in relation to this update report.

## **9.0 EQUALITY IMPLICATIONS**

- 9.1 The Equalities Impact Assessment (EIA) for the strategy can be found here: <https://www.wirral.gov.uk/communities-and-neighbourhoods/equality-impact-assessments> , the EIA Biodiversity Net Gain Strategy has been reviewed and is still valid.

## **10.0 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.

- 10.2 The strategy objectives are aligned with the Council's Environment and Climate Emergency Policy Statement (2019). The Environment and Climate Emergency Action Plan also contains Key Performance Indicators from the Strategy to ensure continuity.

## **11.0 COMMUNITY WEALTH IMPLICATIONS**

- 11.1 The biodiversity net gain legislation was put into place to develop a framework to protect our natural environment and increase access to green spaces and enhance biodiversity on a local scale.

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## **APPENDICES**

Appendix 1 – Biodiversity & Net Gain Strategy Progress Update Report

## **BACKGROUND PAPERS**

[Biodiversity & Net Gain Strategy 2023-2028](#)

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 and Transport Committee in accordance with Section 5.2 (a) and (k) of its Terms of Reference.

The Committee is charged by full Council to undertake responsibility for the Council's role and functions:

a) 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.

k) undertaking the development and implementation of policy in relation to the Committee's functions, incorporating the assessment of outcomes, review of effectiveness and formulation of recommendations to the Council, partners and other bodies, which shall include any decision relating to the above functions.

**SUBJECT HISTORY (last 3 years)**

<b>Council Meeting</b>	<b>Date</b>
Environment, Climate and Transport Committee, <a href="https://wirralintranet.moderngov.co.uk/ieDecisionDetails.aspx?ID=5422">https://wirralintranet.moderngov.co.uk/ieDecisionDetails.aspx?ID=5422</a>	<b>23 October 2023</b>